

25 March 2011

Attention: Chadwick Grant

Chief Executive
Bay of Plenty Regional Council
PO Box 364
Whakatane

Tena koe Chad

Review of the Operative Regional River Gravel Management Plan

Thanks for meeting with us to discuss the above review.

We provide these comments on a 'without prejudice' basis acknowledging and thanking you for seeking our comment in the early stages of the review process.

Thanks also for providing a copy of the latest NERMN Report which contributes to our thinking and comments.

Where does gravel extraction occur in the region?

From the information provided it appears that gravel is largely being extracted from rivers in the eastern Bay of Plenty.

Ngati Awa has statutory acknowledgements of its relationships with the Whakatane (Ohinemataroa), Tarawera and Rangitaiki rivers.

During our discussions we pointed out that while there are 36 (or so) iwi in the region, there are but a few with relationships with rivers from which gravel is extracted.

We encouraged Council to take this point on board when considering the review of the gravel management plan.

At present the selected options in section 10.4 which refer to bullets above in section 10.3 are more generic than is possibly necessary.

The point here is that Council must understand who it must develop relationships with when meeting those requirements in the plan.

- Know and develop working relationships with the iwi along the rivers.
- List tangata whenua and contact details for those mandated and responsible for rivers - noting that the Iwi/hapu database at Council was capable of providing this information at one time
- Take care when applying a 'one size fits all iwi' approach to the development of planning instruments. In this case there are but a few iwi with relationships with the rivers from which gravel is extracted. Know us, visit, foster iwi capacity to engage and respond to the operations and planning activities undertaken by Councils staff, including river managers and civil defense staff
- When new rivers across the region are to be used for gravel extraction rather than be managed for river maintenance purposes, then develop relationships with those iwi (and their hapu) so that river management works and gravel extraction activities (mining for income bearing activities) are known, understood and supported by them
- Know that iwi and their hapu have never ceded authority to anyone to the beds of rivers, the water column nor the space above the water column. This is a key point when applying royalties in either a private scheme or a statutory function scenario. Consistency is the aim, but distinctions between a) gravel being moved around in the river for river management purposes as compared with b) the extraction of gravel for commercial purposes is also necessary as one type provides for mauri enhancement of a river while the other is for an entirely different purpose which may, if unchecked, significantly adversely affect the other purpose.

Royalties

Royalties is a matter for further discussion with Te Runanga o Ngati Awa Chief Executive, Jeremy Gardiner.

We understand there are various methodologies in play in the region at present and each of these needs to be discussed with Ngati Awa.

Our view is that gravel from our rivers is our taonga for which discussions on its use are yet to be had.

These discussions should be scheduled to occur at a mutually convenient time with our Chief Executive and the Manager Environment Ngati Awa as well as the General Manager Ngati Awa Group Holdings Ltd.

It is possible that royalties from gravel extraction can be used by Ngati Awa to support mauri enhancement projects our hapu undertake in our rivers.

Likewise River Management works can (and have in terms of the Rangitaiki) contribute to those mauri enhancement works via an 'in kind' arrangement in recognition of the riparian planting, weed and rubbish clearance our hapu are now more routinely undertaking on our rivers, in ways that comply with

bylaws and regulation because river managers are joining in those enhancement projects and Ngati Awa hapu ensure those works do not create or exacerbate an existing river management issue. We communicate routinely with river managers and have developed excellent co-operative working relationships with them in planning, consenting and operational contexts.

Likewise we enjoy excellent relationships with compliance officers whose works we acknowledge and celebrate from time to time.

We refer you to Wiki Mooney at regional council who we know is tremendously knowledgeable about the rivers, as well as Arch Delahunty, Harold Sisam, Roger Waugh, Tony Dunlop and Bruce Crabbe to name a few whom we anticipate you are touching base with for the review of this planning instrument.

We also acknowledge that Arthur Rangihika will also be a good source of information in relation to the review.

During our recent discussions we mentioned a number of matters we recommend be considered during the review:

- **Biosecurity** – ensure that gravel being transported for use throughout the region is not harbouring plant pests as this will contribute to the spread of those pests
- **NERMN** – from the information provided we cannot tell whether there is monitoring in the upper catchment. As expressed during your visit we are concerned that aggradation in the river is sourced from the upper catchment – but we are unsure whether, or the extent to which Council monitors the upper catchment where erosion of streams and river banks would be contributing to the gravel aggradation in the lower catchment. We also note that section 4.3 of the operative plan that while aggradation and the lower catchment feature significantly in that section, the upper catchment and erosion and soil conservation there does not feature at all. We see this as a significant oversight and encourage Council to undertake monitoring as well as cross section monitoring and surveying in the upper reaches which may provide a methodology for forecasting river maintenance works, or even avoiding them in the lower catchment (in some cases).
- **A river is not a mine** – it is a lively and dynamic system that many life-forms rely upon for survival and sustenance. To Ngati Awa they are taonga tuku iho, taonga handed to us from previous generations. It is only in recent times they have become subject to gravel mining and income bearing activities. Balance is to be struck in the use of rivers and the resource it provides.
- **Expired consents and use of s124** – We understand there are quite a number of situations like this in the very few rivers in the region from which gravel is extracted. Council is encouraged to:
 - Understand the number of s124 activities in play in every river
 - Actively require those extractors to complete the consenting process
 - Keep running records of a) volumes of gravel extracted from each river and b) volume of gravel sold through the extractors gate – so as to make a distinction between these two processes and the volumes they represent, the results of which must be known there at

council as, like abstraction, it is Council that regulates these activities while also operating them in a flood protection, soil conservation and river management context. Understanding the cumulative effects of gravel extraction and gravel management will be key to ongoing management of rivers.

- **Planning Instruments** – though we are yet to go through the document as thoroughly as we would wish, we consider the current operational plan to have merit.
 - Provision for fish passage is strongly supported. Indeed we promote your consideration of the fish passage inventions of Mr Kelly Hughes and freshwater ecologist Matt Bloxham which may become routinely used by extractors and river managers alike.
 - Identification of the location of utilities infrastructure such as the newly installed water intake for the Whakatane towns water supply must, in our view, be clearly identified to consents officers assessing consents for gravel extraction in these areas. Failure to assess the proximity of these structures to proposed or existing gravel extraction sites can create issues such as sediment entering drinking water or damaging costly filtration plant and equipment.
- **Destination for Planning Instruments** – at this stage we consider the BOP Regional Water & Land Plan to be an obvious destination for the gravel management plan.

Thanks for the opportunity to comment.

We hope they are helpful and contribute to your aims for greater efficiency and effectiveness of regulation for these activities.

Please note that we anticipate receipt of notification of a call for formal submissions from your directly.

We are also hopeful that Council will engage with our hapu on these matters.

If you require any further information, or explanations on the contents of this letter, please telephone Mr Ray Thompson at these offices.

Kia ora

Beverley Hughes
Manager

for Chief Executive