

Iwi Engagement conducted by Kaikōura District Council in respect of Waiau Toa / Clarence River Access Project

The following is a summary, in chronological order, of KDC's Iwi engagement in respect of the Waiau Toa / Clarence River access project.

There have been a number of changes of key KDC staff since the 2016 earthquake and there is not any staff member who has been continuously involved with the access project since its inception.

The following record is based on a combination of first-hand knowledge (mostly supported by documentation) and written records from other periods. As such it is possible that there may have been other engagement that is not reflected here.

It is also important to note that this timeline only represents meetings and engagements that went ahead over the last four years and does not reflect the number of attempts to organise and reschedule meetings to discuss the project that were either postponed or ignored.

Dave Clibbery
Senior Manager Operations
Kaikōura District Council
14 April 2022

- **August 2017 to June 2020:**

Following the 2016 earthquake a Recovery Steering Group (RSG) was established to direct the infrastructure rebuilding being undertaken by KDC. Decision making representation on the RSG was from Crown entities and KDC, but Ngai Tahu were sent agendas and minutes from every RSG meeting and had an open invitation to attend every such meetings as guests, but rarely did after the very early days following the earthquake. Robyn Wallace from Ngai Tahu attended several initial meetings in her capacity as recovery manager but felt due to the technical nature of the rebuild programme, her continued ongoing attendance was not required.

The Waiau Toa / Clarence access project was discussed at varying levels of detail at every single RSG meeting up to the final one in the middle of 2020 when the RSG was disestablished because the majority of rebuild projects had been completed.

- **August 2018:** At the request of Te Rūnanga o Kaikōura (TRoK), KDC invited Resource and Environmental Management Company Mahaanui Kurataio Ltd (MKT) to provide cultural input into the process to shortlist alternative access options and to develop a business case for a preferred option. An initial long list of 11 options was reduced to a short list of 7 which were then subjected to a multi-criteria analysis in which cultural values were a key criterion.

MKT did not take up the invitation to attend the option evaluation workshop that was conducted, and were asked afterwards to provide feedback on cultural elements directly to Council, but no such feedback was forthcoming.

Kyle Davis from MKT has recently stated that this failure to respond was due to a lack of resources at MKT at that time, combined with the fact that they did not believe that they had a clear mandate from TRoK to represent them in this matter. This latter point has surprised KDC given that MKT had provided cultural input on all of the other Council rebuild projects up to that time (TRoK had engaged MKT to provide support to them on all earthquake recovery projects at that time)

- **October 2019:** KDC again engaged with MKT seeking their views on the preferred option identified by the multi-criteria analysis. MKT advised that TRoK had now developed their own internal capacities for environmental and resource management matters and as such they could not provide input. KDC in turn informed TRoK of this advice from MKT but did not receive a response.
- **February 2020:** Peter Thomson, KDC's then Infrastructure Rebuild Director met with TRoK's Natural Resources Manager (NRM) and outlined the proposed preferred access option and advised that it would be included as a key item for consultation through Council's 2020/21 Annual Plan.
- **9 July 2020:** KDC received a telephone enquiry from TRoK's NRM asking for details of KDC's prior engagement with TRoK regarding the project. KDC's Senior Manager Operations (SMO) replied, outlining the previously described attempts and providing copies of some of the relevant communications. It was also noted that KDC would be presenting its draft Annual Plan at Takahanga Marae on 27 July, and that the Waiau Toa / Clarence Valley access was one of the major issues we were seeking feedback on.
- **27 July 2020:** A description of the project was presented at an 2020/21 Annual Plan Consultation meeting that was held at Takahanga Marae with the specific intention of providing TRoK with an opportunity to express their views on this project and other matters.

The meeting was however not attended by any TRoK members except Brett Cowan, who was there in the capacity of Council's Cultural Facilitator rather than representing TRoK.

TRoK was also sent a copy of KDC's Annual Plan consultation document which identified the Waiau Toa / Clarence Access Project as a key consultation topic and invited feedback through submissions, but no response was received.

- **18 December 2020:** KDC SMO, Project Manager William Loppe and Planning and Engineering staff from Beca met with TRoK's NRM and Norman Kerei-Keepa to commence the process towards obtaining the Resource Consents required to enable the preferred Waiau Toa / Clarence Valley access option.

Very early in this meeting the TRoK representatives stated that TRoK knew nothing of the project, that there had been no engagement or consultation regarding it, and that it and any other works that affected the river were unacceptable because of its cultural importance. The TRoK representatives expressed a view that the cultural importance of the river was so high that they did not consider it worthwhile to have any detailed discussion regarding particular effects of the project and how these might be mitigated. They also stated a belief that a bridge was not needed and that all weather access could be re-established on the southern side.

The tone of the TRoK representatives was at times very critical and accusatory around a lack of engagement on the project to date.

This response came as a complete surprise to the KDC and Beca staff, who had presumed that the failure of the TRoK to engage in the multiple opportunities previously provided for them reflected that they did not have significant interest in the project.

It also seemed inexplicable that TRoK NRM could claim that TRoK had not been made engaged with regarding the project when a response had been provided to his enquiry of 9 July 2021.

- **20 January 2021:** Letter sent to TRoK NRM outlining previous KDC attempts at engagement.
- **17 February 2021:** KDC CEO provides TRoK with a comprehensive summary report of the conduct of the access project to date and its current status and proposes a meeting to discuss further.
- **11 March 2021:** Meeting at Takahanga Marae between Chair, General Manager, Environmental Pou Chair, Natural Resources Manager and Norman Kerei-Keepa of TRoK and the CEO and SMO of KDC and their supporting Project Manager.

The NRM and Norman reiterated their concerns with the preferred option due to cultural significance of the river, as referenced in their Iwi Management Plan and would not support that option, indicating a preference for a southern access that did not require a bridge. They continued to be reluctant to discuss particular technical issues and potential mitigations in respect of the preferred option.

- **12 March 2021:** KDC provides further information to TRoK NRM in response to questions raised at the 11 March meeting.
- **29 March 2021:** KDC CEO requests a written response from TRoK regarding its views on the project. The following (in italics) was subsequently received:

'We as Ngati Kuri have an intrinsic connection to our mountains, river, moana and whenua. The Waiau-Toa is our Mana awa it has a life essence and it sustains us on all levels. It is an undisturbed river that has own whakapapa (history).

This river provides employment, enjoyment, sustenance and vitality for members of our rural sector. This river feeds into many tributaries including its sister river the Waiau-Uwha. We as Ngati Kuri have an obligation to protect the natural essence of this river and are working with the Kaikoura district council and Waka kotahi to ensure a safe road in and out of this reserve with little to no effect on the river.'

Following this there was discussion between KDC and Waka Kotahi regarding how to manage the expressed view of TRoK that resulted in a decision that an independent peer review of the existing project documents and work done to date (particularly relating to the potential for a Southern Access Route (SAR) option should be undertaken, taking account of concerns and information provided by TRoK.

Mark Healey of WSP consultants was engaged to undertake this review on the recommendation of Waka Kotahi. Mark's background was as a river engineer with extensive experience of dynamic river behaviour.

- **14 May 2021:** Site visit to the Waiau Toa / Clarence arranged for the peer reviewer accompanied by TRoK representatives (General Manager, NRM and Norman Kerei-Keepa), Peter Connors of Waka Kotahi, and the CEO and SMO of KDC.

Whilst all parties travelled to the site, on reaching it the TRoK representatives refused to engage in any discussion because they had not been invited to participate in a helicopter inspection of the site that had been arranged at last minute for the peer reviewer the previous day, and immediately returned to Kaikōura.

17 May 2021: Governance hui held at Takahanga Marae in response to TRoK concerns about not being invited to attend helicopter orientation flyover (even though they were unavailable) with peer reviewer and to agree a way forward for the peer review.

- **2 June 2022:** Introductory meeting between TRoK Environmental Pou and peer reviewer Mark Healey (via Microsoft Teams) with KDC staff also in attendance. Peer review objectives discussed and NRM outlined TRoK perspective in broad terms.

Agreed that a further peer review site visit including a helicopter inspection for TRoK representatives would be arranged.

- **25 June 2021:** Half-day site visit to Waiau Toa / Clarence, including aerial and land-based inspections undertaken by peer reviewer Mark Healey, NRM and Norman Kerei-Keepa of TRoK and KDC SMO.

Norman outlined sites of cultural significance and there was discussion of technical project issues with Clint (Norman left after the helicopter inspection). A particular focus of discussion was the potential for a SAR based option and the crossing of the Wharekiri Stream, which Mark believed was technically challenging because of the very dynamic nature of the stream bed.

- **12 August 2021:** Peer Review Report provided to TRoK. The review supported the retention of the preferred access option (a new bridge approximately 500 metres below the former Glen Alton bridge) but recommended taking a reactive approach to the management of downstream erosion and the construction of a more substantial bund across the old river channel to provide greater 'all weather' access potential, both of which appeared to align with the desires that had been expressed by the TRoK NRM.

TRoK were invited to meet with Council staff if they wished to discuss the findings of the report and potential next steps, but no response was received.

- **September 2021:** Informal Governance level discussions between KDC and TRoK suggest that TRoK's position is that whilst they oppose the preferred option, Council should write outlining why the preferred option needs to proceed and Council's responsibilities to the community.

Council formally confirmed its support for the preferred option (subject to some of the key amendments proposed by the peer review) and that the project should be moved forward at its meeting of 29 September 2021.

- **October 2021:** Views of TRoK sought as an affected party in advance of an application to conduct exploratory works to determine potential sources of construction rocks for the access project, but no response received.
- **27 October 2021:** TRoK informed that the application for the exploratory works consent had been lodged.
- **10 December 2021:** Environment Canterbury contact KDC to advise that they have not received any response from TRoK in respect of the exploratory works consent, and as such the processing of the consent is not progressing. KDC SMO attempts to contact TRoK NRM to ask that TRoK either provides a response to ECan or advises ECan that they do not wish to respond, but is informed that NRM is away for 6 weeks on leave. KDC SMO then directs similar request to TRoK General Manager.

On that same day the letter of Attachment 1 is received in response. Note that the letter is dated 3 December 2021 and is a general statement regarding TRoK's opposition to the proposed option that is not specific to the exploratory consent.

- **14 January 2022:** High level hui conducted between governance and management representatives of TRoK and KDC with the intention of finding a constructive way forward on a range of relationship and operational issues between the parties that were adversely impacting on a number of KDC projects, including the Waiau Toa / Clarence access, including a need to be able to potentially 'agree to disagree' on certain matters in a respectful and professional manner.
- **31 January 2022:** Letter (Attachment 2) sent by KDC CEO to TRoK Chair in response to TRoK's letter to Council dated 3 December 2021.
- **24 February 2022:** Letter (Attachment 3) received from the TRoK Chair in response to KDC CEO's letter of 31 January.

The tone of this letter was unexpectedly negative and did not appear reflective of the previously discussed desire to be able to agree to disagree in a respectful and professional manner. The following comments made in the letter are considered to be disappointing and are strongly refuted by KDC

1. That KDC has ignored its Treaty partnership obligations. It is believed that Council has consistently endeavoured to involve TRoK in the decision making regarding this project, and it is TRoK that has not utilised those opportunities. Based upon this letter it appears that TRoK believes that it is a treaty obligation on KDC to give TRoK whatever outcome it wants, even if that outcome is contrary to extensive respective technical investigation and advice.
2. That KDC has 'ignored' the options to provide access using the Southern Access Route (SAR) that do not require a bridge over the Waiau Toa / Clarence River.

These and other options have been thoroughly explored as part of an investigation progress that has taken more than over 4 years and has cost almost \$1 million. All access options that avoid a bridge over the river require a bridge to be constructed

over the Wharekiri Stream, which is potentially extremely challenging given the dynamic nature of this stream and its catchment, and on balance this makes the risks and likely costs with a southern access significantly higher than for the preferred option.

This view has been consistently expressed by both Beca consultants and the WSP peer reviewer and the TRoK NRM has himself been involved in those discussions with the reviewer and appeared at that time to accept it.

- **7th March 2022:** Governance level hui to discuss the letter received. It was noted by TRoK that the letter reflected the comments from the floor at the recent monthly hui but were not necessarily correct and the topic will need to be further discussed and if appropriate a follow up letter prepared. No such letter has however been received to date despite numerous attempts to follow up.

Attachment 1



17 Takahanga Terrace
Kaikōura 7300

Phone 03 3196523

3rd December 2021

Kia ora koutou,

Waiāu Toa – Bridge

Thank you for engaging with Ngāti Kuri – your Tiriti o Waitangi Partner over the past months regarding the Waiāu Toa bridge kaupapa.

At our October general hui, the Runanga discussed at length the Waiāu Toa awa new bridge proposal we received from the Kaikōura District Council.

We would like to inform you that we do not support Kaikōura District Council's proposed bridge Options 1, 2 and 3 over and within our significant Waiāu Toa awa (Clarence River) and any Resource Consents within the Ngāti Kuri takiwā that have relevance to this proposed bridge establishment.

Firstly, during this entire partnership process, we have repeatedly clarified at the various hui, the Cultural significance of this awa to our Ngāti Kuri whanau, Hapū and Iwi.

The significance of the Waiāu Toa awa to us as Ngāti Kuri is of a holistic and intrinsic level. The awa holds for us a spiritual mauri – (life essence) and is woven within our Whakapapa. It is the main connection to the Ngāti Kuri whanau and Hapū. Within our Pepeha we compare this to the likeliness of our life force.

Secondly the significant amount of hydrological engineering that is required during and following the proposed new bridge build process within the main awa channels themselves, in the long term will be detrimental to our significant awa.

Te Rūnanga o Kaikōura will consider Options 4, 5 and 6 with direct consultation through the Runanga Natural Resources Office.

The Rūnanga look forward to working together with the Council around this awa kaupapa.

Ngā mihi,



Hariata Kahu
Te Rūnanga o Kaikōura Chairperson

Attachment 2

Moving Kaikōura Forward



Hariata Kahu
Chairperson
Te Rūnanga o Kaikōura

31 January 2022

Kia ora Ata

Waiāu Toa/ Clarence Valley Access

Thank you for your letter of the 3rd December outlining your continued opposition to the Council and Waka Kotahi preferred option for the replacement bridge across the Waiāu Toa awa (Clarence river) in the Waiāu Toa (Clarence Valley). I note from your letter that Te Rūnanga o Kaikōura will consider options relating to the southern access route with direct consultation through the Rūnanga natural resources officer. Firstly, I would like to acknowledge the cultural and environmental concerns that have been raised through the process especially with regard to the significance of the Waiāu Toa awa to Ngāti Kuri whanau, Hapū and Iwi. I would also like to thank Te Rūnanga o Kaikōura for the contributions that you have made to the process to date.

As you are aware, the access situation in the Clarence valley is a very complex issue resulting from the Kaikōura earthquake event. It is an issue that we have been trying to work through for over the last five years. From the start of the process, it was clear that there is no easy solution to restore safe and reliable all weather access to affected residents and stakeholders. This safe and reliable access had existed for them for over 30 years prior to the quake with the various forms of bridge crossings at the Glen Alton bridge site. With the permanent loss of the bridge in the 2016, the community has had to rely on limited access via a geologically unstable southern access route and traversing the incredibly dynamic Wharekiri stream. This stream has been impassable in even moderate flows which has resulted in access being frequently cut off, sometimes for a period of up to 10 days.

Through the extensive process undertaken to date we have considered numerous options to restore safe and reliable all weather access whilst taking into consideration multiple factors including environmental and cultural concerns. More recently we have also worked closely with Te Rūnanga o Kaikōura to undertake a peer review of the preferred option given the significance of the concerns raised. The outcome of the joint peer review process reconfirmed that the most viable option from a river engineering and technical perspective is to restore access via a replacement bridge across the awa in a location approximately 500m downstream from the old bridge site. It also made a number of suggestions and recommendations on how any potential impacts of a replacement structure and downstream protection works could be reduced or removed. Council and Waka Kotahi have taken those recommendations on board. We do however acknowledge that proceeding with this preferred option including these recommendations does not address the fundamental cultural concern around the significance of the Waiāu Toa awa that has been raised by Te Rūnanga o Kaikōura.

Kaikōura District Council is in a position where we need to restore a level of service for a section of our community and rate payers that have been significantly impacted and disadvantaged in terms of access as a result of the November 2016 earthquake.

We also need to make balanced decisions against a range of factors including our community outcomes that have been committed too through our long term plan process. These include community wellbeing, development of our economy, providing cost effective, efficient and fit for purpose infrastructure, environment protection and future growth. As a result, we will be progressing with the preferred option for the project through to the next stages of the consenting process and the design.

Although we may agree to disagree in terms of the preferred option progressing, Kaikōura District Council wishes to continue to work in partnership with Te Rūnanga o Kaikōura through the development of the consents and next stages of design and construction. This is to ensure that any potential impacts to the Waiāu Toa awa from the proposed bridge works are mitigated are far as practicably possible to achieve the best outcomes for everyone. Hopefully we can find a way to continue to work together through the project for the good of our community.

I look forward to hearing back from you and will keep you informed of progress in the meantime.

Ngā mihi



Will Doughty
Chief Executive Officer

Attachment 3



7 Takahanga Terrace
Kaikōura 7300

Phone 03 3196523

22nd February 2022

Kia ora koutou,

Waiau Toa – Bridge

In receipt of your most recent letter emailed to the Ngāti Kuri Office dated 3rd of February 2022 regarding continuing with the resurrection of the Waiau Toa bridge Kaupapa - At our February general hui, the Rūnanga again discussed your most recent letter. Kaikōura District Council have ignored their Te Tiriti o Waitangi partnership obligations, it is with considerable disappointment that the Kaikōura District Council have also ignored the three Southern route options that we considered as viable options. It comes with a complete lack of consideration from Kaikōura District Council to explore these viable options to prevent building a new bridge over our significant Waiau Toa awa.

Te Rūnanga o Kaikōura will consider Options 4, 5 and 6 with direct consultation through the Te Rūnanga o Kaikōura Natural Resources Office and would like to ask the Kaikōura District Council to do a feasibility study around these options moving forward.

We would like to inform you **again** that we do not support Kaikōura District Council's proposed bridge Options 1, 2 and 3 over and within our significant Waiau Toa awa (Clarence River) and any Resource Consents within the Ngāti Kuri takiwā that have relevance to this proposed bridge establishment.

The Ngāti Kuri Office will notify ECan and Waka Kotahi regarding our values being upheld in relation to this Kaupapa and how we do not support the resurrection of the bridge moving forward.

Ngā mihi,

Hariata Kahu
Te Rūnanga o Kaikōura Chairperson