

20231211 meeting afternotes

These are my thoughts following the workshop

1. Duress – use it or lose it even though \$6.36M has been rated for stormwater
2. Brett altered the Metis proposal – he removed the page with the costs \$500k vs \$2.47M METIS showed when she went through the proposal. What this means is Brett has withheld the ‘options cost review’ from us. He is ‘filtering’ what we see and what we can’t. This removes trust. I prepared an alternate proposal not realising I needed to ‘cost compare’ with his already costed proposal. This is NOT how workshops are to be run – no transparency and options/costs should be presented as one.
3. Voting for wetland – Brett stated I was the only one against wetlands by saying I was outvoted - so stop arguing – BUT Brett has failed the ‘decision’ doctrine. We are in ‘workshops’ which are pseudo meetings without the public. Therefore, NO decisions are lawful. Brett does not have the authority to make decisions. The workshop role is to review all the options – councils staff’s role is to test options for compliance, how it fits into the LTP, Annual Plan, District plan and RMA. The options that comply get costed. Then the workshop debates the merits. The workshop can develop a ‘preferred option’ with the reasons why its preferred – but it cannot be a final choice without a decision at a ‘meeting’. Meetings are defined as formulated meetings where decisions are made with the public in attendance or viewing online. Governance then chose which go to consultation. It is NOT up to Brett to decide which options get dumped. Read ‘Open for Business’ by the Ombudsman. Eric went for the cheapest and said it didn’t work. Rob was not for wetland and Sheridan said there are other ways. Voting - decisions - in workshops is unconstitutional because community has is NOT able to test the options. If Brett is going to make decisions by voting at workshops we will need to bring 100 flood victims to the next vote and move the venue to the RSA
4. Modelling – declined again. I now suspect why we won’t get it is because council knows its stormwater policy is not being managed.
 - a. TCDC stormwater policy is 4 homes/1000 can flood, and
 - b. TCDC stormwater policy does not include managing nuisance surface flooding.

NB: This policy MUST be changed to meet the code requirements which is no flooded floors and minimal nuisance flooding.

I strongly suspect the modelling will show: For the **‘catchment of Piped areas’**

- (i) The ‘piped areas’ (the road and carriage ways with kerb and channel flowing to cesspits that connect to pipes) initially cope with first flush because the empty pipes will fill with water and the pond will fill – this acts as the ‘detention’ of rainwater BUT once Williamson pond fills the discharge pipes cannot drain because they become submerged stopping water velocity to a point discharge flow rate falls below rainfall rate. Net result cesspits temporarily overtop and flood the immediate areas. These will drain as rainfall rate drops and the hydraulic pressure causes the Williamson weir to overtop.
- (ii) The weir height becomes the boundary of the ‘detention pond’ and because the discharge pipe soffit is at the same level as the weir the pipe water level can only respond to the hydraulics of the slope in the pipes and blocked cesspits height above the weir. Ie gravity pressure of the ‘water in the pipes that are above the weir height’.

- (iii) The problem is the next rain, or ongoing rain means the discharge rate is determined by overtopping of the weir. I.e the 'detention device' (the pipes and pond) is already full so all rain must overcome the hydraulics to the weir height.
- (iv) I.e The pipes are not discharge pipes – they are part of the 'detention device'. This means the 10%AEP must be re-engineered as it has no capacity to receive 'first flush' of the next rains.

I strongly suspect the modelling will show: For the 'surrounding roads not piped' – the '**extended catchment**' area.

- (v) Initially at first flush roads without pipes the rain flows to soakage devices. The soakage devices have volume within them and sand surrounding them that will provide both storage and soakaway.
- (vi) But where rainfall continues and the soakage devices are already full and exceeds the soakaway rates the surplus rainwater then becomes 'accelerated surface water' (definition of surface water on impermeable ground like roads) and finds a natural overland flow path. Mostly this is the impermeable verges (Kiwi Rd nib and channel) by gravity to:
 - a. Nearby on gravity to 'connected roads with pipes'. Eg Williamson Rd which can only drain away by the hydraulic pressure to overtop the weir, or
 - b. Trespasses onto low lying ground and depressions along the overland flow paths which floods homes and land below the verges, and
 - c. Exacerbating the issue is simultaneously in long duration rainfall the roofs are discharging into soakage pits and into the water table, the road soakage devices are still draining into the aquifer and general rainfall onto permeable ground is also filling up the water table. Eventually this causes 'breakout' of the water table; NB: This 'breakout' may be because of impermeable subsurface layers that separate upper sand from the aquifer. I.e the water table natural drainage may be interrupted. The 'breakout' occurs randomly but generally to depressions which are below the 'overland flow paths to pipes or waterways' meaning the only way these will ever drain will be:
 - i. Lowering the water table – Opus claims that can be as slow as 200mm per month so if rainfall is around this figure the water table does not drop
 - ii. Piping the depressions – means pipes being installed at great cost to random locations like the middle of Williamson Pond
 - iii. Piping the surrounding areas to artificially assist draining the water table away so the rate of drainage exceeds monthly rainfall. The limitation here is Williamson pond is full of water and the pipes are full of water to the weir height which means limited ability to drain off the water table above the weir height.

The 'modelling' will show that the 'catchment area' for the Williamson pond is probably 2-3 times what the existing pipes can handle – and hence why the initial project was to recalculate the pipe dimensions. BUT this won't ever work because:

- A. Bigger pipes mean the invert level drops further which means the pipes will be below sea level.
- B. To meet the 10%AEP the Williamson pond may need to be 5-10 times as large as storage will be needed for 10%AEP at high tide.

- C. At contemporaneous 10%AEP with King tide or storm surge the system will become a major flood cause.
- D. With required 500mm sea level rise the engineering will be impossible.
- E. The net result is the modelling will show clearly the 'foreseeability' of this engineering disaster.

To correct this we need to start again.

TCDC stormwater policy is unlawful as nuisance flooding is required to be dealt with and 4/1000 is not the Building Act target.

I suspect the 'modelling' (METIS/HAL) was commissioned after Cook 2017 which demonstrated the projected flooding and issues with the weir and should have already been dealt with in the \$6.36M.

The Ombudsman: I have jurisdiction to investigate *'any decision or recommendation made or any act done or omitted'*² by a local authority.

² Pursuant to section 13(1) and 13(3) of the Ombudsmen Act 1975

Next problem is I would be surprised if the first modelling was accurate. I would also be surprised if council did not place 'directions on what to model' meaning the modelling may not be sufficiently accurate and that the 'current round of modelling' will be filling in these holes which poses another problem. What will council eventually show us? The removal of page 4 from the Williamson METIS is likely how council will deal with the release of the modelling.

- 5. I note my comment on reducing the Williamson catchment area by 20% every 10 years got METIS approval. I think this confirms my suspicions above regarding modelling. We need to work on this for the LTP.
- 6. Contradictory statement putting blame on WRC requiring cleaning stormwater – yet TCDC can prepare a plan to pipe the weir – with this cyclone sediment trap – it looks like its 2.4m across with an outlet in the centre of 1.2m but the lines don't show this or how the water gets out. When we used to build cyclones the 'air would come in the top and be blown around and the sawdust drops out the bottom and the air discharges up out the centre. But water won't do that its too heavy. The centrifugal force required could slow the water flow substantially and cause flooding upstream – or the rate of output would be smaller than the inlet capacity which would mean water would converge through and not drop the sediment anyway. To me it demonstrates inconsistency of approach. If genuine this needed to be dealt with in 2001 application for consent – not now 22 years later.
- 7. Brett claimed it takes 3 years to change District Plan – and – stormwater policy changes will likely have the same delay – ie the 4/1000 and nuisance flooding will be ignored in the current workshop – on the basis its too hard and too complicated to change what's already in place. Hence nothing has changed since Opus so nothing will change tomorrow.
- 8. The new guy Ian Smith stated the area behind the weir was needed to hold the weir from breaking up by wave motion. I measured it at 24 meters. That is crap. Staff should NOT be allowed into these workshops if this is the contributions they make. This is stupid.

9. We need a better strategy for our stormwater action group to influence the workshop. On 10 January it is the anniversary of HALE. TCDC has not changed its 4/1000, policy on nuisance flooding, soakage pit design, we have not had confirmation council has accepted it must meet regulatory requirements for new builds floor heights, has not accepted the Opus recommendations eg Mooloo, has not investigated Kiwi Rd, has not released modelling or work on overland flow paths. Instead all focus is on Island View and Williamson ponds due to safety concerns and eventually the stormwater certificate. Council is still withholding the Gamble report and has declined LGOIMA request on the grounds of wasting council time.
 - a. Ombudsman complaint to now proceed
 - b. Approach and present to the Community Board. We need to advise the CB of our workshop findings and present that in open forum so the public can get informed officially. Council is likely to shut us out, but we need to have this documented.
 - c. Hold another 'public meeting'. These worked.
 - d. Prepare a series of articles for print media. These can get into media and reach more people.
 - e. Be more forceful in the next workshop – with a more detailed requirement for the Master Plan

10. Prepare an alternative proposal for Williamson. I would like to see a 'water park'- some sprinklers and shooting water (we have the water table 1m down to get whatever we need), an ice cream kiosk, canoe and paddle board centre, more playground equipment, maybe another flying fox from the high sand dune, boardwalk extended to Seaview Rd over the pipe through the weir, detention pond 500mm above the invert, more BBQ tables and seats. This could be a 10-year development. Previous people have probably started something like this years ago and many times over. Maybe we find a member of the Williamson family and ask for their thoughts.

11. We need to read the Ombudsman 'Open for Business' report. What we are facing is exactly this.

Ombudsman Open for Business

The purposes of the LGOIMA are to increase the availability of information held by local authorities and to '*promote the open and public transaction of business at meetings*' to enable the public to participate in local authority decision making, to promote accountability of elected members and staff, ultimately enhancing respect for the law and ensuring the promotion of good local government in New Zealand¹

Local democracy is built on the premise that the closer decision makers are to the population they serve, the more the people can, and should, participate directly in decisions that affect their daily lives. This is an important task for councils to get right. Trust is at the core of the relationship between the people and their

locally elected representatives. One way local government can earn trust is through transparent decision making that is open to public involvement and scrutiny. Transparency supports accountability, encourages high performance and increases public confidence. People may not always agree with council's decisions but a transparent process allows them to understand a council's reasoning, and can mitigate any suspicions of impropriety in the decision making process. Even a perception of secrecy can be damaging, as secrecy breeds suspicion.

The LGOIMA states that any meeting of a local authority, at which no resolutions or decisions are made, is not a 'meeting' for the purposes of the Act. During the course of my investigation, it became apparent that there is a lack of clarity around the definition of a 'decision'. As discussed in [Relevant Legislation](#), the historical context of the drafting of section 45(2) of the LGOIMA indicates that legislators thought it was not necessary or appropriate to require deliberative meetings (such as workshops) to be notified to the public. When actual and effective decisions or resolutions are made, the meetings must be notified.