

Response ID ANON-URZ4-5FSR-N

Submitted to Fast-track approval applications
Submitted on 2024-04-29 10:46:21

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Kaikoura District Council

2 Contact person

Contact person name:
Dave Clibbery

3 What is your job title

Job title:
Senior Manager Operations

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
s 9(2)(a)

7 Is your address for service different from your postal address?

No

Organisation:
Kaikoura District Council

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

Glen Alton, Canterbury; on Waiau Toa/Clarence River approximately 10 kilometres upstream of State Highway 1. See attached file.

File upload:
Clarence Bridge Project Location.pdf was uploaded

Upload file here:

No file uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Murray Land Title_ CV project.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

River bed is crown land. Connecting road is on land of s 9(2)(a)

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Land will need to be acquired from s 9(2)(a). Council has no legal interest in this land, and landowner agreement not yet obtained, but could if necessary be obtained through statutory processes

Section 2: Project details

What is the project name?

Please write your answer here:

Clarence Valley Access Project

What is the project summary?

Please write your answer here:

Construction of a new road bridge over the Waiau Toa/Clarence River at Glen Alton to replace a previous bridge that was destroyed in the 2016 Kaikoura earthquake.

What are the project details?

Please write your answer here:

The project is to construct a new single lane, approximately 100 metre long road bridge over the large Waiau Toa/Clarence River to provide reliable access to the small rural community of Glen Alton.

The previous bridge was destroyed by ground movements during the 2016 Kaikoura earthquake, and since that time the only road access to that community has been via a farm track that traverses steep and unstable ground and has to ford a mountain stream, which is frequently impassable in wet weather.

The current access arrangement are not only unreliable (typically impassable for around 20 days per year) but also unsuitable for heavy vehicles, which poses a substantial challenge for any farming or commercial activities in the area.

The 2016 earthquake also substantially changed the course of the Waiau Toa/Clarence River, which in turn required a new road to be developed to a bridge site.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

The project is technically complex and it was not until 2019 that a decision was made on the means by which reliable access was proposed to be restored, which was by construction of a new bridge at a site downstream of the previous bridge. NZTA approved financial support at a 95% level for project costs up to a maximum of \$13.6 million.

It was initially envisaged that construction of the new bridge would commence in 2021 with completion by not later than June 2023, but iwi has been resolutely opposed to the project on cultural and environmental grounds, and this has resulted in little progress being made towards obtaining the necessary consents for the project.

A recent development is that iwi has agreed to support the construction of a bridge across the river, but only if it is at a different location to what was initially proposed. Council is currently investigating such a potential location change, and if found feasible would hope to commence construction as soon as possible, given the extremely long delays that have already occurred.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991 (resource consents) and possibly Public Works Act 1981 (acquisition of land)

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Environment Canterbury, Kaikoura District Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Applications have been made for the following resource consents from Environment Canterbury

CRC231175 – CRC231178, CRC233687, CRC240824, CRC240825

Council would be comfortable to withdraw those applications (which were for the original proposal that was opposed by iwi) and would instead probably seek fast track approval of the modified option for which iwi has indicated support.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

Murrays as owners of land on which new road would be constructed.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Detailed design of revised option is around 50% complete. Residual design requirements expected to take 3 to 4 months

A procurement process for a preferred construction contractor has already been completed. That contractor is working with council to explore the revised option, and is on standby (and eager) to commence siteworks.

95% NZTA funding to a maximum project cost of \$14.6 million is in place, with KDC providing the 5% balance. The NZTA funding does however currently have a sunset clause date of June 2025, which may need renegotiation.

Ideally site works might commence in spring 2024, and be completed in before the end of the 2025 calendar year.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Kaikoura District Council
Environment Canterbury
Te Runanga o Kaikoura
Ngai Tahu

s 9(2)(a)

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Key engagement has been with Te Runanga O Kaikoura (TRoK) and Ngai Tahu.

Summary details of engagement between August 2017 and April 2022 are listed in the attached document. Since April 2022 there has been continuing informal engagement, including a meeting convened by Council between TRoK representatives and the residents affected by the loss of the bridge, but this and other meetings did not result in any change to TRoK's opposing stance.

It was only at the end of 2023 that TRoK moved away from their opposition of any bridge over the river, and in February 2024 expressed support for such a bridge, provided that it was at its original location rather than the proposed downstream site.

Upload file here:

History of Iwi Engagement - Waiau Toa Clarence River Access 14 April 2022.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

As yet no such processes have been undertaken. Voluntary agreements had been reached with landowners in respect of the initially proposed bridge location, but these will not be relevant if the location of the bridge is changed to that supported by iwi.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

None are considered to be relevant

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

If reconstructing the the bridge at its original location, as is currently supported by iwi, the effects would be expected to be relatively minor.

The greatest effect would probably be the visual impact of the new road connecting to the bridge on a hillside.

Upload file:

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Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

The revised option will have excellent alignment with the following key objectives of the NPS freshwater:

Manage freshwater in a way that 'gives effect' to Te Mana o te Wai:

*through involving tangata whenua

*working with tangata whenua and communities to set out long-term visions in the regional policy statement

And is not inconsistent with any other objectives of this NPS

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

It is hoped so. Without knowing exactly how the new process will be conducted it is difficult to say.

The current project has been in a state of paralysis for more than 3 years whilst Council has tried to find a way forward with iwi, and council, our community - and most of all the residents who have been affected by the loss of the bridge for more than 6 years - are hugely frustrated.

With an option acceptable to iwi having finally been found we would like to think that the process towards obtaining resource consents may now be relatively straightforward, but we feel that we cannot afford to again find unexpected challenges that create further delays, which could put the NZTA funding of the project at risk and hence the attraction to the fast-track process

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

I don't believe that I am able to answer that question.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

The project has been one of the most significant items in Kaikoura District Council's Long Term Plans since 2019.

Will the project deliver regionally or nationally significant infrastructure?

Not Answered

Please explain your answer here:

Will the project:

Please explain your answer here:

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Without reliable road access the economic potential of the catchment served by the Glen Alton Bridge will be significantly reduced. People cannot live in that catchment and hold down regular jobs that require them to travel from Glen Alton each day because of the frequent impassability of the current temporary access route.

This current access is also completely unsuitable for heavy vehicles making the catchment unsuitable for activities such as commercial forestry, for which it is otherwise well suited.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

The project supports a rural area where the only commercial activities are primary industry

Will the project support development of natural resources, including minerals and petroleum?

No

Please explain your answer here:

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

No

Please explain your answer here:

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The current temporary access route to the Glen Alton area traverse steep unstable and and fords of flood-prone streams, with a high level of risk that all access could be lost to the area for extended periods.

Will the project address significant environmental issues?

No

Please explain your answer here:

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

Yes

If yes, please explain:

Written approval has not yet been obtained from s 9(2)(a) for acquisition of land from them that is required for the project. These parties had previously agreed to sell the land required for the initially proposed access solution (which is opposed by iwi) but a process towards potential acquisition of the land needed for the revised (iwi supported) option has not yet been completed.

It would be hoped that this acquisition could be agreed on a voluntary basis, but if not a compulsory acquisition under the Public Work Act could be pursued.

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Not expected to any significant degree. The revised location option reduces risks of damage to infrastructure in extreme floods

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Three current abatement notices under the RMA against council in respect of the operation of a wastewater treatment plant, relating to administrative requirements.

No other recent compliance or enforcement actions against KDC.

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

David Clibbery

Important notes