

Planning Unit

# Notice of Submission on an Application for Resource Consent

Application Reference:

Resource Management Act 1991 - Form 13

Send or deliver your application to: Selwyn District Council, PO Box 90, Rolleston 7643

For enquiries phone: (03) 347-2868

For enquiries email: [planninginfo@selwyn.govt.nz](mailto:planninginfo@selwyn.govt.nz)

## 1. Submitter Details

Name of Submitter(s) *(state full name(s))*: Monique Kelly Kovoov and Ishaan Iype Kovoov

Physical Address: 143 Lochheads Road, RD3, Leeston 7683

Address for Service *(if different)*:

Email:

Telephone *(day)*:

Mobile:

## 2. Application Details

Application Reference Number *(if not stated above)*: RC225687 and RC225736

Name of Applicant *(state full name)*: Selwyn District Council C/- The Planning Consultancy Limited

Application Site Address: various

Description of Proposed Activity: Land use consent RC225687 is sought for works associated with the establishment, operation and maintenance of the Leeston Stormwater Flood Bypass scheme

## 3. Submission Details

- I / We: ☐ Support all or part of the application  
☒ Oppose all or part of the application  
☐ Are neutral towards all or part of the application

The specific parts of the application that **my / our** submission relates to are: *(give details, continue on a separate sheet)*

Appendix 8: Summary of Stormwater Flood Modelling and Assessment. Specific parts: Sections 2.5; 4.2; 4.4; 5.5;  
Appendix D Flood Impact Assessment; and Hydraulic Model Section 2.5.1.

The reasons for **my / our** submission are:

Please see following pages for submission details

The decision I / **We** would like the Council to make is: *(give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)*

Please see following pages for submission details

#### 4. Submission at the Hearing

- ☒ I / We wish to speak in support of **my** / **our** submission.
- ☐ I / We do not wish to speak in support of **my** / **our** submission.
- ☒ If others make a similar submission I / We will consider presenting a joint case with them at the hearing.
- ☐ Pursuant to section 100A of the Resource Management Act 1991 I / We request that the Council delegate its functions, powers, and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Council. *(Please note that if you make such a request you may be liable to meet or contribute to the costs of the commissioner(s). Requests can also be made separately in writing no later than 5 working days after the close of submissions.)*

#### 5. Signature

(Of submitter(s) or person authorised to sign on behalf of submitter(s))

Signature: 

Date: 29 Feb 2024

Signature: 

Date: 29 Feb 2024

Note: A signature is not required if you make your submission by electronic means.

#### 6. Privacy Information

The personal information requested in the form is being collected by Selwyn District Council so that we can process your application. This information is required by the Resource Management Act 1991. This information will be held by the Council. You may ask to check and correct any of this personal information if you wish. The personal information collected will not be shared with any departments of the Council not involved in processing your application. However under the Official Information and Meetings Act 1987 this information may be made available on request to parties within and outside the Council.

#### 7. Important Information

1. The Council must receive this submission before the closing date and time for submissions on this application.
2. You must also send a copy of this submission to the applicant as soon as reasonably practicable, at the applicant's address for service.
3. All submitters will be advised of hearing details at least 10 working days before the hearing. If you change your mind about whether you wish to speak at the hearing, please contact the Council by telephone on 347-2868 or by email at [planninginfo@selwyn.govt.nz](mailto:planninginfo@selwyn.govt.nz)
4. Only those submitters who indicate that they wish to speak at the hearing will be sent a copy of the planning report.

#### For Office Use Only

Received at the ..... Office on ..... at ..... am / pm

**Application Reference:** RC225687 and RC225736

**Name of Submitters:** Monique Kovoov and Ishaan Kovoov

**Application Site Address:**

- 178 Harmans Road;
- 60 Leeston Dunsandel Road; and
- 2 Leeston Dunsandel Road

**Legal Descriptions:**

- Lot 2 DP 494752 and Lot 2 DP 44961, as contained in Record of Title 727181;
- Part Lot 3 DP 33419, as contained in Record of Title CB16F/1078; and
- Lot 2 DP 365379, as contained in Record of Title 264986.

**Description of Proposed Activity:**

This is a joint application for land use consent and land use under the NES-CS:

- Land use consent RC225687 is sought for works associated with the establishment, operation and maintenance of the Leeston Stormwater Flood Bypass scheme
- Land use consent RC225736 is sought to undertake soil disturbance and potential removal in accordance with the regulations of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protection Human Health (NES-CS)

**We:** Oppose all or part of the application

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

Appendix 8: Summary of Stormwater Flood Modelling and Assessment. Specific parts: Sections 2.5; 4.2; 4.4; 5.5; Appendix D Flood Impact Assessment; and Hydraulic Model Section 2.5.1.

**The reasons for our submission are:**

We want to start by acknowledging the serious impact that flooding has in Leeston township. We are committed to working collaboratively with Selwyn District Council to find a solution that is fair for all parties so project work can get underway. Our overall concern is the current application essentially moves the problem a bit further downstream, rather than providing a long-term sustainable solution for stormwater in the catchment.

For context, we want to note that ours is a lifestyle property, we are not farmers. We have only lived here for a few years and were completely unaware of this proposed project when we purchased the property (October 2021). We had done our due diligence at the time including reviewing the existing flood scenarios. We are concerned this project could impact our property value but more importantly the enjoyment of our property.

- The overall approach seems to be to reduce flooding of residents in Leeston town, by flooding residents further downstream. While our property may have capacity to withstand surface stormwater, we are concerned that the loading will increase over time. For example, as more houses are built in Leeston and residents add to the hard surfaces on their sections, the volume of stormwater will continue to increase.
- The application proposes that the flooded area of 143 Lochheads Rd increases by 88% and the maximum flood depth by 67mm (Section 5.5). Our property sees the biggest change of

all affected parties, yet we are the smallest property. Moreover, the flooded area is across the residential portion of our property (where our house, garden, veg garden, and pets are). It would make more sense that flooding is on the lower (southern) half of the property where there are no amenities. We are concerned that valuable plants could be lost due to flooding and that as passionate gardeners our enjoyable use of our property would be diminished by flooding our garden every year. We also have concerns about contaminated water on our vegetable garden. We have concerns about how we will be able to manage our own stormwater created on site. Our new septic tank has an electric pump on it, and we are worried about flooding causing damage to the new system.

- 143 Lochheads Rd existing Pole Shed (hay shed) is not shown in the flood modelling. No detail on the flood impact on this farm building. As we store hay at ground level in this shed alongside other items that we need protected from the elements, we need to be confident it will not be affected by flooding.
- Error in maths or flood modelling? For 143 Lochheads Rd, "The average flood depth increases by 6 mm from 68 mm to 94 mm." This should say an increase of 26mm? In addition, the Hydraulic Model used (Section 2.5.1) states that *"It is noted that Drain 57 has been included in the model based on LiDAR and representative cross sections from Drain 58 because no detailed survey of this drain is currently available. No existing structures that may be located on Drain 57 are included in the model as these details are currently unknown."* So, an accurate survey of the drain most consequential to our property has not been conducted.
- There is an ecological and safety impact on downstream ecosystems of increasing the volume of stormwater. Heavy and fast-moving stormwater can damage riparian and native planting restorations. It can also impact the natural water levels of vulnerable ecosystems like Hart's Creek. A preferred solution is that more stormwater is held in Leeston in purposefully designed stormwater retention ponds (e.g., very common in Auckland). This then allows water to discharge at a safer rate into the stormwater network. SDC owns enough land in Leeston that would be more suitable for this use.
- The Tramway Reserve Rd stormwater drain is at capacity every year during a heavy rain event (we can provide photos if needed). Any additional stormwater loading will flood Tramway Reserve Rd and this is with the drain already bunded at 500mm in most locations. We are concerned that the road itself may be flooded each year.
- Some of the areas SDC proposes to bund are already bunded. There is also a significant low point on our property on Tramway Reserve Rd where no bunding is proposed, yet this is the likely entry point of flood water.
- For Drain 57 where it crosses our property on the south edge, we do not agree with bunding. This is a remnant of Leeston Creek and the opportunity should be taken for ecological restoration including channel widening and native planting. Bunding would also have a negative impact on our ability to access the creek for ecological restoration and recreation, which was part of our reason for purchasing the property. We are open to discussing the widening and planting into our property for this purpose.

- There is considerable exotic weed species along the drains of 143 Lochheads Rd including hawthorn, ivy, gorse, periwinkle, arum, wild plum, and broom. It would be useful for SDC to remove these and propose a drain maintenance plan; as otherwise earthworks on the drains will create opportunities for these plants and trees to spread. For example, each year the council digs out the sediment and puts it on top of the bunds. The current plan is to grass the bunds, but putting sediment over top would kill the grass creating opportunity for new weeds to spread. We note that SDC has not yet created a Maintenance Plan for the drains for this project but has committed to do so.
- At this stage, SDC has not provided details on how/when they would access our property to complete the works. We have concerns about heavy plant/equipment on our property in the wetter months where they could damage the soil. There are also no details relating to our fences and the bunding works; for example, we don't know if SDC will need to temporarily remove our fences for the works.

**The decision We would like the Council to make is: (give details including, if relevant, the parts of the application you wish to have amended and the general nature of any conditions sought.)**

- Investigate ways to reduce the flooding risk to 143 Lochheads Rd house and garden area. Possible solutions include: upstream stormwater retention, diverting more stormwater to the south of the property, increasing the capacity of Drain 57, and utilising the drain on the east side of Tramway Reserve Rd (currently all stormwater runs on the west side).
- Add new stormwater retention ponds in Leeston to the overall design of the floodwater bypass scheme. Leeston's existing wastewater area could be repurposed for stormwater retention.
- Provide detail on bunding locations for 143 Lochheads Rd.
- Update flood modelling to include accurate information on Drain 57. Site visits are required as some asset data is incorrect.
- Provide a clear site works plan for 143 Lochheads Rd for bunding, site access, tree and weed removal, fences, and a commitment of like for like reinstatement.
- Investigate the suitability for channel widening and restoration planting on Drain 57 through 143 Lochheads Rd.
- Provide flood modelling data for the pole shed on 143 Lochheads Road.
- Provide a plan for maintenance and weed prevention in the drains. What is expected of us as landowners and what will the council commit to?
- Investigate ways to add more native planting to the overall scheme to improve ecological outcomes for downstream.
- Include modelling for the ecological impacts on Hart's Creek of increased flood water (both total volume and speed of discharge).