

Report to the Rural Services and Wairarapa Committee  
from Ian Gunn, Manager, Operations

## **Appeal of Resource Consent Application WAR 990026 – Gravel Extraction from the Ruamahanga River System**

### **1. Purpose**

To update the Committee on the current status of the appeal to Resource Consent Application WAR 990026.

### **2. Background**

The Operations Department applied to extract gravel from the Ruamahanga River catchment early in 1999. This was part of an agreed process to achieve a quicker and cheaper approval of gravel extractions from rivers. A resource consent was issued subject to various conditions following a hearing by two independent commissioners.

Two parties, Ngati Kahungunu ki Wairarapa and the Operations Department, Wellington Regional Council, appealed the decision.

### **3. The Appeal**

Two additional parties stated that they wished to be parties to the appeal, Rangitaane o Wairarapa and Federated Farmers (Wairarapa) Inc.

The Environment Court Registrar recommended that the appeal go to mediation and Mrs Robyn Grigg of Christchurch was appointed mediator.

Two meetings were chaired by Mrs Grigg – one late in 1999 and the second in early February 2000. Following these meetings Mrs Grigg stated that she would not attend any further meetings as the meetings were going well.

At the initial meeting with Mrs Grigg it was agreed by all the parties that ownership of the gravel was not an issue for consideration by the mediation process.

Three additional meetings have occurred since that time. These meetings have rotated between the various offices of the parties, as has the chairing of the meetings.

The objective of the meetings was to:

- (a) agree on any changes to the conditions on the consent;
- (b) prepare a Memorandum of Understanding regarding gravel resources in the Wairarapa.

Both objectives have largely been achieved except that the Iwi appellant has not agreed to the final documents.

#### **4. What Has Happened?**

At the March meeting Murray Hemi, the representative from Ngati Kahungunu ki Wairarapa, stated that he may have difficulty signing off the Memorandum. Mr Hemi stated that he expected he could only sign off if the Memorandum included a clause indicating:

“that on a determination by the Waitangi Tribunal of the Ngati Kahungunu ki Wairarapa claim(s) that the gravel resource was a toanga, the Wellington Regional Council would immediately hand over the management of the gravel resource to Ngati Kahungunu ki Wairarapa”.

At the April meeting, Mr Hemi withdrew from the mediation stating he could not sign any Memorandum as he was awaiting advice from his lawyer(s). He did not wish to continue to tidy up the Memorandum or the consent conditions.

Other parties to the Memorandum indicated to Mr Hemi that in all Waitangi Tribunal decisions to date there had always been negotiation on the details of any agreement with the Crown. The Wellington Regional Council could not make any commitments prior to the Crown settling claims resulting from Waitangi Tribunal recommendations.

Following the withdrawal of Mr Hemi from the mediation meeting, the other parties present – Joe Taylor (Federated Farmers), Liz Burge (Rangitaane o Wairarapa), Steve Blakemore, Stephen Thawley (Consent Authority, WRC) and Ian Gunn (Operations Dept, WRC), finalised the draft Memorandum of Understanding (attached).

#### **5. Where To From Here?**

The Operations Department, as the consent applicant, has several options:

- (a) To withdraw from the resource consent application altogether. The Operations Department has incurred costs totalling approximately \$5,868 to date. This will leave individual gravel extractors to apply for their own consents as presently occurs.
- (b) To pursue the resource consent in the Environment Court. Possible costs to the Operations Department could be \$20,000 - \$30,000. In taking this option it may mean that the Operations Department could apply for costs from Ngati Kahungunu ki Wairarapa should they be successful in obtaining a resource consent.
- (c) To seek discussions at a political level to clarify and hopefully resolve the differences between Ngati Kahungunu ki Wairarapa and the other parties to this appeal.

## 6. Communications

No particular initiatives are required at this stage.

## 7. Conclusion

The creation of a Gravel Guardians Group with the implementation of the Memorandum of Understanding has the potential to significantly improve relationships between Wairarapa Iwi and the Regional Council. Discussions at a senior level of Ngati Kahungunu ki Wairarapa and the Wellington Regional Council should be pursued with some urgency to clarify each party's stance on this appeal.

## 8. Recommendation

*That the Council Chairman and Councillors Long and Buchanan meet with appropriate representatives in relation to the appeals of Resource Consent Application WAR 990026.*

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