**Submission summary** 

190876: Tasman District Council: 82 Richmond Road, Pohara

Works within the bed of rivers or streams as part Pohara drainage improvements

Submissions Close 14/02/20

Page 1

Date Submitter details

Support or Oppose Want to be heard?

11/02/20

Hans Stoffregen

23 Lansdowne Street

RD 1

Takaka 7183

Oppose Yes

14/02/20

Cloud Dance Trust ( C/- L Healey )

C/- Price Baker Berridge

PO Box 21463

Henderson Auckland 0650

Has conditions as per submission

14/02/20

Rosemary Jones

PO Box 6029 Riwaka 7146

with conditions

3 submissions printed

Oppose

Refer email received
31 Mar 2021 withdrawing
request to speak at Hearing

Support Yes RM190876 Tasman District Council - Pōhara tlooc Pōhara flood mitigation - Submissions received - page 2 of 22

To: The Resource Consent Administration Office

Tasman District Council Private Bag 4 Richmond 7050





Email: resourceconsentadmin@tasman.govt.nz

Submission on Resource **Consent Application** 

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE COMPLETED.

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

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Full Name:

**Contact Person** 

(if different): Address for

23 Lansolowoux St.

Cliffon 7183 Tokaka

Postcode:

Service:

Golden Bag

Phone:

027-2015992

E-mail: housing of Dogmail com

### Submission Details

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Tasman District

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Toukin + Toylor: Pohara Drainen Improvements

RM 190276

Tasman District Council Application Number (if known): RM

1) The specific part(s) of the application that my submission relates to is/are (Give details\*):

see attached Document

RM190876 Tasman District Council - Pohara flood mitigation - Submissions received - page 3 of 22

2) The reasons for my submission are (Give details*):	
Ser a Hached doenwent	
*Note: Any additional information should be submitted on a separate sheet(s).	
3) The nature of my submission is that: (Tick one of the following three boxes):	
I support the application oppose the application I am neutral regarding the application	
4) The decision I would like the Council to make is (Tick one of the following two boxes):	
To grant consent  To refuse/decline consent	
If consent is granted, I wish the council to impose the following conditions  (Note: you do not have to suggest conditions, particularly if you want the council to refuse consent):	
to re-align proposed timber wall starting at 14B kohikik Place along the true right of Bastatt Creek to be constructed behind the sections of 762-734 Asce Tasman Drive	9
in order to pre-empt any fecture oberely ment on that past of the Pohara dame-slack that wavelor be obtained as the consequence "Note: Any additional information should be submitted on a separate sheet(s).	
5) Attendance at any Council Hearing (You must tick one of the following two boxes):	
wish to be heard in support of my submission	
Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hear report if a hearing is held.	ring
Print Full Name: Hans Stoffregu	
Signature*: U. LYCLO Date: 4-2-20	>
(Person making submission or authorised agent)	

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.

Hans Stoffregen

4 February 2020

23 Lansdowne St

Clifton 7183

### Submission on Resource Consent Application RM190876,

### **Applicant: Tasman District Council**

My name is Hans Stoffregen and I own the property located at 23 Lansdowne St, Clifton. I am one of the affected parties of RM 190876.

I am a Senior Ranger, Biodiversity working for the DOC Office in Takaka. I completed a Master in Conservation Science degree at Victoria University Wellington in 1994.

I make this submission as a private person and resident affected by the proposed application.

In this submission I refer to the Tonkin and Taylor report dated July 2019 with title: Pohara Drainage Improvements prepared for Tasman District Council.

I do oppose the application and if granted wish TDC to impose changes to this Consent Application

### Reason:

### 1. Relevant to the proposed works on our land:

- a. We do not generally oppose the proposed works on our land if this improves the situation of neighbouring landowners and low-lying properties. We are prepared to grant TDC contractors' access over our land in order to construct a rip rap at the confluence of Ellis and Clifton Creek as described in the Tonkin and Taylor application. This granting of access needs to be in conjunction with an agreed post construction habitat restoration plan. Work must be done so that the disturbance to the spawning habitat for whitebait is kept to a minimum.
- b. We wish Council to address the conditions 6 and 7 of subdivision consent RM180659 and the consent notice imposed on Lot 1, record of title reference 902827, which required the protection of the creek under an easement instrument. To date, the application does not reflect the creation of a new title and the potential non-compliance with the conditions of the consent and the consent notice. We would ask for clarification how the work in the creek and the compliance with the above can be achieved.
- c. Any access agreement must consider changes to Title and impact thereof since the Tonkin and Taylor application was submitted.
- d. Additional floodwater mitigation opportunities on our land such as the construction of an overflow that utilises the natural environment of the dune-slack wetland and the associated potential for habitat and fish spawning restoration has been discussed with Council staff but not further considered in this application.

1/2

e. Council needs to further address the future effects of large subdivisions which are at different application stages for Pohara in the Richmond Road area and the down-stream effects on the properties below in Pohara and our property in particular as the 'end-of-the creek-recipients' of stormwater run-off from increased hardstand areas and how this is to be managed. Apart from a retention dam for the Pohara SHA, should sufficient soakage area be allowed to remain in form of a wetland to allow for stormwater to be naturally absorbed in situ and closer to the areas where the additional water occurs

- see below for further discussion.

### 2. Relevant to the wider application:

a. Sec 3.15 Page 16 of the Tonkin and Taylor application does not offer any alternatives to the hard engineering options proposed.

One such alternative is to utilise all the marginal flood prone farmland between Abel Tasman Drive and Selwyn St. for flood water dispersal, habitat restoration and recreational use pending on consultation and potential compensation of the relevant landowners. (Concept of meandering creeks within floodplains instead of bunded drainage ditches)

b. I am **strongly opposed** to the construction of the proposed timber wall starting at 14B Kohikiko Place and bunding of the true right bank of Bartlett Creek. This wall should be constructed behind the dwellings of 762-734 Abel Tasman Drive to protect these from floodwater incursion.

The draining of this wetland between true right of Bartlett Creek and Abel Tasman Drive by bunding and pumping using the proposed new pump station behind Totally Roasted Cafe will add to the flooding issues of the land further downstream, especially if this area is - at some stage in the future - used for further subdivision and construction.

If consent is granted, I wish TDC to re-align this bund so no further development on the land behind the houses 762-734 Abel Tasman Drive is possible. This naturally wet paddock, which is part of the Pohara floodplain, should be fully utilised as such during storm water events and ideally restored in native vegetation.

### Narrative:

The Ellis, Bartlett and Clifton stream floodplains from Pohara to Boyle Street were once part of a dune-slack wetland that was located behind the dunes that are now occupied by houses along Selwyn St, Tennyson St and Abel Tasman Drive including Pohara Camp.

Kohikiko and Waitino Place were once part of these dune-slack wetlands that have since been filled in to allow construction of houses and hard surfaces. This type of wetland is now nationally threatened and rare. Naturally these low wetlands are habitat for plant species such as flax, raupo, cabbage tree, salt ribbonwood, kahikatea and pukatea. Within these wetlands the main streams would have meandered forming small oxbows and ponds. Where slightly elevated broadleaf species such as mahoe, ribbonwood, lacebark and kanuka would have been present. Further inland, and with better drainage and higher elevation, northern rata, pukatea and podocarb species would have been growing.

A remnant example of this dune slack wetland remains at the end of Selwyn St behind the Takaka Golf Course. A lowland elevated remnant can still be seen on the Houston Farm in Clifton and a spectacular remnant elevated rata forest can be visited at the Grove Scenic Reserve.

The only other example of a coastal wetland in Golden Bay is in Tukurua, all other coastal wetlands of this type have already disappeared from Golden Bay.

During development of the Ellis Creek floodplain almost all the vegetation that formed the original habitat was removed for farming. All three streams were straightened, and the meanders and backwaters filled in order to drain the area as much as this was possible considering the flat terrain, low elevation and proximity to the sea. A good example for the stream bed modifications is Ellis Creek which, to the south of Abel Tasman Drive, is still in its original meandering bed and to the north now follows a perfect straight line.

For most small flood and rain events the straightened creeks transport rainwater towards the sea without major surface flooding so serving their purpose of draining the floodplains.

In more severe rain events, some short-term flooding occurs which, in the past, has impacted on properties such as the Totally Roasted Cafe. The proposed works may mitigate those effects that have been made worse for the Cafe since the Kohikiko and Waitimo Place subdivisions were constructed.

It is only in extreme flood events such as the one in 2011 that the flood waters exceed the volume of the straight creeks causing them to spill over while water travels at relatively high speed. Creeks in their natural state meander, can carry more water at a reduced speed and as they spill into their vegetated floodplain the damage these flood events may cause is largely reduced.

Sea level rise and silt washed down from the eroded hills behind the Motupipi Estuary continues to impede the drainage potential of the Ellis Creek floodplain. Each house or hard surface built in and around this floodplain will add additional storm water as further development in this catchment is likely to continue.

The floodplains are becoming wetter as their potential to drain diminishes.

RM190876 Tasman District Council - Pōhara flood mitigation - Submissions received - page 7 of 22

The floodplains need to be recognised for their true potential, both for their ability to disperse and absorb water, and, as there are an increasing number of people living in this environment, for their astatic, recreational, natural and ultimately intrinsic values.

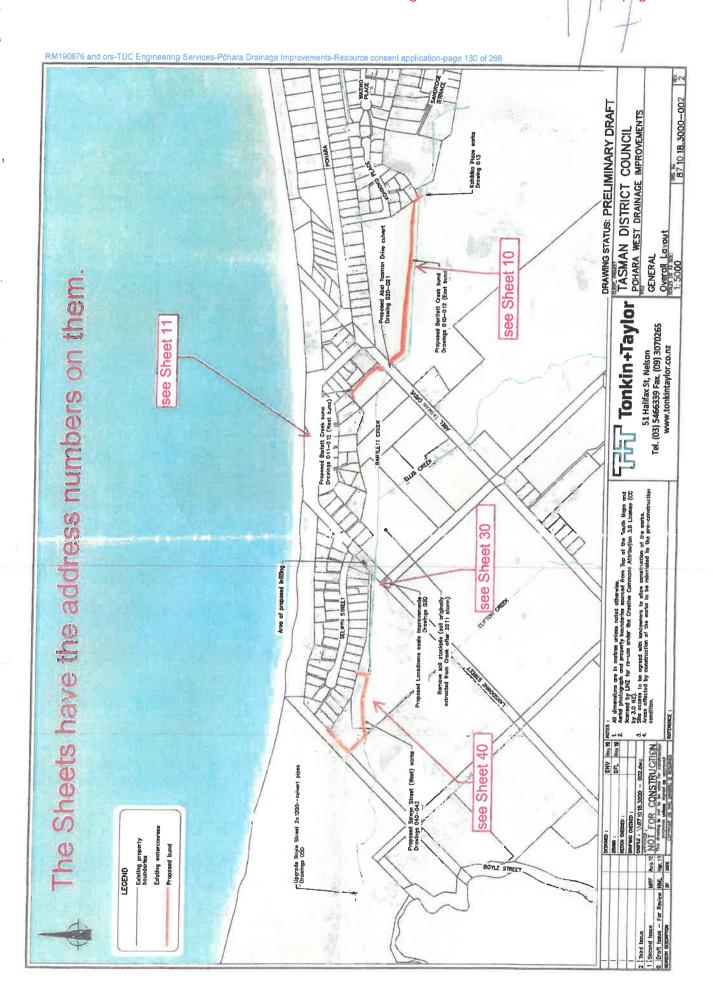
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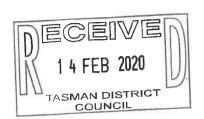
signed

Hans Stoffregen 23 Lansdowne St

Clifton Golden Bay

027-2015992







14 February 2020

Tasman District Council's Engineering Services c/- Tonkin & Taylor Limited

Attention: Alastair Mechan

By Email: ameehan@tonkintaylor.co.nz



RESOURCE MANAGEMENT ACT 1991 – LIMITED NOTIFICATION APPLICATION FOR RESOURCE CONSENT: RM 190876 et al.

- 1. We act for the Cloud Dance Trust.
- 2. Please see attached a copy of our client's submission with respect to the above matter.

Yours faithfully

PRICE BAKER BERRIDGE

Clinton Baker Partner

cbaker@pbb.co.nz DDI: (09) 836-9434

CB:yh encl.

c.c. resourceconsentadmin@tasman.govt.nz

24540 / 00003 /

4

# Form 13 Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

### To Tasman District Council

Name of submitter: Cloud Dance Trust [ the trustees of which are Laurie Francis Healy, Michael Chapman-Smith, and Ewan Ronald Price] henceforth described as "the Trust."

This is a submission on an application from Tasman District Council Engineering Services Department for resource consents:

RM 190877 Land use consent for various flood protection measures;

RM 190876 Land use consent for work in a stream bed;

RM 190878 Water permit for damming and discharge of flood waters;

RM 190879 Permit to discharge sediment laden water to fresh water during construction;

RM 190880 Permit to take, divert and/or use water from de-watering associated with instream construction activity; and

RM 190881 Land use consent for construction of an earth bund;

all of which works are to be carried out in immediate proximity to the Trust's land holding at 59A Selwyn Street, Takaka (Lot 25 DP 359341 Title 241772 Nelson.

Two preliminary points arise:

1In choosing to make a submission the Trust emphasises that it does not in any way resile from its position over several years that Council does not have an easement to concentrate and drain water over its land and any co-operation in relation to the current proposals does not derogate from that position in any way.

2 The position with storm water run off from the proposed Special Housing Area development at 82 Richmond Road is ambiguous. Section 1.2 of the Assessment of Environmental Effects (AEE) states that project" is not the subject of these works and that this development is subject to a separate design process to attenuate and limit storm water flows off the SHA to predevelopment levels." We assume that to mean that there will be no increase in flow on to the Trust land as a result of the development and have proposed conditions to ensure that is so. If that is not the case then this submission has a second part which opposes any work that may increase the flooding of its land.

The Trust is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

2/3

The specific parts of the application that our submission relates to are:

Applications RM 190877, 190876, 190878 all relate to the control of floodwater which pass through the Trust land to discharge to the sea. All of the consents assume that the water to be controlled will come from the sources identified by Tonkin and Taylor, as engineer to Council as at July 2019. There is however, no mechanism to ensure that position will continue.

There needs to be conditions which set the limits of the catchment discharging to the Trust land as those assessed for the purposes of these applications. That could be defined by a schedule map which identifies each and every drain, stream, or waterway discharging to the Ellis and Bartlett creeks. Any subsequent discharge in to those creeks would be a breach of this condition and be addressed buy an abatement notice or s128 RMA review.

Additionally, the AEE includes as Tables 5.1 and 5.2 an empirical analysis of the result of the proposed works on flooding of the Trust land. It is proposed that those tables will also be integrated in to the consent so that a breach of those levels will be a breach of the consent. It is not proposed that there be any qualification to such a condition as that would render the assurance level they are designed to provide meaningless.

In relation to the Boyle Street culverts 190876the design appears to have been finalised before publication by the Government of its intentions in relation to "Action for healthy waterways." If the policy outlined is implemented this year it is likely to impact on the whole scheme set out in this application, but particularly the culverts. The Trust reserves the opportunity to alter this submission and its approach as the legislative field changes.

No account is taken of the necessity for monitoring of resource consents and the consequences of default. RM 180659 was bundled with RM 180660 ,non-notified consents relating to the land adjoining the Trust land. They specifically required storm water to be disposed of on site. There was also specific reference to monitoring. In fact, the consent holders have installed drains discharging on to the Trust Land and Council has taken no steps to prevent that. Additionally provision was made for esplanade strips which have resulted in a vegetative dam being grown alongside Ellis Creek which is not contemplated in any way in the current applications. The historical position was that the area concerned was part of the flood plain and excess water went over that. The new plantings will interfere with that flow and create a "choke" point which can only be relieved by increased flooding on the Trust land. As the plantings were part of the resource consents for subdivision and building on that land it is or Council to fix the problem presumably by a s128 RMA review.

Until these matters are addressed the Trust opposes the application.

We seek the following decision from the consent authority:

To require the Applicant to ensure that no more storm water is discharged on to the Trust land by implementation of some or all the proposals in the application than would be the case if they were not implemented.

To include conditions which identify the sources of concentrated storm water, whether in streams, drains, pipes, or otherwise which passes through the Trust land and stipulate that there can be no extension of those sources.

To include conditions requiring no increase on the effects of storm water passing through the Trust land beyond those stipulated in the AEE included in the application.

To include conditions requiring stringent monitoring of those conditions, and stipulating time frames for remedial action.

In the event that no enforceable assurance can be given to the Trust that no additional stormwater will be discharged on to the Trust land then its submission is that the whole application should be refused.

It is emphasised that the Applicant has no right by way of easement to discharge storm water on to the Trust land and a resource consent in no way alters the common law consequences of effecting that discharge. Refer email received

The Trust wishes to be heard in support of its submission. 31 Mar 2021 withdrawing

request to speak at Hearing

The Trust requests, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

"Cloud Dance Trust pp L Healy, Trustee"

Signature of submitter (or person authorised to sign on behalf of submitter)

13 Rebruary 2020

(A signature is not required if you make your submission by electronic means.)

Electronic address for service of submitter: cbaker @pbb.co,nz

Telephone: 09 8361079

Postal address PO Box 21463, Henderson, Auckland 0650

Contact person: Clinton Baker, Partner

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

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If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in

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- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

### **DUPLICATE PAGE - DISREGARD**

Form 13 Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections <u>41D</u>, <u>95A</u>, <u>95B</u>, <u>95C</u>, <u>96</u>, <u>127(3)</u>, <u>136(4)</u>, <u>137(5)(c)</u>, and <u>234(4)</u>, Resource Management Act 1991

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### **DUPLICATE PAGE - DISREGARD**

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Choup PANCE I RUST PP L.F. HEARY, I RUSTEE

Signature of submitter (or person authorised to sign on behalf of submitter)

Date 13 Fishausky 2020

(A signature is not required if you make your submission by electronic means.)

Electronic address for service of submitter: cbaker @pbb.co,nz

Telephone: 09 8361079

Postal address PO Box 21463, Henderson, Auckland 0650

Contact person: Clinton Baker, Partner

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DUPLICATE PAGE - DISREGARD

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?it is frivolous or vexatious:
?it discloses no reasonable or relevant case:
②it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:

?it contains offensive language:

Pit is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

RM190876 Tasman District Council - Pohara flood mitigation - Submissions received - page 18 of 22

To: The Resource Consent Administration Officer

**Tasman District Council** Private Bag 4 Richmond 7050

Email: resourceconsentadmin@tasman.govt.nz





ibmission on Resource Consent Application

PLEASE ENSURE THAT ALL SECTIONS OF THIS FORM, ON BOTH SIDES, ARE

Please note: all submissions become public documents. If the application requires a hearing, your submission may be published on the council's hearings page, including your name and contact details.

Personal information will also be used for administration purposes, including notifying submitters of hearings and decisions. All information will be held by the Tasman District Council with submitters having the right to access and correct personal information.

### Submitter Details

Full Name:

Rosemary Jones

Contact Person

(if different):

Address for Service:

PO Box 6029

Riwaka 7146

Postcode:

Phone:

03 5278580

E-mail: roseatngaio@xtra.co.nz

### **Submission Details**

This is a submission on the following application for resource consent lodged with the Council:

This is a submission on an application from: (Name of Applicant): Tasman District Council's Engineering Services

For a resource consent to: (details can be found on the notice in the letter from Council, newspaper, website or on-site)

Flood mitigation works in Pohara.

Tasman District Council Application Number (if known): RM 190876 and ors

1) The specific part(s) of the application that my submission relates to is/are (Give details\*):

3.8 59B Selwyn Street
and Ellis Creek

<sup>\*</sup> Note: Any additional information should be submitted on a separate sheet(s).



RM190876 Tasman District Council - Pohara flood mitigation - Submissions received - page 19 of 22 2) The reasons for my submission are (Give details\*): On separate sheets. \*Note: Any additional information should be submitted on a separate sheet(s). 3) The nature of my submission is that: (Tick one of the following three boxes): I oppose the application I am neutral regarding the application 4) The decision I would like the Council to make is (Tick one of the following two boxes): To refuse/decline consent 1 To grant consent If consent is granted, I wish the council to impose the following conditions (Note: you do not have to suggest conditions, particularly if you want the council to refuse consent): On separate sheets. \*Note: Any additional information should be submitted on a separate sheet(s). 5) Attendance at any Council Hearing (You must tick one of the following two boxes): wish to be heard in support of my submission I do not wish to be heard in support of my submission Note: If you indicate that you do not wish to be heard, you will still receive a copy of the Council's decision but you will not receive a copy of the hearing report if a hearing is held. Print Full Name: ROSEMPAY ANNE JONES DANIEL JONES TETAL Signature\*: Ra. Janes for myself a un behalf Date: 14/2/2020.

(Person making submission authorised agent) Uf D. J. Te Taxe.

\*Note: A signature is not required if you make your submissions by electronic means.

A copy of this submission MUST also be sent to the applicant as soon as reasonably practicable after serving a copy on the Council.



Rosemary Jones

Daniel TeTau

PO Box 6029

Riwaka

7146

SUBMISSION ON RESOURCE CONSENT APPLICATION RM 190876

APPLICANT TASMAN DISTRICT COUNCIL

We are the joint owners of 59B Selwyn Street Pohara. We appreciate the efforts of TDC to offer flood protection to part of our property.

We are in support of the applicant. If consent is granted we wish the Council to impose the following conditions.

- Ellis Creek to be cleared of all Riparian Vegetation which impedes the water normal flow or flood flow
- The property owner of 59A Selwyn St and the TDC come to a legal agreement about the current and future maintenance of Ellis Creek where it is adjacent to our property.

### **REASONS**

- Riparian Vegetation on the banks of Ellis Creek as it passes through 59A is severely overgrown, in some places dead and likely to impede flow and could result in flooding to our property
- Significant build up of sediment and silt on the creek floor
- Ellis Creek in the area of concern is a unique environment and has significant Fauna..a breeding environment for inunga and an established colony of eels
- 59A Selwyn St is currently on the market and this issue of maintenance of Ellis Creek must be resolved with the current owner.

How is the proposed storm water improvements going to work effectively when there is NO work done in the connecting Water way ie Ellis Creek as it passes through 59A?

### **UPSTREAM IMPROVEMENTS**

- Culvert enlarged from 1350 mm to 4mx1.3 at Abel Tasman Drive
- Building bunds behind Abel Tasman Drive properties and Selwyn St 1-7

This is aimed at speeding flow Westwards .Due to the increase in Culvert size and the construction of 2 bunds in this area the volume and speed of water will be increased significantly in Ellis Creek heading towards our property.



### DOWNSTREAM IMPROVEMENTS

- Widening of the Confluence of Ellis and Clifton Creek
- Reinforcing banks to prevent erosion

HOWEVER there is NO planned work in Ellis Creek where vegetation causes congestion and obstructions and it forms a bottleneck in the area upstream of the Confluence. This land is on the title of 59A and the TDC have had a long standing difficult relationship with the owner, hence little or no maintenance has been done for many years.

In the Council Consent No RM01645 in respect of Land Transfer Plan N0 359341 subject to the following conditions

LOT 2 This is 59A and has Ellis Creek flowing through it.

c) "Any planting of woody vegetation shall be undertaken in a fashion that does not impede flood water" dated 13<sup>th</sup> Feb 2006

The owner may argue that he did not plant the Riparian Vegetation.

The TDC are putting storm water, which they are responsible for through private land ie Ellis Creek (some of which is in close proximity to our house.) but the TDC have not ensured this part of Ellis Creek is maintained and kept clear.

TDC need to be supportive and work with the owner of 59A to address the issue of overgrown vegetation and develop a plan to resolve this. Due to the sensitive environmental nature of Ellis Creek a suitably qualified person needs to be part of the team. This is the integral part connecting the Upstream and Downstream Improvements.

According to the Application Ongoing maintenance as discussed in 3.14 as a permissible activity in the current zoning. A plan should be put in place for Ellis Creek going forward.

Historically I understand that TDC had an arrangement with the property owners who had Bartlett and Ellis Creeks flowing through their properties to clear out the Creeks on a regular basis with TDC contributing 50% to the costs. This may have been an informal arrangement. This was prior to the subdivision in 2005 which created 59A and 59B Selwyn St. Since then the maintenance of Ellis Creek has been neglected.

At the Public Presentation of the Upgrade of Pohara Storm water and flood Protection in August 2017 I asked

"Would TDC clear the problematic vegetation in Ellis Creek and clear the build up of silt and sediment that has built up in Ellis Creek, in recent years."

The TDC agreed to do this work at the meeting .On following this up with the TDC staff who attended the meeting we were told they could not recall agreeing to do the work as it is on private land

WE HAVE MAJOR AND SERIOUS CONCERNS ABOUT THE NEGLECTED STATE OF ELLIS CREEK and how this will impede the flow. In a severe storm event debris, trees and logs from upstream will be



caught in the neglected vegetation and will flood our property and inspite of TDC building a flood barrier. We have concerns that if Ellis creek vegetation clearing is not carried out prior to the construction of the Flood Barrier wall on our property any future clearing of vegetation could interfere with the integrity of the Flood Barrier Wall.

### Our Efforts so far

- The owner of 59A told us he has been in trouble with TDC for clearing out a "dry drain" and as Ellis Creek is a living, breathing waterway with live fish and eels in it, he is not touching Ellis Creek unless he receives from TDC an indemnity from prosecution and a detailed plan of what they want. He has also asked us if we would meet the cost. We are not in a position to do this
- Numerous conversation and correspondence with TDC.
- Correspondence and site visit with Compliance Officer who was asked to intervene
  as other TDC officers were reluctant to have dialogue with the property owner
  because of historical difficulties.

We Believe the Ellis Creek maintenance issues must be resolved as an integral part of the Flood Mitigation works in Pohara and should have been included in the plan.

#### CONCLUSION

We look to the Resource Consent Process as an opportunity to express our concerns, to be heard and for transparency in the whole process.

Signed by

Rosemary Anne Jones for myself and on behalf of Daniel Jones Te Tau

K a y/mes. 14/2/2020.