

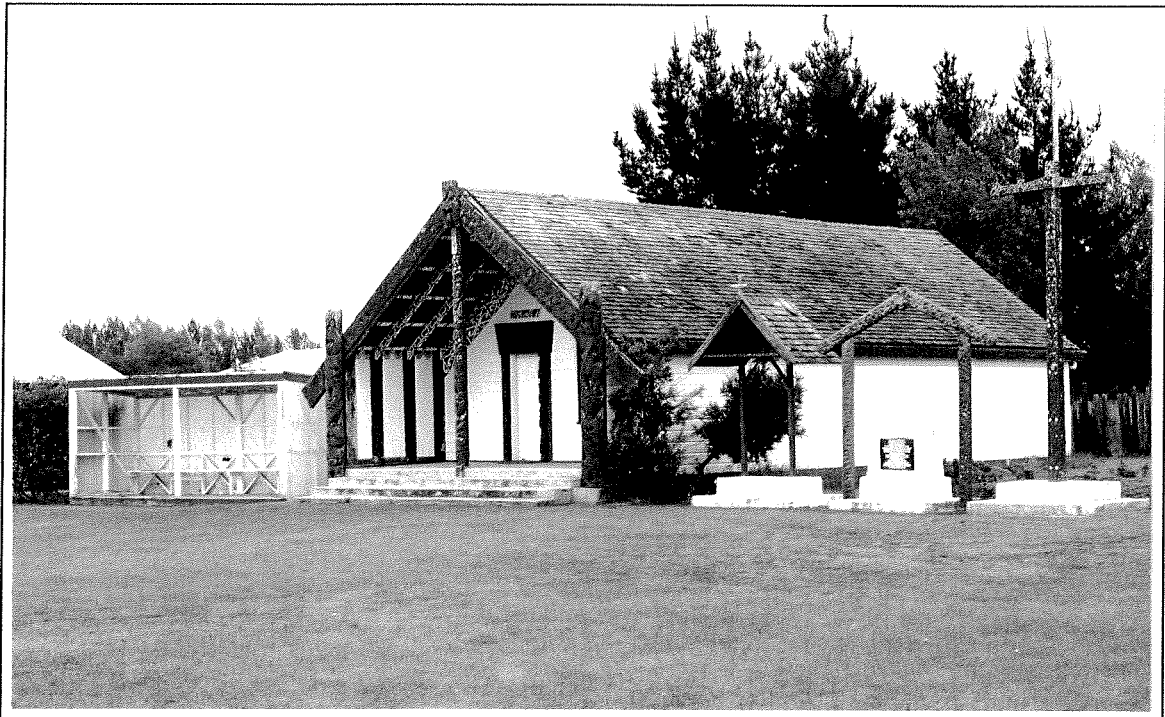
TE OHAAKI MARAE WORKING PARTY REPORT

Summary Report for the Investigation of Ground Subsidence and Recommendation for Te Ohaaki Marae Reservation

Introduction

In 2003 the 215 and 338 Trusts and Contact Energy appointed representatives to form a joint Working Party to investigate ground subsidence at Te Ohaaki Marae and to report back to the iwi with recommendations on how best to deal with this issue to protect and preserve the Marae. The task for the Working Party has been *“to work together to identify a practical and certain way to mitigate the effects of subsidence on Te Ohaaki that provides a durable solution for Iwi and secures the cultural and social benefits for future generations, while recognising traditional values”*.

Those investigations have been completed. The Working Party’s recommendations are as described in this report. A decision on this recommendation now requires input from the wider iwi.



Background

Ground subsidence has been occurring at Ohaaki since the first geothermal production wells were drilled in the area in the late 1960’s. By 1977 it was realised that on-going subsidence was likely to eventually be a problem for the Marae – causing the land beneath the Marae to sink below the level of the Waikato River.

Surveys of changes in ground level around the marae have confirmed that these early predictions were correct. For now the marae reserve is safe, but within 5 years the ground will have dropped to a level where there will be a very real risk of flooding, and within 10 years the whole of the site will be regularly under water.

We know that this is happening because the subsidence has been precision surveyed over the last 35 years. The surveys are able to pick up any long term change in ground level. The ground is definitely going down, and as it goes down the river is encroaching on previously dry land. This long term process has nothing to do with daily changes in the level of the river.

What Can Be Done?

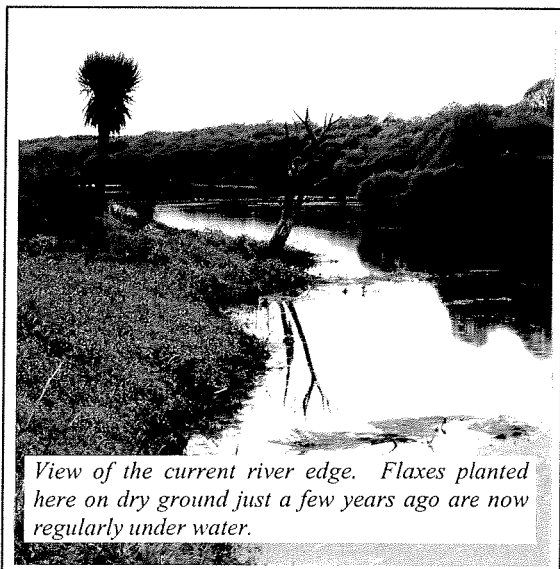
There is a need to start planning ahead. We have just a few years ahead of us in which to prepare. To ‘do nothing’ is not an option that will protect the marae. If nothing is done within the next 5 years the Marae will eventually go under water.



The photo shows the 1987 ground level marked against the veranda of the wharekai. Since 1987 the ground level has dropped about 2.5 metres.

Nor can we stop or reverse the subsidence. The clock can not be turned back. Even if the power station was turned off tomorrow, the surveys and subsidence modelling show that the ground, and the marae reserve, would keep sinking for decades to come. Shutting down the power station would neither protect the marae nor honour the long-standing commercial contractual agreements between Ngati Tahu Tribal Trust, the Crown, and now Contact Energy, under which the station is run.

If it is not practical, therefore, to stop or reverse the subsidence, and if to ‘do nothing’ will lead eventually to the loss of the marae, the remaining options are to either build up the ground underneath the Marae as the land subsides, or to build a protective dam around the Marae to keep the water out, or to shift the Marae to higher ground. These options have all been considered by the Working Party.



View of the current river edge. Flaxes planted here on dry ground just a few years ago are now regularly under water.

Recommendation to Shift and Re-build on Higher Ground

The Working Party’s recommendation is to shift the wharenuī, the wharekai and urupa behind the marae, and re-build the Marae on higher ground. We think that this is the most practical solution.

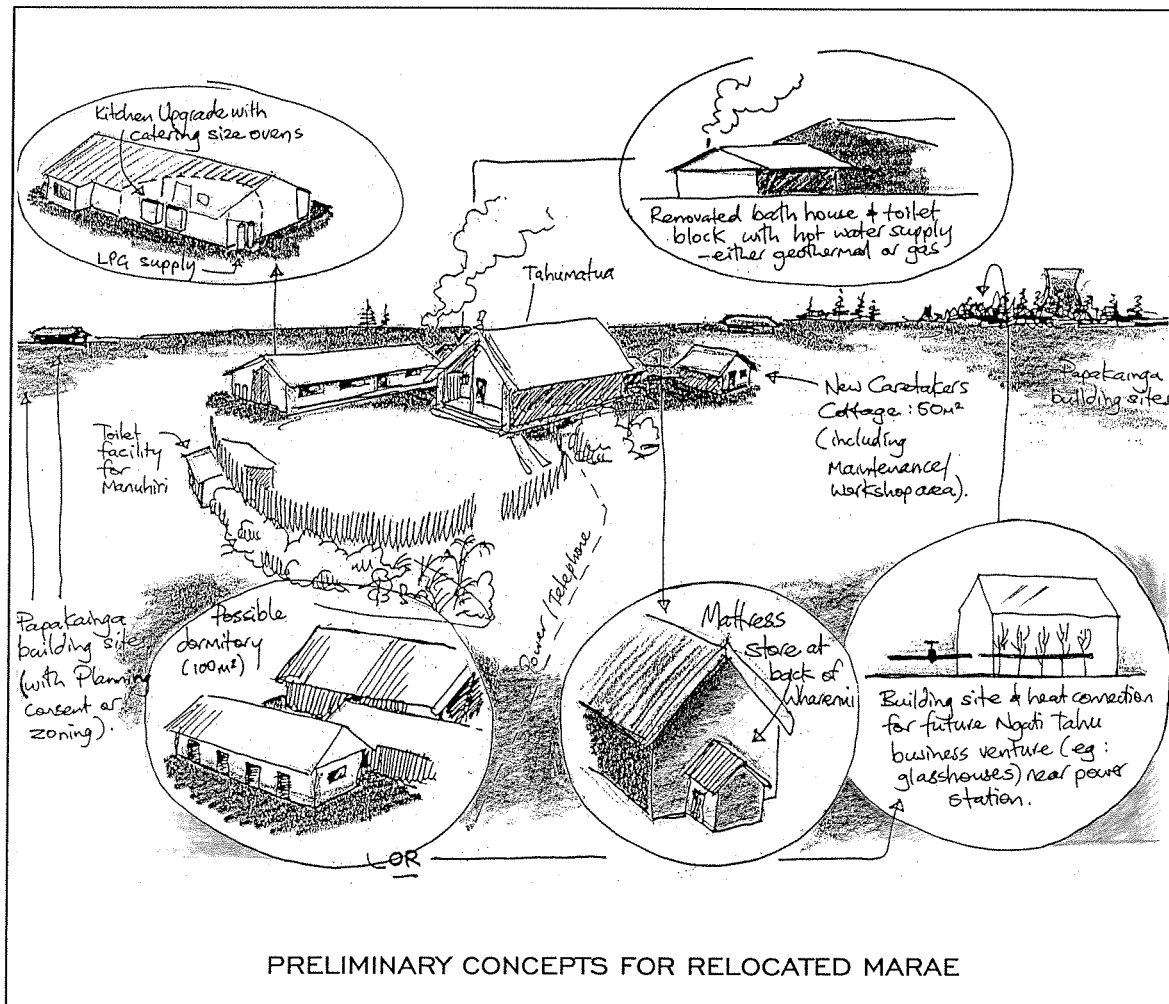
The option of building a protective dam around the marae is not recommended because if it was built the dam would be 8 metres high with the Marae sitting below the level of the river. Pumps would have to run continuously to keep the water out.

The building up of the ground beneath the marae has been seriously considered but would mean shifting the marae buildings off anyway to make way for fill to be trucked in and spread around the site. It is likely that the graves would also still have to be moved. With the buildings taken off, about 4 metres depth of imported fill would be transported on to the site, laid down and left to compact. The buildings would then be moved back on again after the rehabilitation. Decades later the whole process would have to be repeated. The result would be a marae standing on an 'island' of 8 metres of imported fill.

Why Shift?

There are strong cultural connections to the current site. But it may soon become untenable to live there as the land will be under water. Remaining at the current site will leave the marae at risk and pass those risks and problems on to future generations. Relocation and the establishment of a new Marae would be a lasting solution.

If so, the intention would be to shift to a place that is appropriate and conducive to the development of a marae reservation. The cost of the shift would be met by Contact Energy (including land purchase). Contact would also pay for upgrading and refurbishment of the re-sited buildings. In addition they have offered to provide a new caretakers cottage, new catering ovens for the kitchen, refurbishment of the toilet and bathing block, hot water supply, landscaping, preparation of building sites for papakainga housing and a new mattress store behind the whareniui.



It will be up to the iwi to decide whether relocation occurs, and if so, the timing of that relocation. As long as preparations are made in the meantime to have a safe place to move to, the relocation itself can wait. Some things may yet remain, and be left to remain as the land subsides – i roto i te koopu o te whenua.

A Fair Outcome

The Working Party consider what is proposed here would be a fair outcome. Contact recognise that they have an obligation to remedy or mitigate the effects of subsidence under the terms of their 1998 resource consent. Ngati Tahu recognise that having committed to a lease agreement with the Crown in 1982, and again with Contact in 1999, there was always an understanding that there would be a risk of subsidence. We have all hoped that the predicted subsidence would not occur, but it has. The trusts, iwi and Contact now need to work together toward a practical solution.

Waiting to be Sure

There are 5 to 10 years remaining before the marae drops below the level of the river. This may seem like a lot of time, but all of that 5 – 10 years will be needed to make the necessary preparations for any future relocation and re-building of the marae.

The relocation itself can wait – almost up to the 11th hour. It can wait until the water level is within half a metre of the level of the doorstep, when everyone can be sure that the inundation is really going to happen. If the experts are wrong and the marae does not subside then nothing will change and nothing will be moved. But if they are right and the ground really does continue to go down then a new site needs to be ready. That is why the planning has to start now.

The Decision is with the Iwi

This then is the recommendation of the Working Party. This recommendation is supported by the 215 and 338 Trusts and it is now up to the Iwi as a whole to decide if this is the decision that should be made.

The issue will be discussed at the up-coming hui-a-iwi on Saturday the 12th of February 2005 at Te Ohaaki Marae. We encourage you to attend and participate in the discussion and outcome.

Additional Information

A complete transcript of the final recommendations and conclusions of the Working Party (from the September 2004 meeting) are attached.

The full working party report and terms of reference can be found on host web site www.ohaakimarae.org.nz. Alternatively, if you would like a printed copy of the report please contact Craig Stephenson (07) 376-0517. Leave your contact name and address to which the material is to be posted on the voice mail if he is not available.

ATTACHMENT

Transcript of Conclusions & Recommendations from the Working Party Report:

The Working Party has fulfilled the Terms of Reference (November 2003 Update) insofar as the consideration of a range of options and the completion of the Working Party Report. Based on our work the clearly preferred option is Option 4 (Relocation).

It is appreciated that some Iwi members may still have doubts about the scientific predictions relating to inundation of the Ohaaki Reservation areas. However, based on the information in front of it the Working Party is satisfied that the subsidence predictions are realistic and that a decision on appropriate actions to deal with the situation needs to be made promptly.

Our recommendations to the 338 and 215 Trusts and to Contact Energy Management pursuant to Clause 8 of the Terms of Reference are as follow:

- 1 Option 4 (Relocation) is recommended as the preferred option to put before the Trusts (338 and 215), Contact Energy, and then a hui-a-iwi for ratification pursuant to Clause 10 of the Terms of Reference.
- 2 With regard to the matter of timing of relocation:
 - 2.1 Preparations should be made for identification of the new site, land purchase, legally setting aside the land as a Marae reserve and as an area for papakainga, securing any resource consents necessary for the site development, and the development of and preparation of the site for the buildings to be moved at the appropriate time.
 - 2.2 The relocation of the Marae to occur closer to, but before the time that inundation poses a serious risk of flooding to the buildings located on the current site. (i.e. when the bottom level of the front step of the Wharenui is at RL 290.5 (about 500 mm free board to high water level – as at August 2004 freeboard is about 1500mm)).
 - 2.3 Undertaking this approach will help assist those who currently don't consider that the Marae will be threatened by inundation to have a more certain understanding of that reality and then better understand the preparations that the Working Party has made as part of this process.
- 3 That the graves immediately to the south of the marae be exhumed and be relocated, at the appropriate time prior to the flooding of the grave sites, in accordance with appropriate protocol.
- 4 That the Fertility Rock not be touched or moved and that appropriate ceremony and protocol be undertaken with regard to the submerging of the rock.
- 5 A budget provision be recommended to be set aside by Contact Energy for implementing the following:
 - Funding to relocate and re-establish the Marae on a new site of up to approximately 6 hectares, inclusive of preparation of some level building sites for papakainga housing, the establishment of vehicle access, power, phone / internet connection and a septic tank sewerage system for the marae.
 - Energy supply to the relocated Marae, either:
 - a) A supply of hot water to the new marae site through the supply of geothermal fluid similar to the current arrangements, including consideration of a bath house. The practicality of a geothermal supply will however depend on the location of the new marae site and the distance from the source of hot water / steam. If the new site is the same distance or less from an available source of geothermal fluid then a geothermal water supply will be made available for the Marae.
 - b) If the geothermal fluid supply is too far away from the new site (see (a) above) then an annual supply of LPG for heating hot water and cooking of up to 630kg to be supplied for as long as the Ohaaki Power Station is operational.

An annual maintenance check to be organised by Contact Energy of the geothermal or LPG supply system installed in the Marae for as long as the Ohaaki Power Station is operational.

- Upgrading of the kitchen facilities to a catering kitchen standard and a rest area for the cooks.
 - Funding for costs and expenses associated with exhumation of the graves from immediately behind the existing Marae area.
- 6 That the Working Party be authorised by the Trusts and Contact Energy Limited to:
- Assess in detail the possible locations of the relocated Marae
 - Develop concept plans, including some facility improvements compared with the current site, for the preferred site.
 - Discuss and seek Contact Energy Management approval to fund some of the improvements that are developed in the concept plans.
 - Present the concept plans and receive feedback on the plans from the Iwi.
- 7 The following are some suggestions for inclusion in the concept plan:
- Papakainga Housing. Show provision for papakainga housing in the vicinity of the Marae. The 338 Trust to control the allocation of the sites. The 338 Trust to give consideration to relocation of the dwellings currently existing (as at August 2004) around the Marae and currently within the area of future inundation. The trust may consider it appropriate that these dwellings be relocated to the new Marae site or to some other agreed site on Ngati Tahu land in the near vicinity but outside the area of inundation or that some other course of action for these is appropriate.
 - Toilet facilities and waiting room for manuhiri waiting to come on to the Marae.
 - Construction of a caretakers cottage (floor area of approximately 50m²) including maintenance / workshop area to be built alongside the relocated Marae.
 - Extension of the Wharenui for storage of bedding.
 - Business Self Sufficiency initiatives
 - a) Contact to consider the provision of the old construction store area and floor slabs (just off the access road into power station) to assist Ngati Tahu to develop a business venture to utilise the 2000 KW of heat supply identified in the lease (clause 43.1). This could possibly be for a glass house business venture, or
 - b) Construction of a dormitory / lodging facility (approximately 100m²) next to the Marae.
- 8 If contrary to the scientific predictions the Marae doesn't require shifting then the land purchased and the preparations made under 2.1 above to establish a Marae reservation continues and the land procured is to be managed by a Ngati Tahu trust (338 / 215 Trusts).
- 9 Inundation of land around the Marae Reservation should be separately worked through with the owners / trustees of those portions of land with Contact Energy as has occurred with other land in the area of Ohaaki (The Working Party is only working with the Marae reserve areas).
- 10 That Contact Energy agree to apologise to the people of Ngati Tahu for the distress that inundation and the relocation of the Marae has caused. This apology to be given at the appropriate time and forum.

These are the Recommendation of the Ohaaki Working Party pursuant to Clauses 6 - 9 of the November 2003 Working Party Terms of Reference.