

Devon Gallagher

There is a misnomer that all subdivision is greed. It is not. Subdivision is about sustainable land use in consideration of adjacent land uses, hazards, hazard protection and availability of services. The object is to allow for a total communities better quality of life.

I believe it was some 16 years ago the Waimea Council planning staff convinced the decision makers to temporarily down zone the coastal plain in Ruby Bay to rural 1. They had concerns about accelerated erosion rates. Rural 1 was quick and dirty fix that bought staff time and control.

I was there 6 years ago for the 2004 Mapua & Ruby Bay Development Study.

And again three years ago when local residents raised the issues and problems with incorrectly zoned rural 1 lands.

Rural 1 didn't fit. None of the blocks in the zone meet even the basic criteria. None meet even the minimum block size of 12ha. Many of the larger blocks have followed the zone rules and tried to farm but all have failed. Council continues to refuse to allow irrigation water takes. Noise and blowing summer sand where previously adjacent neighbors complaints. Residents and property owners needed a pragmatic solution.

44 Stafford drive is the picture book example of what happens when the zoning is wrong. It became derelict. Overgrown with poplars, gorse, broom, cars, and mattresses. With campervans tucked in the bushes, it became a magnet for illicit drugs. Have a look when you drive by. That block is the unwanted child of ad-hoc rural 1. The currently proposed closed zones are no better. They are just another name for an enlarged "do nothing" zone.

Coastal Environment rules were established when there were aspirations to improve the coastal outlook for boaties. They were created to address visual effects by keeping buildings as low as possible where there is the greatest hazard. 14 years ago Hurricane Drena made it clear that hurricanes were survivable but building floor elevations needed to be raised, council drainage improved and coastal protection more robust.

Property owners and consent staff are confused by the inappropriate and conflicting rules. Consequently, findings are often inconsistent and subjective. They often need clarification from policy. Proposed building pads are usually higher, sometimes lower sometimes no direction at all. Quite contrary to the potential coastal hazard risks applicants have been allowed to convert the lower floor of existing structures (which is where the greatest hazard exists) into habitable space. The proposed closed zones are just more inconsistency, more uncertainty more dependence on policy planners. More of the same is not a cost effective risk reducing strategy.

There has simply been no real policy effort to address the effects of potential hazards. What is needed is pragmatic building and planning rules for the coastal zone throughout the district.

The council and national government is in the process of a major spend-up on infrastructure in the region for at least the next fifty years. The proposal before you is to discourage the use of all land near the sea? This is not the Richmond fault zone. Mapua exists because of the sea.

Can we really be sitting here discussing a proposal that limits all uses for land that might be affected by the sea in 100 yrs? No doubt the next step will be to ring fence new Zealand at 5 meters above mean high water spring.

The bulk of the Mapua Structure Plan is well developed but I respectfully request that you reject these I'll conceived 11th hour closed zone add ons. Ask staff to do what you and the community asked 6 yrs ago, 3 years ago and what was no doubt promised 16 years ago.

Create a new and pragmatic zone that addresses concerns about the potential of sea hazards, limits council and ratepayer liability, increases revenues, add a geologist and a building professional and voilà . You can do it.

It only needs to be done once but it does need to be done right!

In closing, I would like to take this opportunity to thank each and every one of for your service to the residents over the last 3 years. You have accomplished a great deal and wish you all the best going forward.

Devin Gallagher  
32 Broadsea Ave  
Ruby Bay  
540-2320

22 September 2010

Environment and Planning  
Tasman District Council  
Private Bag 4  
Richmond

Dear Sir

**Draft Plan Change No. 22 – Mapua and Ruby Bay Development  
32 Broadsea Avenue, (Gallagher Residence) Ruby Bay**

**Our Ref: 210150.001**

## **1. Introduction**

We have been engaged on behalf of D & C Gallagher of 32 Broadsea Avenue to provide engineering comment on Draft Plan Change No. 22 – Mapua and Ruby Bay Development.

A written submission on behalf of the Gallagher's was previously made by Duncan Cotterill, prior to submission closing date. At the time of that submission we were undertaking a review of the Ruby Bay Stormwater Options Report, Opus Consultants, June 2010 prepared for Tasman District Council (TDC). As this report was delivered immediately prior to submissions closing, we were unable to review and provide comment on that report prior to the submission closing date. This was advised to TDC in Duncan Cotterill's submission.

## **2. Ruby Bay Stormwater (TDC Opus Report)**

We have carried out a review of the TDC Ruby Bay Stormwater Options Report, June 2010.

The stormwater modelling work that formed the basis of this report was carried out on in terms of peak discharges ( $m^3/s$ ) and peak water levels. While this is appropriate for this type of modelling, it would also be expected that the contributing catchments would be sized. While the catchment boundaries are shown there is no detail provided on these catchments and as such we are unable to verify if the design flows to the model are appropriate.

In particular, it is not clear from the Opus report what (if any) allowance has been made for future development west of State Highway 60. We would expect that the options proposed have made provision for future development and if this is not the case, then the model should be updated to allow for this.

The critical aspect of any proposed stormwater upgrade will be the construction of new coastal outfalls. The existing outfall at 29 Broadsea has operated inefficiently for a number of years as the flapgate has been regularly subject to blockage. The new outfalls should be future-proofed as much as possible such that similar problems do not occur with them.

Of the options considered, the one providing most stormwater mitigation to our Client is Option 3, Scenario D. With this option the majority of the south catchment (currently discharging via our Client's property) is diverted to the north, discharging via a new stormwater line along Tait Street to the coast.

It should be noted that the Opus report summary of Option 3, Scenario D states that this option *reduces the flow from the South Pond to the Gallagher property by up to 64% and significantly reduces the volume of water ponded on the Gallagher property.*

There are some minor variations to Option 3 that would achieve council objectives but also provide further improvement to our Client's property. Our Client has had regular and ongoing discussions with TDC stormwater engineers in relation to the proposed works.

Subject to the incorporation of these minor variations, we are of the opinion that Option 3, Scenario D provides the greatest level of stormwater mitigation to 32 Broadsea Avenue. Accordingly, we advise that our Client conditionally supports the implementation of Option 3, Scenario D.

### **3. Ruby Bay Coastal Hazards**

A large component of the draft plan change results in significant areas being rezoned as either Residential Closed or Rural Closed. Our Client's property is shown as future Rural Closed.

The basis for this proposed rezoning is the result of the Mapua-Ruby Bay Coastal Hazards and Management Options Staff Technical Report authored by Eric Verstappen. We have carried out a review of this report.

The coastal hazards report has been completed by comparing predicted future sea levels (allowing for climate change and storm surges) with existing ground levels obtained by TDC's recently acquired aerial photography survey.

Put simply, the report considers any area with an existing ground level less than the predicted future sea levels (with high tide and storm surge allowance) as being at risk of inundation.

While we accept that this is an appropriate first step in identifying properties likely to be at risk from any future sea level rise, it should be seen as just that – the initial stage in the process. Instead, this report has formed the basis of zone changes that provide allowance for coastal erosion and both freshwater and seawater inundation.

The report includes Figure 2, which reflects a scenario based on a 2100 climate with 0.8 m sea level rise, in an extreme high tide storm event. The report states;

*It is important to note that the extent of potential inundation hazard shown in Figure 2 is both an unmodelled, qualitative assessment and is for an extreme tide/ storm/ 0.8 m sea level rise scenario.*

Despite this high degree of uncertainty, the proposed rezoning to Residential Closed and Rural Closed is almost identical to Figure 2 from the Mapua-Ruby Bay Coastal Hazards and Management Options Staff Technical Report.

Further,

*The extent of inundation can only be assessed through coastal inundation modelling and is a logical step to pursue, particularly for the low lying parts of Mapua.*

As the report identifies, the next step in the process is to carry out computer modelling simulations of potential inundation scenarios. While we agree completely that this should occur in our opinion this work should be carried out before any rezoning to Residential or Rural Closed is notified.

The option of providing elevated filled building platforms is considered in the report. This approach is currently accepted by TDC where dwellings are constructed in areas deemed to be at risk of flooding. This includes recent developments in Ruby Bay and Mapua.

The report correctly identifies that there are limitations to filling in areas of restricted site size, or where such filling would adversely impact on stormwater flows or floodwater detention capacity. The option of constructing elevated filled building platforms is particularly relevant to our Client, as the size of their property at 32 Broadsea Avenue, and the stormwater improvements resulting from implementation of the Option 3, Scenario D stormwater upgrade works, means that this can be carried out without adversely effecting any local stormwater runoff paths.

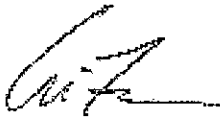
#### 4. Summary

Our Client conditionally supports the implementation of Option 3, Scenario D as outlined in the TDC Ruby Bay Stormwater Options Report, June 2010.

The basis of setting the Rural and Residential Closed zoning in Draft Plan Change No. 22 is largely based on the Mapua-Ruby Bay Coastal Hazards and Management Options Staff Technical Report. In particular, the proposed rezoning is based on an unmodelled, qualitative assessment for an extreme tide/ storm/ 0.8 m sea level rise scenario.

In our opinion the modelling work referred to in the Staff Technical Report, should be completed prior to this rezoning being notified.

Yours faithfully



Ari Fon  
Senior Engineer