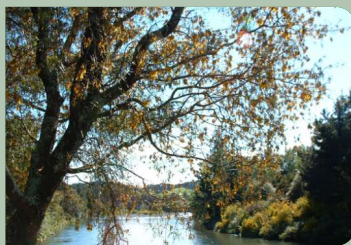




ADVOCATES
FOR THE
TONGARIRO
RIVER



»≈ ANNUAL REPORT

FOR *THE*

YEAR ENDED
31 DECEMBER

2003

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COMMITTEE 2003

Allan Appleton

Bob Appleton

Mark Cosgrove » **PRESIDENT**

Bob Duckworth

Helen Elliott

Heather Macdonald » **VICE PRESIDENT**

Bob MacDonnell

Gillian Osborne » **SECRETARY**

Robin Parrish » **TREASURER**

Ernie Sharpe

Tuatea Smallman

During the year Bob MacDonnell, Robin Parrish and Ernie Sharpe resigned. Eric Wilson accepted appointment as Treasurer, and Will Kemp joined the Committee. Richard Kemp attended several Committee meetings and was a member of the Environmental Subcommittee.

**The Registered Office of
The Advocates for the Tongariro
River Incorporated is care of
213 Taupahi Road, Turangi.
The postal address is
P O Box 335 Turangi 2751.
www.tongariroriver.co.nz**

PHOTOS: Aerial photos courtesy of Rob McLay, Department of Conservation;
Background centre page NZ Aerial Mapping; Black and White photos (1970)
ArchivesNZ; Riverbank photos Mark Cosgrove; Page 36 photos courtesy IGNS.

NOTICE OF ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETING

The Second Annual General Meeting of the Advocates for the Tongariro River Incorporated will be held at the Tongariro River Bridge Lodge, State Highway 1, Turangi on Sunday 11 April 2004 at 5.00 pm. A Special General Meeting will be held in conjunction with that meeting.

The meetings will be preceded by a seminar commencing at 4 pm. Following the meetings there will be a social occasion at the River Bridge Lodge (from 5.30 pm).

≈ SEMINAR

Mr. Glenn Maclean, Technical Manager (Fisheries), Department of Conservation will outline recent research and possible future research on the biology of the Tongariro River and its trout as the basis for the accepted Tongariro River flow regime. Mr. Maclean has worked in the management of the Taupo Fishery for 16 years and is responsible for the monitoring and research programs. He is also an enthusiastic angler and hunter.

≈ AGENDA

The business of the conjoint meetings will be to:

1. Record those present and note apologies.
2. Receive the minutes of the First Annual General Meeting held on 20 April 2003 and to consider any matters arising.
3. Receive the President's Report and the Financial Statement.
4. Consider notices of motion.
5. Amend the Society's Rules. Proposed Rules changes are:

5. Membership of the Society

- 5.2b **Failure to pay membership fees or subscriptions.** Membership fees or subscriptions shall become due on 1 January and shall be payable in advance on or before that date.

6. Proceedings

- 6.2 Delete last paragraph: 'All meetings of the Society other than the Annual General Meeting shall be deemed to be Special General Meetings.' (See proposed change to Rule 14.1 below).

- 6.3b. The business to be transacted at the Annual General Meeting shall include ‘.... (*sixth line*)
- the appointments of the President, Vice-President, Secretary and Treasurer (the positions of Secretary and Treasurer may be combined) ...
- 6.3d **Appointment of President, Vice President, Officers and Executive Committee Members**
- Appointment of President, Vice President, Officers and Executive Committee Members shall be subject to a nomination accepted by the Society from any member for the position provided the nominee has paid the current year’s subscription and is seconded by two (2) Society members.
- 6.3e. **Notices of motion:** Members shall inform the Secretary in writing not less than ten (10) days prior to the Annual General Meeting of any matter/s a member wishes to raise at the Annual General Meeting.
- 6.5 **Quorum**
- a. ‘At any meeting of the Executive Committee there shall be a quorum if there are four (4) Committee members present ...’
- 6.6 **Vacancies** (*paragraph 2*)
- ‘In the event a vacancy occurs between Annual Meetings in the positions of Secretary, Treasurer (or Secretary-Treasurer) or Executive Committee Member, the Committee may appoint a current financial member to serve in that position until the next Annual General Meeting.’
- 6.7 **President, Vice-President and Immediate Past President.**
- ‘ (*sixth line*)... In the event a vacancy occurs for the position of President, the Vice-President shall be appointed President and the Immediate Past President or other Committee Member, if there is no current Immediate Past President, appointed to fill the vacant Vice President’s position. Should the motion be lost and the Executive Committee be unable to make these appointments a Special General Meeting shall be called by the Secretary to elect a new President or Vice President.

6.9 **Record of Meetings**

The Secretary shall keep minutes (which will be subject to formal approval at the next meeting) of all Society and Executive Committee meetings which the Secretary shall endeavour to have available for inspection by members, not later than seven days after any meeting.

11. Accounts (revoke existing clause 11.2 and substitute the following)

- 11.2 **‘Presentation of Accounts.** The Executive Committee shall submit the accounts in respect of the immediate past financial year ending 31 December at the Annual Meeting for approval by members. Once the accounts have been approved by the members then an Officer authorized by the Executive Committee shall produce certified copies of the accounts for that financial year to the Registrar of Incorporated Societies.’

‘The accounts shall not require to be audited unless the members shall so vote accordingly.’

14. Alteration to Rules

- 14.1 The Society may add to, amend or change any of these Rules at an Annual General Meeting or at a Special General Meeting provided that written notice of the meeting and of the proposed rule changes are sent to all members not less than thirty (30) clear days prior to the date proposed for any such meeting. Each addition, amendment or change to the Rules of the Society shall require a resolution to be passed by three-quarters of the members present at the meeting.

6. Appoint an Executive Committee comprising
President, Vice President, Secretary, Treasurer (or a Secretary Treasurer),
Committee Members.
7. Consider any other matters.

Second Annual Report And Financial Statement

Our mission is to speak out for the Tongariro River and to promote desirable management of the Tongariro River from an informed base. While this Report covers the short financial year, 1 April – 31 December 2003, it shows a period of considerable activity, some important changes and a few gains. It may convey a measure of optimism, if guarded, for the future of the Tongariro River, but there is much to be done.

This report will follow the style of the Advocates' First Annual Report; after this summary of the Committee's actions, there is a set of appendices containing notes and policy statements, which flesh out that summary and which contribute to the formation of an accessible record.

We set 10 goals for 2003.

GOAL 1. *To establish a reasonably objective written statement describing the current state of the river including benchmarks where possible as a basis from which to judge change.*

This Report is that statement as it sets out to be an archive of pertinent events and thoughts. The inclusion of photographs will assist in establishing benchmark data.

GOAL 2. *To raise widespread public awareness of the Tongariro River's present state affected by power schemes and neglect and the potential future degradation if remedial action is not taken.*

We have become more clearly focussed in our role; we think that the best thing we can do for the Tongariro River is to modify and elevate people's perceptions of it as a toanga, as heritage landscape and as the leading angling river in the country, and this Report will contain many references to *restoring pride in the Tongariro River*. This aspiration, and fleshing out the emerging ideas, of *identifying and protecting heritage landscape*, are the operational concepts in carrying out the Advocates' mission. We have become a heritage advocacy group as well as an environmental advocacy group.

On the political stage, we have to report our disappointment that a formal invitation by the Parliamentary Select Committee for Local Government and the Environment (issued in the last Parliament to present our ideas on the damage to, and possible restoration of, the Tongariro River) was withdrawn by that Committee's new chairperson, Jeanette Fitzsimons, MP. Ms Fitzsimons referred the Church Petition and Submission to the Parliamentary Commissioner for the Environment who reported that the regional council, Environment

Waikato, would attend to the restoration of the Tongariro River under its Project Watershed plans. Hence, central government would not need to be involved. This position, of course, is not accepted at all by the Advocates; shifting a problem caused by a national engineering project in the 1960-80 period and which now has a costly solution on to local ratepayers is patently unfair. Further, our Submission made strong reference to loss of mana and rangatiratanga felt by Iwi, and this has been ignored.¹

The Government's intention of devolving environmental responsibility to regional government is, at face value, a policy that might encourage prudent oversight and management by all citizens. However, if it is also a policy to shift the revenue base, causing regional taxes to rise, we cannot agree with it. The mess in the Tongariro River is yet another case where the Government has washed its hands of problems its agencies have caused. In doing so, the Government ignores other dimensions of these matters, such as damage to heritage landscape and cultural values.

The Mighty River Power application to Environment Waikato for resource use and control of the waters of Lake Taupo and of the Waikato River for hydroelectric purposes was contested unsuccessfully, in respect of reducing the fluctuation of Lake levels, by a group of Advocates (see First Annual Report and web site). While some aspects of those consents have been appealed there is little solace in noting that Lake Taupo is regarded, in some circles, as no more than a cistern for industry. However, it is pertinent to record that the Commissioners hearing this application noted that they thought it strange that there was so little opposition from environmental advocacy groups and local bodies. The Commissioners noted that mitigation payouts seem to solve most of the problems!

In 2002 the Advocates wanted to find out about the mitigation settlement which Genesis Ltd and the Tuwharetoa Maori Trust Board had reached as a part of the 35-year Tongariro Power Development consents process (which still has not been completed in the Environment Court). Both the Trust Board and Genesis Ltd declined to comment, the latter asserting 'commercial sensitivity'. So we referred the matter to the Ombudsman, with whom it lies. Our interest in this matter is not an invasion of anybody's privacy; we simply want to know what we have a right to know - how much public money (from a State-Owned Enterprise) is

¹ The claim that the Regional Council will deal with the problems mentioned in the parliamentary submission (refer to our First Annual Report, and now on our web site) must be watched, for while there is evidence that while Environment Waikato will provide some protection to some properties, what EW means by 'Tongariro River restoration' and what we and the local Iwi want may be two distinct states of restoration.

available for Tongariro River restoration, just as we know how much Environment Waikato intends to spend.

GOAL 3. To ensure the promises made by central and local government and power companies in respect of doing least harm to the Tongariro River are kept.

The Advocates approached the Minister for State-Owned Enterprises, Hon. Mark Burton MP., who is also the Member of Parliament for Taupo. First, we argued against this state of affairs whereby ratepayers in a small and somewhat impoverished region should now bear some of the costs of restoration from energy projects, which were initiated as national projects. Second, we pointed out that cultural and heritage values had been swept aside. We received a simplistic response that we will continue to criticize, for this latter-day ‘de-centralisation’ of responsibility is just one example of feeble infrastructure thinking by Governments. Closely related are examples of poor energy planning which may result in a return to fast-track hydro schemes (which could make the Tongariro a further target) and the failure generally to develop infrastructure.²

These problems, when set alongside the dire warnings on loss of species and habitat described in the latest (Third) Biodiversity Strategy Report mean that Environment and Infrastructure must be placed at the highest level on all political agenda, alongside Health, Welfare and Education.

Our second activity, politically, was made at a subsequent meeting with Hon Mark Burton, as he is also the Minister of Tourism. We need his support, and that of his colleagues, Hon Jim Anderton (Regional Development), Hon Chris Carter (Conservation) and Hon Marion Hobbs

² Speaking on 10.12.2003 at an Energy Forum, Dr Keith Turner, CEO of Meridian Energy, claimed that ‘New Zealand has lost 15 years of infrastructure progress and we are now trying to remedy the situation in regard to roads, water supply, sewerage, electricity supply and transmission, and people training.’ Dr Turner noted that ‘the capability to design Project Aqua had largely come from offshore because we hadn’t been able to retain in New Zealand the necessary reservoir of expertise,’ and that ‘there had been no strengthening of transmission into Auckland for 20 years and that it would be very difficult to put more transmission lines through Auckland – just as difficult as motorways!’ Auckland’s electricity supply is to a large extent dependent upon there being no major droughts in the South Island, no wind damage to hundreds of pylons, no problems with the Cook Strait cable(s), no major lahars from Ruapehu and no eruption of ash which affects the insulators on national grid pylons conveniently placed nearby. Some infrastructure!

(Environment) in our quest to promote the extension of low-impact recreation based on the river and its environs. (The case is summarized elsewhere in this Annual Report). A further meeting is planned for 2004.

It is at the regional and local levels that we have had some success.

GOAL 4. To establish effective liaison with central, regional and local government, their relevant agencies and with key players.

The first and major positive result concerns the establishment of a Tongariro River Management Forum. This is a group representing some ten organizations, which will hold public meetings several times a year in order to share information and note progress on River restoration.³ The Forum has representatives from both the Tuwharetoa Maori Trust Board and the Ngati Turangitukua Environment Committee; typically these groups have stood apart and have preferred to deal individually and separately with the Crown.

Already there has been a raft-based inspection of the lower Tongariro River. The focus then was twofold; on work that could get under way more or less immediately, and on other projects involving consents and agreements. A summary of this inspection and a description of the sites are appended.

The Advocates promote the restoration of pride in the Tongariro River in a number of ways. One, which is just under way, is to join with civic organizations and government departments in enhancing access to the river. The river should be the central feature of extensive recreation and even eco-tourism, and we have suggested that it be opened from Begg's Pool to the Delta for foot access (it is already open to rafts and boats). Such a walkway would be an all-weather recreational facility, unlike the lake and the mountains so often affected and made more dangerous because of unpredictable and often difficult weather. While some enjoy tramping, many more citizens and tourists enjoy walking; a point respected by our ageing but fit and active population. As well, there is a need to open up the near or front country as distinct from just the backcountry, for recreational use. We have asked the Turangi Tongariro Community Board to establish a joint working party to advance these ideas. Further, we have made some of these points known to the Minister of Rural Affairs' Land Access Ministerial Reference Group through its consultation with the public on walking access in the New Zealand

³ This Forum is we believe the most important single development in the Advocates' strategy so far; if it is managed with skill and fully supported, the Forum will foster a climate of trust and co-operation that has been missing for the last 40 years.

outdoors and have addressed the Department of Conservation on this matter in a submission as part of its review of recreational opportunities.

The Proposed District and Regional Plans have been examined to ensure that the Tongariro River is accorded protection that respects its status. It is sad to have to report that the proposed district and regional plans make little mention of the Tongariro River or its Delta. The Advocates consider that the river is itself an international asset, no less so than the mountains or the lake. Yet the received view seems to be that the three volcanoes, with their World Heritage-listed status is enough to define institutional grandeur in this region and everything else can be at a lower level. We realise that the Advocates' view is not the public's view, which is why we promote a public campaign to restore pride in the river thus elevating its status. That this is not the view of the District Plan is a concern. Nor is it the view of the Regional Plan, which does not mention the Tongariro River, or its Delta, or its Wetlands.

The Committee has decided to approach the Environment Court to support appeals as an interested party against the Taupo District Council's Proposed District Plan that regards the Tongariro River as a less than precious scenic, heritage, wildlife and angling attraction. That Court will attempt to deal with the competing appeals of industrialists and environmentalists through court-assisted mediation at meetings to be held in Taupo in February 2004.

It is disappointing to have to conclude that heritage is not well recognised in this region, for outside of the Tongariro National Park, and despite its rich history there are few listed heritage sites, (five only, and only because they hold Historic Places Trust category status), and of the ten listed notable trees, nine are exotics.

These matters are discussed further in Appendices 5 and 6.

GOAL 5. To establish effective liaison with all local groups which have similar interests in the Tongariro River and other rivers with the purpose of co-ordinating lobby and action.

We have met the Environment Waikato supported Advisory Committee on the Regional Environment (ACRE), an ad hoc committee that is politically respected. (See Appendix 3 on our relationship with ACRE). That meeting with ACRE involved a day inspecting key locations, including a boat trip to the Delta, and on-site presentations of places with problems such as at the Church Farm site (on the left bank) where the river breaks out into Tokaanu Bay, and Kowhai Flat with its recent erosion endangering magnificent kahikatea trees.

The National Trout Centre located at the former hatchery on the Tongariro River is a new and widely admired tourist facility and in itself a component of the heritage we wish to define and preserve. It is clear that there are philosophical links between the aspirations of the Trout Centre Trust and the Advocates; now that this has been recognised there should be closer liaison.

It is pleasing to report the strong editorial stance of NZHerald on the major environment concerns in the hinterland, particularly the lakes. The regional reporter, Ms Stevenson, deals perceptively and analytically with environmental matters. As well, the Turangi Chronicle plays an important role in publicizing our views and concerns. However the Tongariro River's problems, derived principally from water abstraction, are neither widely nor well understood.

GOAL 6. To establish effective dialogue with Iwi and establish mutual trust.

The Ngati Turangitukua have received compensation, through the Waitangi Tribunal, for some losses associated with the Tongariro Power Project but not, it seems, for the river. The Ngati Tuwharetoa case to the Waitangi Tribunal in 2004 might further realise reparation for damage to the river amongst other matters to be settled. In the meantime, we applaud the fervour with which the Ngati Turangitukua⁴ Environment Committee is setting about the river's restoration. Using funds from a Power Company, that Environment Committee, assisted by Mr Kerry Scott, a retired Ministry of Works engineer who knows this area well, has plans to remove vegetation and silt from the river. We think this forthright action has merit and are keen to help in any way we can.

Kaumatua Tuatea Smallman, of Ngati Turangitukua, is a member of that Environment Committee, and also of the Advocates' Executive Committee. As such he represents a vital link between these two Committees and his wise counsel is important in bringing Maori and others' values together. Your President has met with Mr M. Nepia, the Secretary of the Tuwharetoa Maori Trust Board.

Ngati Tuwharetoa owns the beds of Lake Taupo and its rivers. For the record, we have printed in this report a transcript of the Deed Of Agreement 1992 whereby the Crown re-gifted the lake's bed and rivers' beds. It is important that the detail of this Agreement be known, first so as to recognise the primacy of Tuwharetoa ownership. Second, the Agreement sets out the freedom of all New Zealanders to have access to those lakes and rivers. Third, there is the

⁴ The Ngati Turangitukua are the original residents of the Tongariro River region.

view that ownership may convey more than stewardship; given that the owners receive a considerable sum (about \$600,000 annually) from fishing licences and other payments, does this mean that the owners must maintain the river bed? If so, to what standard? If so, when?

GOAL 7. *To gain public involvement and input.*

The Advocates are committed to finding the best scientific knowledge about the river and ensuring that this is brought to the public's notice. Vice President Heather Macdonald convened a public symposium at which Dr Ian Hawes of NIWA and Professor David Hamilton (Waikato University) spoke on the science of Lake Taupo's changing ecology. Attended by some 50 people, the discussion was rich and informative.

Glenn Maclean of the Department of Conservation, will present a second seminar, closely related to our interests in the Tongariro River as trout habitat, on the proposed flow regimes and the wellbeing of trout at the Annual General Meeting, on 11 April 2004. A third seminar will be presented in mid-2004.

The Advocates presented talks at The Wellington Flyfishers Club AGM, Turangi Probus and a joint meeting of the Lions and Rotary Clubs in Turangi.

As reported in *The Advocate* in October 2003, we were successful in the Taupo District's community awards. These achievements acknowledge, first, the significance of our work and second, the way we go about things. To have succeeded in receiving regional recognition like this in what was just our first year in action is pleasing. And there was serious competition: the long-established Tongariro Natural History Society and the well-sponsored National Trout Centre were also amongst the finalists. As these are essentially Turangi-based organizations too, the awards highlight the progress being made here in ecological and environmental projects. As a result of the awards, the Advocates and the Mayor of Taupo will make a presentation at the National Awards to be held in Blenheim in March 2004.

GOAL 8. *To increase the Advocates' collective knowledge regarding all aspects of the river and of the findings and effective functioning of other like advocacy bodies.*

We are represented on the Taupo-based Lakes and Waterways Action Group (which is mainly focussed on Lake Taupo) and several Advocates attend that Group's monthly meetings. Fishing matters are discussed at the Taupo Fishery Advisory Committee, attended by several Advocates committee members.

At a cross-regional level, the Advocates were represented at the Rotorua Lakes Symposium, *Practical Management for Good Lake Water Quality* in October. The effects of urbanisation and farming have enriched those waters to the point that water quality is severely compromised; recovery will be very expensive if it is achievable at all. As such it is a general warning for all lakes, and especially Lake Taupo, which is showing signs of nitrogen and phosphorus enrichment through increased turbidity and algal blooms. That enrichment is thought to be from forty-year-old groundwater. Nevertheless it is pleasing to note that Environment Bay of Plenty is so committed to understanding lake water quality management that it has established a professorship at Waikato University, and that could be a model for other regional councils.

We are keen to support John Toogood's campaign for a national policy on a cleaner environment, and in a return to traditional etiquette by freshwater anglers. (See Appendix 9).

GOAL 9. *To increase membership.*

The membership in 2003 stood at 260, which is a satisfactory number of members for the short time we have been in action. Some 80 of that number came from a direct approach to the members of TALTAC, and we recognise the goodwill extended by that long-established angling club in providing access to its mailing list. Retaining members will be an important task in 2004.

GOAL 10. *Maintain financial stability and cash flow to meet planned activity.*

The Advocates' income has been strengthened from two sources as well as from members' subscriptions. First, some members have augmented their subscriptions with donations, and these are gratefully received. Secondly, we have received two grants in the 2003 financial year. The first of these, from the Bay of Plenty Community Trust provided \$1,670 towards the publication of the Annual Report and the second, grants of \$2,000 from TrustPower as a result of successes in the Taupo District's community awards.

A certificate pertaining to these accounts will be presented at the AGM on 11 April 2004, and the Treasurer, Eric Wilson, will speak to these accounts and the auditor's comments. Further, there is a proposal to modify the Rules to allow a different approach to financial reporting.

Income And Expenditure For The Period 1 April To 31 December 2003

Income

Subscriptions, Donations, Grants	6980.55	
Awards	2000.00	
		8980.00

Expenditure

Post Box Rental	125.00	
Web site Development 2344.89		
Newsletters	2082.00	
Loan Repayment	80.00	
Annual Meeting Expenses	2643.75	
Stationery Postage	755.38	
Conference	483.00	
ACRE Meeting	230.00	
Banking	50.50	
		8756.52

Excess Income over Expenditure	186.03
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Cash on hand, 31 April 2003	6057.01
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Cash on hand, 31 December 2003	6243.04
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There are many people to thank: Heather Macdonald, Gill Osborne, Robin Parrish and Eric Wilson for carrying out the duties of their offices, and, with the committee members, devoting considerable time on Advocates' business. The Tongariro River Bridge Lodge, the Turangi Tongariro Community Board and TALTAC have generously allowed us to hold meetings in their premises and the Community Board has further supported the Advocates in other ways.

Some members deserve special mention. Bob MacDonnell has edited and published three editions of *The Advocate* Newsletter in 2003; the presentation quality of this work means that

his contribution to the Advocates is immense. Richard Kemp is strongly committed to the Advocates and he has provided detailed and considered advice on several occasions broadly across the Advocates' wide range of issues. Joan Forret, who specialises in environmental law, has made her knowledge available to the Society, as each issue we deal with requires much more than a passing acquaintance with the Resource Management Act and the ways Courts and Tribunals deal with environmental matters. Sylvia Smith offers media advice and has assisted with three major projects – the Advocates' website, the Advocates' Presentation at the TrustPower National Community Awards and the production of this Report. Jen Shieff helps in many ways, from hospitality to insightful writing. Lorraine Wilson has proofread this Report.

Surrounding these people are others who with their helpful advice and goodwill have contributed to the respected profile of the Advocates. You are valued members of the Advocates.

Finally, it will be clear that the short 2003 financial year has been a busy one, marked by vigorous work by the Committee and Officers.

As a personal view I think we can be proud of the work done both in its scope and standard. However, the river is a mess in some places so there is much that is still to be done if the Tongariro River is to be restored to its once exalted place in the Pantheon of great trout streams.

A handwritten signature in black ink, appearing to read 'Mark Cosgrove', with a long horizontal flourish extending to the right.

Mark Cosgrove
President (2002-2003)

APPENDIX 1

THE TONGARIRO RIVER MANAGEMENT FORUM

An important event in the short life of the Advocates for the Tongariro River occurred on the 12 November 2003 with the inaugural meeting of the Tongariro River Management Forum.

At that meeting convened by Environment Waikato and held in Turangi, the case for a Tongariro River Management Forum was spelled out, terms of reference were established and membership was confirmed.

The Advocates have felt the need for a public forum whereby concerns about the river could be discussed. Now, with special rates being levied for river restoration and sizeable mitigation funding from the hydroelectric utility available to Ngati Turangitukua, ratepayers and friends of the river sought some mechanism whereby accountability could be rendered visible. While the Management Forum is not a statutory body, it has the potential to re-establish effective working relationships amongst the agencies and groups which have an interest in the river. Enhancing that relationship is a necessary step in devising an ongoing river management plan.

The background to this development is the abrogation of responsibility by the Crown for the damage incurred as a result of the Tongariro Power Development scheme.

≈PURPOSE OF THE FORUM

This Forum aims to link the community to the professional oversight of the river. A river management plan needs to be prepared with inputs from all interested and affected agencies. Therein, issues will be identified and addressed, and an annual work plan will be set up. The Forum will expect to assist with the consents processes, and finally, provide feedback to the various interest groups.

The Forum will have to address the concerns of the riverbed owners, Turangitukua, who seek restoration of their taonga, residents with flood protection needs and folk who identify with the importance of the river recreationally and aesthetically.

It is widely accepted that the river has not been well cared for; from 1972 to 1992 the Crown largely ignored the negative effects its engineering schemes had on the river. Since 1992 when the river was gifted back to the Tuwharetoa, the owners have viewed the alarming rate of deterioration, noting that the damage is compounding from one year to the next.

≈ REPRESENTATION

The bodies represented on the Forum are

Ngati Tuwharetoa Maori Trust Board, Ngati Turangitukua, Genesis Power Ltd, Environment Waikato, Taupo District Council, The Department of Conservation, Taupo Fishery Advisory Committee, and The Advocates for the Tongariro River.

The Forum will meet three or four times a year, and one of these meetings will include a river inspection. Environment Waikato will provide full administrative services for the Forum.

≈ PROJECT WATERSHED

The regional authority, Environment Waikato, has at last picked up the challenge issued some years ago by the Turangi Tongariro Community Board, to redress the damage and to set about restoring the river to something near a sustainable state. Under Project Watershed, a catchment wide river management and flood protection program has been confirmed. A funding framework was set up (from July 2002), with rating levied at regional, catchment and zone levels. A local rating classification was set up for the Tongariro River's flood plain.

Project watershed aims to

- improve the level of flood protection to Turangi town and the surrounding land and property
- manage the river better by carrying out specific river improvements
- maintain the existing protection works, and
- to integrate with the proposals advanced by Turangitukua Environment Committee for the lower river.

Proposed works cover five programs;

- river bank protection and erosion control
- stopbanking, both new stopbanks and extensions to existing structures
- river management
- management of gravel, vegetation and debris
- identifying where impacts will have greatest effects.

Funding

Project Watershed has a budget for capital works and annual maintenance, viz.

Capital Works

River management	\$250,000
Flood protection	\$800,000

Annual Maintenance

River management	\$27,000
Flood protection	\$29,000

Further funding will arise from the mitigation provided to the riverbed owners by Genesis Power Ltd. This amount is still not known precisely.

≈ SPECIFIC RESTORATION PROPOSALS

The principal focus initially is on the lower reaches, from the State Highway 1 Bridge to the mouth. Work will involve general channel restoration, with some planting for bank protection. Where needed, vegetation and debris will be cleared, and the gravel managed. Such work is seasonal, which here means when the fish migrations are at their lowest. Some of this program is ‘dry work’ which means that the river need not be disturbed and so it may proceed without the need for a resource consent hearing (non-notified consents). So far, there have been discussions between Environment Waikato and Ngati Turangitukua over this works program and their relationships. Also, the consulting engineers, Tonkin and Taylor Ltd. have prepared an Initial Assessment Effects Report, and there have been three on-site meetings about this with residents and consultations with key parties. Identification of non-notified, notified and permitted activities has taken place, and consent applications have been lodged.

≈ PERMITTED ACTIVITIES

So far, these include the topping-up of stopbanks and the ongoing management of vegetation as part of routine maintenance. This includes willow control and there is evidence of the effectiveness of this process already; this is classified as dry work.

≈ RESOURCE CONSENTS

Non-notified resource consents for vegetation and debris removal from Delatours Reach to the Mouth have been obtained and this work is ready to go now. A consent for bank protection under this category has also been granted.

Notified resource consents for gravel management and new stopbanks are being sought. It is unlikely that any work on these matters will occur in this summer's construction period (2003-4), as a hearing cannot be held until February 2004. It is estimated that scalping shingle banks and islands will remove some 15,000 cubic metres of gravel.

The value of gravel removal is made in The Church Submission (2002-3 Annual Report and web site) and elsewhere; advisory engineer Kerry Scott has informed the Turangitukua and the Management Forum that, 'metal winning in the 1960s and 1970s assisted the river by mitigating the build-up of shingle from the SH1 bridge to Delatour's Pool.' So, gravel extraction should be a key part on the ongoing management (and rightly so; the river in losing 50% of its flow has a greatly reduced kinetic energy – an eightfold decrease- and so cannot deal with the bed load that it could when the flow was of the order of 55 cumecs, cubic meters, or tonnes per second). Furthermore, the effect of removing 15,000 cubic meters of gravel annually will be used to set a base line whereby every two years surveys will be made of that baseline. (This represents a major breakthrough – the establishment and monitoring of baselines dealing with the bed load is vital to the management of the river).

The Turangitukua people want to take gravel for commercial purposes and this is nowhere as straightforward if it is done in an ad hoc way, without the best technological advice, according to the Department of Conservation (which organization, it seems had not been kept abreast of proposals until the time of the first Forum meeting). It is proposed that a senior NIWA hydrologist be consulted first.

Action

Under Environment Waikato the tasks to be dealt with now are

- completing consents consultations
- sign off by affected parties
- processing further consents
- setting up detailed work programs
- preparing tender documents
- letting contracts
- completing capital works.

So far (November 2003) the Assessment of Environmental Effects has been completed, and consultation is ongoing. By late December, landowners' and others' approvals should be completed and non-notified consents granted. A Hearing for consents is set down for February 2004, and it is expected that, if granted, these will be issued in March and April. Works could commence in April. However, this may be an over-ambitious schedule. If it is then there will have to be delays until the next summer.

APPENDIX 2

Tongariro River Inspection of Proposed Works, November 26, 2003.

Present

Ghassan Basheer and Bilyana Podrumac (Environment Waikato Asset Management Group), Roger MacCulloch and Mark Davenport (Environment Waikato Resource Use Group), Peter Roan (Tonkin & Taylor), Catriona Eagles (Taupo District Council), John Gibbs (Department of Conservation), Kerry Scott (Ngati Turangitukua consultant), Jarrod Bowler (Genesis Power Ltd) and Mark Cosgrove (Advocates for the Tongariro River).

The meeting was held after inspecting the Tongariro River between the SH1 Bridge and the lake. The purpose of the inspection was to confirm the proposed river restoration works program and discuss the likely effects of these works, then confirm the appropriate methodology for undertaking the works at each site.

The following are the comments made on the proposed works starting from the bridge and heading downstream towards the lake. These notes should be read in conjunction with the aerial map (shown as a centrepiece in this Report) of the inspected area.

1. The gravel accumulation along the left bank of the Bridge Pool - The work proposed is to remove the vegetation, debris and gravel material from this area, as provided in the application. No crossing of the river is required. All parties have a good understanding of the proposed works and proposed methodology.
2. The Herekieke Street erosion protection rockfill along the right bank - This is to extend the existing protection upstream. Access will be from the end of Herekieke Street. The proposed method is to build a bank and rockfill behind the property, progressively starting from the upstream end. All parties have a good understanding of the proposed works. These works are not part of the Turangitukua project.
3. The groyne line across the secondary channel between the EW reserve and the gravel island - This structure is likely to be a steel structure with willow trees tied to it. The objective is to minimise the flows into the secondary channel, preventing the expected natural change in river channel location towards the right bank, where a stopbank is proposed to protect the Tongariro Lodge. Questions about the height of this structure and its ability to withstand hydraulic forces were raised. Ghassan explained that it would not be more 2-m in height above bed level and it will be designed to withstand the hydraulic

forces. Also suggested that clearing of accumulating debris, which might close this channel, will be undertaken through the annual maintenance program. All parties have a good understanding of the proposed works. These works are not part of the Turangitukua project.

4. The gravel island opposite the Tongariro Lodge - It is proposed to remove debris, vegetation and gravel from this island. It is proposed to build a temporary access to the right bank, where the material will be used to construct the stopbank along the back of Herekieke Street and the Lodge. This stopbank will be approximately 2-m high and will extend to form a road into the Forestry area to the north and link Grace Road. All parties have a good understanding of the proposed works. The removal of debris, vegetation and gravel from the island is included in the Turangitukua project.
5. Provisional erosion protection along the left bank opposite the gravel island above - It was confirmed that this work is only provisional. Currently, it is proposed that this protection is not required and future investigation might highlight the need for this work. However, it is likely that the protection required will be a plant revetment rather than a rock wall. These works are not part of the Turangitukua project.
6. The proposed groyne line along the left bank at the secondary channel - This groyne structure was only provisional and it was confirmed that this work would not be required. These works are not part of the Turangitukua project.
7. Erosion at the right bank along the Forestry area - The bank erosion along the forestry area was noted. The proposal does not include works in this area. Ghassan suggested that this work might be undertaken in the future through the maintenance program. The type of protection is more likely to be a plant revetment, rather than rockfill. These works are not part of the Turangitukua project.
8. Debris and vegetation removal from the islands opposite the forestry area and downstream - It is proposed to clear these islands from accumulated debris. Temporary access might be required, but was not seen as a problem. The main issue was where to dispose the debris. It was agreed that all debris should be located on the flood plain, sprayed and secured, so that it doesn't float back into the channel in a flood event.
9. Willow clearance - It was agreed that mature willow trees along both banks of the river could be cleared and disposed in the same way as proposed in 8 above. However, this will be selective, depending on the availability of access. All new generating willow

trees should be sprayed. The mature willow trees will be trimmed only where they intrude on the floodway. The roots are required for erosion protection. The method of willow clearance/spraying will be decided at later stage.

10. Closure of overflow channels along the right bank of the river down to Graces Pool - Ghassan explained that these works are of minor nature, including using river sands and gravels where available and/or local material from the flood plain. The aim is to fill these low spots, which are mainly eroded fishermen tracks, to prevent premature flooding of the pastureland. The fill will not be higher than the natural banks and as such not forming a stopbank or diversion of flows. The gravel will be placed on top of the fill, so that it will prevent the erosion of the fill and provide improved access for fishing. These works are not part of the Turangitukua project.
11. Downstream of Graces Pool - The works are mainly removal of debris and willow trees from the riverbanks. Erosion of the banks does not seem to be an issue, as the river is very shallow (approximately 1-m deep). However, a comment must be noted that the planting of trees to stabilise the bank is a solution if necessary. Three small debris and sand islands were to be removed. However, after discussing the practicality of this work, it was agreed that only debris and vegetation could be removed by pulling from the banks. Using a barge was not a practical option and as such, no barge will be used for these works. However, if the removal of islands is not possible by other means, a barge will be used.

In general, the feedback was that the inspection was beneficial and provided clarification to all parties as to the extent of the works, the current nature of the site and the reason for undertaking these works. The main comments received were as follows:

John Gibbs (Department of Conservation): was supportive of a spraying program for the willow trees and removing them from the floodplain. The main requirements include minimising the period of operating into the river. However, the view was that minimal disturbance will occur at any one time and there were no major issues. DoC is also expecting the project team to work in continuous liaison with them and an upgrade to the access track along the left bank is desirable. Ghassan confirmed that this will be considered and could be accommodated within the works if there was a reasonable solution. These works would be part of the Project Watershed works.

Catriona Eagles (Taupo District Council): Required that sign off from directly affected landowners be obtained and the general public be notified of the access points and the scale of works undertaken. Public notification could be achieved mainly through the local papers, newsletters and appropriate signage at access points.

Mark Davenport and Roger MacCulloch (Environment Waikato Resource Use Group): were in general acceptance of the whole work, subject to meeting certain resource management requirements during the works.

Mark Cosgrove (Advocates for the Tongariro River): was supportive of the whole proposal, but noted that there were no proposals to inhibit the river flowing from the left bank across pasture below the sewerage facility.

Jarrold Bowler (Genesis Power Ltd): was supportive of the proposed works, especially that the scope of works was reduced.

(The photograph in the centre of this Report identifies some of the proposed works)

APPENDIX 3

Liaison with the Advisory Committee for the Regional Environment, ACRE

Key environmental matters we ask ACRE to take an interest in are:

- 1 ACTIVE SUPPORT FOR THE TONGARIRO RIVER MANAGEMENT FORUM as a reference group where experts and community groups share their knowledge and concern.
- 2 ACTIVE SUPPORT FOR THE MANAGEMENT OF THE TONGARIRO RIVER. The active management of the Tongariro River under the direction of Environment Waikato (EW) will need support from all quarters to promote the welfare of the whole River. In the short term we look for support for EW and the Turangitukua in their plans for clearing the river's channel. In our opinion this active management will be best done by a regular cycle of channel clearance and grooming under expert advice (e.g. NIWA).
- 3 HERITAGE LANDSCAPES. A key issue is the identification and protection of heritage landscapes. We see the need for a register of heritage landscapes to be compiled through the District Plan and Regional Plan. Further we see a major educational task ahead, both for EW to be active in identifying such landscapes and also ensuring they are fully protected from erosion, fire, pests etc. The public needs to be made aware of the intrinsic environmental values and features of these landscapes and have access to them.
- 4 THE DELTA. The Delta is an ecological treasure; its wetlands provide a natural buffer between the River and Lake Taupo as well as being the habitat of many important species. Its configuration as a crow's foot delta in fresh water makes it a rare and valuable landscape. The Delta's continued evolution is compromised by the Tokaanu tailrace so that it may be prevented from migrating westwards. Further, the Delta is the conduit between Lake Taupo and the breeding grounds for more than 40% of the rainbow trout population (whose habitat is to be protected under the Resource management Act) and home to a resident population of brown trout. It is essential that this site be well managed.

- 5 **SCIENTIFIC STUDIES.** We realise that scientists are working with incomplete knowledge. It is important that strenuous efforts are made to increase that knowledge base. Long term it is our belief that the Tongariro River Management Forum will function most efficiently if it promotes studies leading to a deeper understanding of the ecology and hydrology of the River. We note that Environment Bay of Plenty has realised the importance of sophisticated management of waterways and that it is best based on scientific understanding of its Lakes through, for example, the funding of a Professorship. This would be a fitting model for EW to adopt with respect to the whole of the Waikato River system including the portion of it that is known as the Upper Waikato and Tongariro River.

CONCLUSION. The problems being experienced by the Tongariro River and its environs are directly attributable to inept management. Since the River has half its flow abstracted it was incumbent on the engineers to do all they can to prevent the premature aging of the Tongariro. This aging is occurring exponentially with the result that between one year and the next major changes occur. Careful, science based management may help in recovery and restoration.

APPENDIX 4

Briefing The Minister for State-Owned Enterprises, Hon M. Burton M.P.

≈ **VISION**⁵

The Advocates view the natural features of the Central North Island, the Mountains with two World Heritage citations, Lake Taupo with its pristine water quality and the Tongariro River which is the corridor between the other two, to be worthy of holding equal stature and to be an entity, rather than three separate features.

The Advocates seek a re-evaluation of the prime regional asset, the Tongariro River for itself and for its importance to the well being of Turangi and the nation's tourism industry.

≈ **THE ADVOCATES' POSITION IS**

- That the Tongariro River is no longer a natural river by dint of two engineered effects; first, the abstraction of about 50% of its water means that it is unable to deal with its own waterway, and second, the manipulation of Lake Taupo, also principally for hydroelectric purposes produces back-flow and aggradation. Thus the river's ecosystems are heavily modified.

- That in most other catchments in New Zealand the paramount problem of the day is water quality; here it is one of water quantity. As such, the problem is shared with the Whanganui River (a disputed consents hearing is before the Environment Court).

- That the Crown has been remiss in keeping its promises to citizens that it would continue to manage the Tongariro River after the completion of the Tongariro Power Development Scheme, that the re-gifting of the River (and the Lake) to the Ngati Tuwharetoa in 1991 should have been preceded by or accompanied by full restoration. The Waitangi Tribunal (Professors Geoffrey Orr, Sir Hugh Kawharu and Dame Evelyn Stokes, in The Turangi Township Remedies Report, 1998) accused the Ministry of Works of bureaucratic sophistry in its dealings with the people of the river.

⁵ These notes have been put together from many sources, including ideas from Advocates' members and partly from the Ngati Turangitukua case to the Waitangi Tribunal and the papers of that hearing.

- That the Government's subsequent delegation of catchment work to Regional Councils means that it has side-stepped the matter of redressing the damage caused by the construction work and subsequently of some 30 years' operation of the river at lower than natural flows. In doing so it has caused an increase in the rating burden borne by an already heavily rated citizenry. While there is some expressed unrest about this, the matter could blow out to cause a similar reaction as that produced by the Auckland Regional Council's current rating demands if citizens are not assured that the river will be restored and better managed.

- That engineering interventions at the head of Lake Taupo turned a peaceful hamlet into a project town for a time, and at the completion of the Hydro projects in the region (Tokaanu, Rangipo and Ohaaki), the town was left to fend for itself. Turangi was meant to become an ordinary country town at the conclusion of the Power Project, but Government re-structuring action, for example, to the Forest Service, forced redundancies and people were locked in by their mortgages. Local employment prospects are still limited, and many workers travel from Taupo. To assist Turangi to become a mature town requires a critical mass of employed people to be living here if it is to be self-sustaining. We propose a major initiative in tourism based largely on the River, as this is the most likely employment and wealth-creating way to economic sustainability here.

Historical Context and Cultural Influences

We think that our analysis of the situation here needs to be seen in the milieu of the middle years of the twentieth century in New Zealand. We consider that these points are relevant.

1. 1935 election outcome. The Labour landslide in that year and the end of the Depression; the new Government emphasised that full employment would be a feature of its economic and social recovery plans.
2. World War 2. This war, won by the side with superior technology, hastened the accelerating industrialisation of New Zealand, and Australia. In NZ, the building of two dams on the Waikato River had developed
 - a work force ready and able to build further hydro projects, resulting in another seven or so dams, and the installation of control gates at the exit of Lake Taupo so that the Lake became a cistern for those hydro plants
 - a decision-making process whereby harnessing of resources under war-time conditions emphasised rapid construction and led to engineer-managers later

abrogating their responsibilities to consult and inform, resulting in decision making processes which were entirely ad hoc, arbitrary and not subject to either risk analysis or public scrutiny.

3. The Australians, with hydro successes in Tasmania, which emulated New Zealand's, were about to build the Snowy Mountains Scheme for hydro and irrigation purposes. That scheme required heroic engineering, with much tunnelling etc. Lest we be left behind both in energy production and engineering prowess, the Holland and Nash Governments determined to follow this path as well.

The issues

The river is held with special spiritual respect by the Turangitukea Iwi and Hapu and has been so held for many generations. The Iwi and Hapu consider that the river is being dishonoured and mana has been lost.

1. The river has lost its friendly roar and its Mauri has disappeared.
2. Turangawaewae is desecrated because of environmental changes brought about by engineering, resulting in riverbed raising leading to floods.
3. Waahi tapu, such as fields and burial grounds, are submerged.

The Waitangi Tribunal findings in favour of Ngati Turangitukua recognised these changes and defined the Crown's duplicity (see Waitangi Tribunal Report, 1998). A further Treaty claim is expected; if that 1998 decision is any indication, the Crown will again be embarrassed.

The river is regarded as the prime tourist attraction of the Turangi region and of the Central North Island.

1. The river, its delta and its wetlands are of international ecological interest.
2. The river and its delta are of extreme scenic and aesthetic value.
3. Once, the river, with its habitat as a nursery for wild rainbow trout, was held in the highest regard internationally as a trout fishery.
4. The river's recreational values are subservient to its industrial status for the extraction and non-return of water for hydro electricity purposes.

While the river needs help to cope with the effects of the Power Project, it also needs help to cope with volcanic ash following eruptions. Special provisions should be made to flush the river following eruptions; much of the ash from the 1995-6 Ruapehu eruptions has not yet passed through the river and into the lake.

The river's value has depreciated markedly as a result of the TPD scheme and the ongoing flow regimes.

1. The recreational value of the river has been severely compromised by the over-abstraction of water and by acts of mismanagement and neglect over past decades.
2. The original TPD decisions from the ground up were controversial at best economically suspect, culturally arrogant and environmentally ignorant. The TPD Scheme was hugely expensive with considerable cost over-runs, the selection and subsequent development of the Turangi West site defiled many Waahi Tapu, and the Nature Conservation Council strongly advised the Government not to locate the town beside this important river.
3. The TPD scheme would not pass any modern planning criteria, especially that of the RMA, yet no thought is given to either retrospective review or of adopting modern principles of participatory management.
4. Promised on-going management after the construction phase ended did not take place.
5. Progressive, cumulative and compounding decay is occurring. The river is ageing prematurely as it lacks the kinetic energy to do the work needed to keep its channel clear (moving sediments of its own making, those from erosion and those from eruptions, and checking the growth of bank-side plants such as (noxious) willows, all of which the river could deal with before.

Note: The original mean flow of 55 cumecs has been reduced to about 25 cumecs, which results in an eight-fold reduction in kinetic energy. The original decision was for 1000 cubic feet or 28 cubic meters per second or 'half for us and half for the river' it seems; subsequent changes have also been made in ad hoc ways.

There is no river management mechanism or plan.

1. The river is operated under ad hoc processes principally as a single-use canal for hydro purposes.
2. A number of bodies make decisions affecting the river in isolation from one another; there is no mechanism for co-ordinated principle-based decision-making.
3. There is a prevailing feeling of ennui amongst some river managers and some recreational users.

4. There has been very little interest in the river over the years either by the Regional Authority or by the District Council. This is especially obvious in the paucity of scientific research reported on the river's ecosystems and habitats.
5. The SOE Act requires state-owned enterprises to be wise corporate citizens within their communities and there is little sign of this with respect to the river.
6. Mitigation is given as an acknowledgement that damage has, is and will continue to occur as a result of altering the river's flows (also affecting other natural sites such as Lake Rotoaira through sediment build-up).

The Regional Authority, Environment Waikato, has inherited the cumulative mess left behind by the TPD Scheme.

1. The central Government, through a recent decision of the Local Government and Environment Committee of the House of Representatives, has sidestepped the issue of the Government's responsibility for river restoration by declaring that the matter is now a regional concern.
2. The Regional Council's approach to this problem is to attempt to manage river flooding, erosion and channel management in the lower Tongariro River (from the Hydro Pool downstream) and seems to have ignored pressing problems (such as channel management and erosion control) in the upper river. In doing so the Council appears to have ignored the evidence of the interaction of up-stream and down-stream effects noted in the Clutha River floods of November 1999 and earlier.
3. The Regional Council will fund some river restoration through a recently struck regional tax, called Project Watershed. This tax of property owners is likely to have a serious effect on the town of Turangi, where residential rates are already high comparatively (cf. Remuera and Central Wellington) and may result in an unsustainable rates burden on households, many of which are of extremely low income now. In any event, Project Watershed can fund some asset protection and not the overall restoration, nor can it maintain other values.

There is little realization of long-range effects caused by the dam (at Rangipo) and water abstraction (at the Poutu Intake). Nor is there recognition that hydro systems have a limited life.

1. Sediments form behind the Rangipo dam and have to be dealt with by flushing.
2. Sediments accumulate in Lake Rotoaria, raising the bed of that lake.

3. Sediments over the centuries have built up the Tongariro River plain. An inspection of this plain from the air shows a westwards drift towards Waihi village. This process is greatly truncated now: there is less sediment arriving at the Delta, the river cannot move the sediments that do arrive there, and the Tokaanu Power Station's tailrace water (the abstracted Tongariro River and Whanganui River water) scours out the newly forming plain.
4. Sediment removal by dredge was strongly recommended by the Commissioner of Works many years ago but has not been carried out.
5. Hydro schemes have a limited life especially where their storage capacities are reduced by severe sedimentation, as is the case here. The Ministry of State Owned Enterprises should have plans and contingency models developed and funded so that restoration can occur other than through additional regional taxes.

The sediments borne by mountain streams and rivers are the products of erosion forces (wind, water and ice). In Nature, these sediments find their way to the ocean where they establish new plains. On their way to the ocean, sediments play a part in the ecology of the river. Artificial sedimentation cuts across this process.

Environment Court and Tribunal decisions are arrived at as a result of adversarial actions.

1. The best outcome is not considered, only the winning one. That this approach pervades, despite the trail-blazing example of the Save Manapouri Campaign 30 years ago. That campaign led to the acceptance of the concept of Guardians, which should be applied to this case, the Whanganui River case and all others.
2. The capacity for effective counter-claims is restricted especially as they would need to be brought by amateurs such as recreational users (canoeists, rafters and anglers).
3. The resources of one party, the power company, have been too great and too sophisticated for opponents to confront (cf. cost to an individual of an appeal to the Environment Court versus the financial clout of the company).
4. Decisions are made on contentious science or poorly understood natural effects, technological solutions are imported without testing
5. The consent period of 35 years is far too long for this and other invasive practices (such as the accumulation of sediments in Lake Rotoaira and the 'Lake' Otomangakau settling ponds, the engineered manipulation of water levels in Lake Taupo, ramping effects in the Waikato River, etc) to be reviewed and re-negotiated.



This stretch of the river upstream of the Birches Bridge shows the old channel leading from the Hydro Pool (itself an engineered pool). Gabion baskets (inset) were installed in the 1960s but were poorly looked after; by the mid 1980s little was left.



Further erosion threatens the Taupahi residences. Had the gabion baskets been maintained and the main channel lowered the damage and its costly remedy may not have occurred.



The Hook and Main Mouths, Tongariro River, January 2001.



The Hook, Tongariro River Mouth, January 2004.

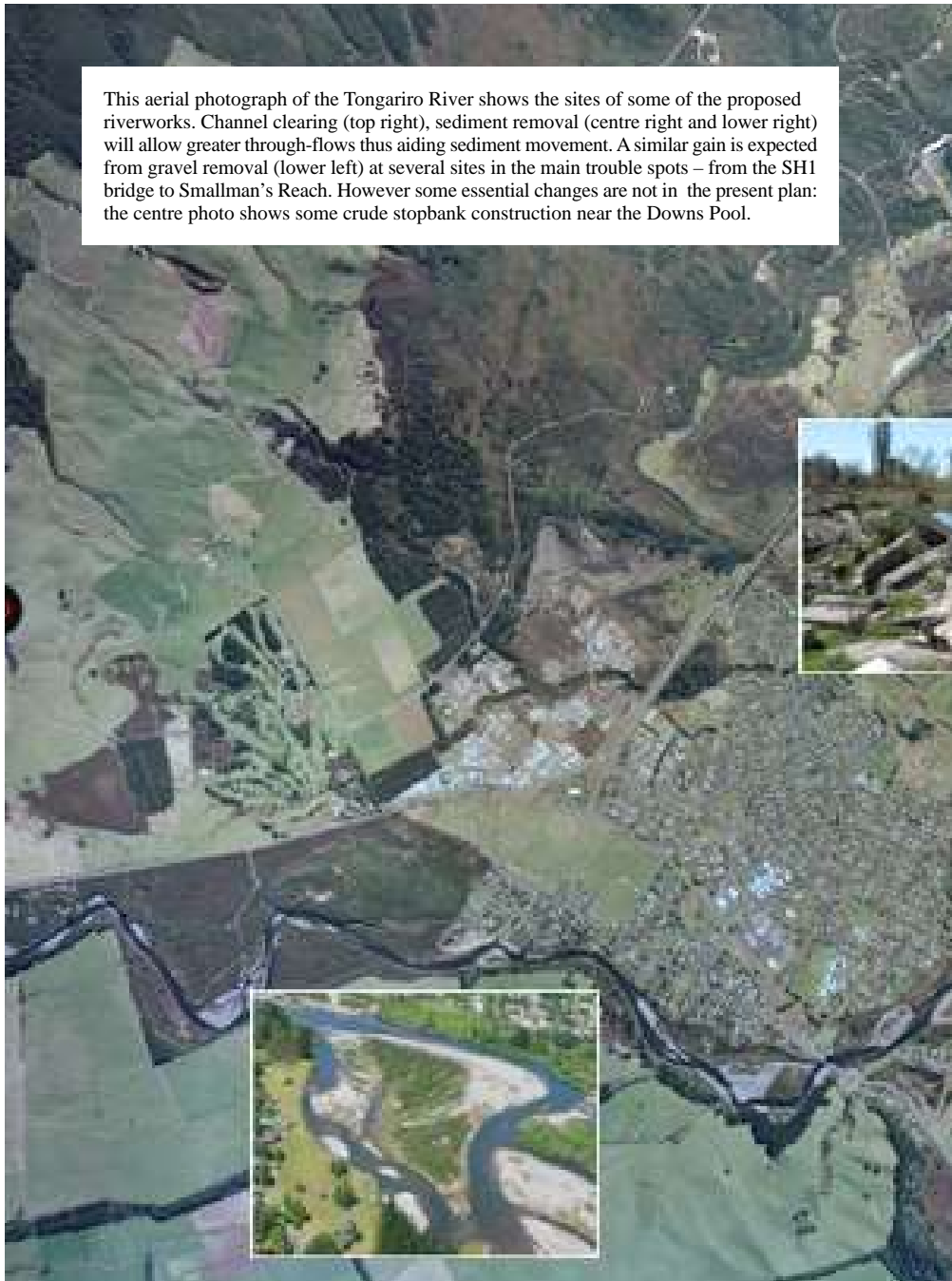


The Hook and Main Mouths, Tongariro River, January 1974.



The Hook and First Mouths, Tongariro River, January 1974.

This aerial photograph of the Tongariro River shows the sites of some of the proposed riverworks. Channel clearing (top right), sediment removal (centre right and lower right) will allow greater through-flows thus aiding sediment movement. A similar gain is expected from gravel removal (lower left) at several sites in the main trouble spots – from the SH1 bridge to Smallman's Reach. However some essential changes are not in the present plan: the centre photo shows some crude stopbank construction near the Downs Pool.







The River faces other threats: ash from eruptions needs to be flushed through as quickly as possible. Who would organise this? (Photo taken in July 1995).



Another threat is from lahars. The Ruapehu Crater Lake is about 80% full (summer, 2004). It is unlikely that the overflow lahar expected in the next two or three years will enter the Upper Waikato and Tongariro River system, as a bund will deflect it to the south. But here is another and much larger type of lahar expected – the wall of the Crater Lake may fall away and earthworks will not contain that lahar. It will enter the Tongariro River. (Photo taken in 1999).



Islands such as this near Downs' Pool will be removed by the Ngati Turangitukua Project. The same site was shown in our First Annual Report, (p.26). The interval between the two photos is about 18 months.



Tongariro River 10th January 2004. Braiding like this leads to lower river flow and consequent deposits. This results in bed raising and flooding in times of high flows



Tongariro River breakout, left bank, near Smallman's Reach. The use of dumped concrete is hardly an edifying site. But who is responsible?



The Tongariro River has much spectacular landscape; it is a scenic gem. Yet below the surface there are problems caused by humans' actions, and these have not been managed well.

The Advocates' proposals

The Advocates for the Tongariro River ask the Minister to address these issues. In particular, the Advocates ask that:

1. The restoration of the Tongariro River as a result of damage done by the TPD Scheme and subsequent effects is adopted as a responsibility of the Central Government of New Zealand on behalf of all New Zealanders and their international visitors.

Here, restoration means a progressive course of action, which results in the river achieving a sustainable state whereby it can clear its banks and bed of unsuitable plants, debris and sediments.

Rivers elsewhere that have been beheaded by having water taken off and not returned (e.g. the Waiau River in Southland and the Whakapapa, Whakapapa-iti and Whanganui Rivers in the Central North Island) have, through belated consultative processes, been partly restored by reduced abstraction to the point where they are more or less sustainable now.

Note: It is possible that such a plan could be income-generating through, for example, the production of gravel which could be used for roads and building. As there is no longer a fulltime crushing plant in the area this could be of considerable economic benefit. Some 10,000 tonnes of road-making material is brought in to the district each year. Earlier, (1960s) the Ministry of Works argued the case for gravel extraction during the TPD Project on the grounds of flood protection and habitat improvement.

Additional Note: The Advocates further suggest that a provision is included to the effect that any removal of gravel from the riverbed would be required to be strictly monitored and under the supervision and control of the body which is sympathetic to the improvement of the river to ensure that the disaster which occurred in the early 1960s from the removal of gravel does not occur again. This damage, in the form of incompletely closed channels, is still obvious today.

Further note: There is demonstrably a need for a new field of study; it is eco-hydrology. Regrettably, hydrology is too often associated with water manipulation for industrial use.

2. The situation of the resource consents process and time frame of 35 years' duration is reviewed. Under existing law and with this time frame, the only recourse citizens and others have when, for example, new ecological knowledge comes available is by seeking political action. While this can be fruitful, it can also be divisive and may upset otherwise stable political and electorate balances.
3. The Minister considers specific steps, which would enhance the tourism potential of Turangi. What we have in mind here is responsible and ethical tourism, which identifies

wildlife and geological features and which provides insights into indigenous culture. On a small scale, the Advocates have identified that a river walk could be developed between the two suspension bridges, so that a round walk of some 10 km is provided. At present there is no public access on the left bank except to the National Trout Centre site and to several small reserves, and a walkway on this bank is the proposed first stage in a project. On a larger scale this could, for example, see angler access on foot provided on the right bank from the Poutu Intake site to the Fence Pool, further footbridges, the provision of DoC-style huts for camping etc, this providing a wilderness experience. (At present some 8 km of the river is accessible by raft only because tracks and bridges have not been provided).

4. The re-evaluation of the Tongariro River as a multi-valued and multiple use resource is a Government-led initiative and priority. Such a stance might include a major review of the river's hydrology and the establishment of benchmarks that identifies the changes and the trends which engineering has caused.

Note: Some of the senior TPD Project engineers are still alive and it is important that these people be interviewed in the near future. An oral history fund and process should be established.

5. The process of citizen representation in the management of natural resources is extended to include the Tongariro River and its watershed through the establishment of an Advisory Board that reports in this case to the Minister of Tourism, the Minister of Conservation and the Minister for State Owned Enterprises. Through this Board a broader set of ideas can be examined, including education, tourism, which would then become reference points for others, such as the Ministry of Development, to resource. (This Board would be a complement to the proposed Management Forum). A full-scale ecological study is needed to underpin all restoration activity so that wetlands and other habitats are considered.

Summary. The Advocates' case is twofold and is seen as unfinished Government business. First, The Advocates ask the Government to fund the Tongariro River's restoration. Second, The Advocates wish to see the town of Turangi further developed through Government-initiated strategies as a sign of good faith given the disturbances made.

APPENDIX 5

The Tongariro River and District and Regional Plans

The Advocates for the Tongariro River have initiated actions based on its policy of enhancing the value of the Tongariro River, of re-establishing its prestige and broadening its place in the conservation and environmental movement.

One step in this initiative is to ensure that statutory bodies such as Environment Waikato and the Taupo District Council comply with the Resource Management Act and others such as National Parks and Conservation Acts.

The Taupo District Plan

The TDC's District Plan, guided by the RMA, sets out to identify and preserve wetlands, lakes, rivers and their margins, but it does not yet have rules to protect such natural features. The Plan describes these features as landscapes, noting that the term 'encompasses both physical and cultural aspects' (TDC Proposed District Plan 2000, p.57); the latter point being judged on what any specific landscape means to people. (emphasis added).

So, landscapes in the Taupo District can be prized for their ecological values and for their cultural and heritage values.

The Council has decided to rank its significant landscapes. Some, five, are awarded the status of 'outstanding landscape management areas.' The five are the three mountains of the central plateau plus Lake Taupo and the Karangahape Cliffs. Others ranking lower in 'natural landscape attributes' are called 'landscape amenity management areas.' Note that the term 'natural' is used as the descriptive classifier, not 'physical and cultural' as used in the definition above. There are 23 of these in the District, including the Craters of the Moon, the Waikato River, Te Kauwae Point and Lake Rotoaira.

The Tongariro River is not included in either list, nor is the Tongariro River Delta. A senior environmental planner with the TDC reports, "As you will see from the assessment it was concluded that the river was worthy of Landscape Amenity Management Area status (LAMA) but was not 'outstanding' according to the criteria applied. It was however decided that it was not appropriate to include the river as a LAMA within the Plan through the submission process, given the high level of likely interest from various parties, and the lack of their involvement in the process to date. The decision was made that the change would be made through a variation

to the District Plan at a later date to provide for a more inclusive process” (Craig Sharman, email, 26 Nov, 2003). This is code for something, but it is not clear what that is.

Further, the criteria for landscape evaluation in the proposed District Plan (July 2000) have been challenged by, amongst others, Mighty River Power, Contact Energy, NZ Forest Managers and the Department of Conservation. The Environment Court may hear the challenges.

It may be desirable for the Advocates to join the appeals process by claiming (1) that it was not around in 2000 and so could not comment on the draft plan, and (2) that it ‘has an interest greater than the public’ and hence use section 274 of the RMA to oppose the TDC’s classification by challenging the landscape evaluation.

It is worth pointing out that the Department of Conservation requested that the Tongariro River be classified as an outstanding feature or landscape. However that request was declined; the decision to rank the River at the lower level came from a landscape consultant’s assessment. DoC has appealed this categorization.

So there are three matters here; first, to ensure that the Tongariro River and its Delta are recognized as outstanding under a broader umbrella than the TDC has used so far – by, for example, setting out a case for the River to be considered as ‘heritage landscape’. The ACRE people suggested this idea, and it is being fleshed out at present. In this way the Advocates could hope to influence the variation to the District Plan as proposed by Sharman (above).

The second matter is to decide if the Advocates should join the opposition to those of the 40 or so appellants who would have no or very few designated landscape sites for what might be called industrial reasons. Note that the Ministry of Energy has a legal aid fund that Incorporated Societies can apply to.

If the Advocates decide to use section 274 of the RMA to oppose the TDC proposed plans then advice would be sought as to the way this should be approached.

The third matter, dependent on the outcome of the first to a degree, is to assist the TDC to establish rules for the protection of outstanding landscapes and to press for the inclusion of these rules in the District Plan. This action is a necessary follow-on, as there is little to be gained if, having recognized worthy heritage landscapes, there is no further action. Such Rules may be useful in the formulation of a Tongariro River Management Plan, which the recently formed Management Forum may try to set up.

[Transcript follows]

Consultant's Assessment of the Tongariro River

Assessment of the proposed Tongariro River for Outstanding Landscape Management Area and Landscape Amenity Management Area Status. (OLMA and LAMA status).

As part of the submissions received on the Proposed District Plan, DoC proposed the consideration of the Tongariro River as a landscape worthy of protection under the District Plan in terms of its landscape values. The Tongariro River was investigated and evaluated in terms of the criteria utilised as part of the original district wide assessment. This required the field investigation of the landscape feature, consideration of the landscape against the *Outstanding Landscape Matrix*, (to determine its viability as an outstanding landscape feature or highly valued landscape). And the application of the *Sensitivity to Change Matrix* to identify the attributes of the landscape feature that are sensitive to development and what effects need to be considered in response to any proposed development.

In addition a detailed field assessment of the river was undertaken and key attributes were identified that are considered to contribute to the character of the landscape feature. From this information recommendations were made to direct the evaluation of any proposed development in terms of what specific aspects would need to be considered from a landscape effects perspective. The results obtained for the Tongariro River are contained in the following sections.

Assessment of the Tongariro River

The Tongariro River was investigated and the results obtained applied to the *Outstanding Landscape Matrix*. The score obtained was 80% which placed the Landscape feature within the LAMA category (50% or greater), but did not place it in the *Outstanding Natural Feature or Landscape* category. (85% or greater).

The result of the overview assessment of the LAMA is as follows;

Tongariro River

Rating	<i>Landscape Amenity Management Area</i>
Character	River (conservation)
Context	Passes through a mix of landscapes, predominantly pastoral and native vegetation with some forestry
Land cover	A mix of exotic and indigenous vegetation
Description	A vivid and highly distinctive landscape unit, and one of the larger rivers within the district. The river manifests a moderately high degree of coherence and is easily discernable. The vegetation has moderately high landscape value due to its intactness and extent. This feature exhibits high scenic value.
Sensitivity to Change	This landform has a <i>moderately high sensitivity</i> to change. It has moderately low visibility. There are few areas with visible development along the river to provide context or screening. The topography exhibits a mixed ability to absorb development. The vegetation exhibits a moderate ability to absorb development.

Detailed Assessment

Key attributes for this LAMA are its high legibility, naturalness and scenic value in conjunction with moderately high intactness, naturalness and coherence. It is in terms of the combination of these factors that the LAMA was identified and need protection.

It should be noted that although these values are attributed to the entire LAMA, they might vary for a particular attribute at any given point. This is due to the intrinsic character of rivers as these landscape features commonly form a discrete corridor through quite distinct landscape types and units. This is different from most landscape features that are defined by or contained within a single landscape type or unit. Further, rivers are inherently self defining, producing both a moderately high level of internal and external coherence because of their ability to pass through a variety of landscapes.

As a consequence a degree of variability within the key attributes is anticipated, reflecting the variation in the surrounding landscape. It should also be noted that in some instances these landscape features might exhibit distinctive elements within them that are manifestations of the varying landscapes the feature passes through. Thus the key attributes of the Tongariro River are affected by both the landscape type and landscape units it passes through. The primary effect of the landscape type on the landscape feature is reflected in the degree of

containment of the river corridor produced by the vertical transition between primary and secondary river terraces and the surrounding landform. The primary effect of the landscape unit on the landscape feature are the extent of vegetation and built structures both within the river corridor and in the surrounding landform.

To assist with the evaluation of proposed developments within this landscape feature, the key attributes that contribute to the character of the landscape feature are tabulated beside the respective landscape unit within the corresponding landscape type.

Tongariro River LAMA

Landscape Type	Landscape Units:	Key Landscape Attributes
<p>Turangi Delta: <i>A ring plain and river delta.</i> An area of predominantly pastoral grazing and small patches of production forestry. Native shrub lands are evident along the course of the river with extensive wetlands around the delta and the lake edge. Including Turangi, an area of urban settlement adjacent to the river.</p> <p>Kaimanawa: <i>Steep and deeply dissected slopes and prominent ridge lines.</i> A combination of tussock grass lands on the upper slopes grading through to native shrub lands and native forest on the lower slopes. Some areas of pastoral grazing and production forestry.</p>	<p>Wetland Native Forest</p> <p>Native shrub land</p> <p>Exotic shrub land</p> <p>Forestry</p> <p>Rural and Pasture</p>	<p>a. Continuous river margins free from artificial interventions and structures.</p> <p>b. The visual and physical integrity of the river trench.</p> <p>c. Lack of visible built structures within the river trench.</p> <p>d. The natural character of the river trench and skyline</p>
	Urban	<p>a. Continuous river margins.</p> <p>b. The visual and physical integrity of the river trench.</p> <p>c. Lack of visible built structures within the riverbed.</p> <p>d. The natural character of the river trench.</p> <p>e. The character of the skyline of the river trench</p>

The attributes listed in this table shall be read in conjunction with the associated plan for this LAMA. The view origin for this LAMA is defined as on the river and/or any formed track within the LAMA.

APPENDIX 6

Heritage Landscape

There are two main issues to be resolved if our wish to accord the highest value to the Tongariro River and its Delta is to proceed. The first is to decide why the River should be so regarded (the easy part), and the second, much more difficult, is to set out rules for the protection of this landscape.

The notion of heritage landscape is developed in the 2003 Annual Plan of Environment Waikato.

Natural and Cultural properties

Natural Properties are defined as:

Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; or

Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; or

Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

The New Zealand Historic Places Trust is the country's leading heritage agency whose mission is to keep New Zealand's heritage places alive and useful. The Trust's activities relate to the recognition, protection and promotion of New Zealand's historic and cultural heritage.

These criteria are not all that helpful, applicable as they might be in the Southern Alps, Fjordland or the sub-Antarctic Islands where humans are thin on the ground.

The new Local Government Act 2002 requires local authorities to promote the social, cultural, economic and environmental well-being of communities as fundamental. Associated with generating greater participation from citizens is the obligation to be active.

All local authorities must prepare a long-term council community plan on a minimum of a 10-year cycle with the first being prepared for the year beginning July 2004. Full Long Term

Community Plans are to be in place by 2006, and are to be reviewed every three years after that date.

Environment Waikato accepts that its environmental role now extends to the protection of natural heritage; while some might see this as DoC's responsibility (after all the Historic Places Trust is now part of DoC) there is some value in regional and district activity. There are partnership and local values to be developed. A high degree of public support and local leadership are needed to ensure that the community's values are understood. This is where the Advocates come in: helping to set the agenda rather than responding to it.

≈ THE TREES OF THE TONGARIRO – KOWHAI FLAT

The photograph below shows just one of a number of exceptional sites on the banks of the , one of which is shown here, are believed to be very old. They may well be the oldest living things in the Turangi-Tongariro region; as such are well worth preserving. The presence of these trees indicates that this river terrace has been very stable for at least the lifetime of the trees. Now they are in jeopardy: the tree shown was, just 30 years ago, about 30 metres from the river; now it is about 10m away. The river has moved this way because it has not been able to keep its channel clear any more. Further erosion is expected. We think that trees and other sites such as these should be declared heritage landscapes and be fully protected.



2 Giant Kahikatea Tree on the banks of the Tongariro River.



Bob Duckworth

≈ THE DELTA – OUR IDEA OF HERITAGE

Fishing The Tongariro River Mouths

I love the Tongariro Delta for many reasons; for its uniqueness as a major freshwater delta, for the beauty of its shape, for the way it represents the sustained might of the Tongariro over centuries of carrying silt and ash from the volcanoes and Kaimanawas and from the thousands of hours of pleasure I and others have had fishing the rips at the mouths or a little upstream. Any time you climb one of the mountains at the southern end of the lake such as Tihia or Pihanga or even look down from the lookout on Waihi Hill you cannot fail to be impressed with this strong geographic feature. It seems patently obvious from these observations that over 1800 years or so the river has formed the flood plain and then determinedly pushed out into the lake despite its meanderings in getting there. There is no reason to think, that without human interference, it would not continue to grow.

From the fishing aspect there is the opportunity to go upstream in a small boat into "African Queen" territory and fish pools in comfort and solitude whilst others crowd into the more accessible reaches. Mind you it can be expensive fishing if you destroy your water pump with abrasive silt on the way! You may also be lucky, as I was once, to see bittern and other hard-to-see birds. On that occasion I was drifting downstream in my small dingy using only one oar for steerage when I drifted within two metres of the bird that remained motionless with beak pointing to the sky.

Of far more importance, however, is the fishing of the rip at the mouths. While this may not match fighting a good trout in fast moving water it can provide excellent sport and, at the right time, fish in the very top condition.

As things stand at the present these comments may be referring to the past rather than the present or future. For the fishing to be good it is important for good rips to carry over the steep side of the shelf into deep water. It is only 10 to 15 years ago that on the good days there may have been two rips at the First Mouth, two at the Hook and several at the Main. These could collectively have given reasonable sport to over 20 boats each with one to three people; say 40 fishers. Tony Jensen's book "Trout of the Tongariro River" (1974) describes how the Delta rips could play host to 30 boats.

Sadly this is not the present case. The Hook, which was a great mouth, dried up to a trickle and has now almost disappeared. The First Mouth still runs but rips reaching the drop-off have been quite rare over the last few years. Even the Main Mouth seems to struggle to hold its power to the lip and if many boats are present some fishers are more likely to catch a vegetarian rather than a fish meal.

That this negative trend has occurred is undisputable and in a very short time but the reason why and whether it is reversible is debatable and controversial. It is also unclear whether up to now, any organization cares.

We know that the Lake base level was raised by one metre in 1941 when the control gates became operative and that significant increases in level are permitted above that level. If we consider these lake levels in the context of an estimate that a 0.5 metre rise in level affects the river for 100 metres upstream⁶ we can expect the rivers flow to be reduced for the last few hundred metres at least. We also know that the Tongariro's flow at the SH1 Bridge was reduced to about half with the Tongariro Power Development. Sediment transport is a function of velocity and with lower flows and higher lake levels it seems inevitable that the Delta will clog up and recede rather than continue its 1800-year advance.

Who cares?

DoC Fishery have the responsibility for all aspects of the fishery and in recent negotiations with Genesis over future water flows they have done well to establish, in their reasonable view the best feasible option for the main river as a trout nursery and fishery. They do not, however, seem concerned about the Delta per se provided it provides good access to migratory trout.

⁶ C.M. Hindle (1995) *Changes in Planform Morphology of the Lower Tongariro River*. Unpublished Master of Science thesis, Auckland University.

Genesis, obviously, want to use as much water as possible consistent with a responsible attitude to the environment and to the needs of the fishery and tourism.

Mighty River Power would like to have greater control over lake levels, again, consistent with a responsible attitude to the environment and to the fishery and tourism.

I am inadequate to comment on Tuwharetoa's wishes but presume they would not wish to compromise or deflect the Tongariro from its natural process.

I can only assume that Environment Waikato would wish to preserve the unique natural feature of the Delta in its natural form and to sustain it though this has not been very evident to date.

Is it time to lament?

It seems to me that a very practical solution to save the Delta is lying out there, which could satisfy all interested parties. However, it needs all the interested parties including local and national government to recognise the importance to New Zealand of the Tongariro Delta and work together to secure its future.

APPENDIX 7

Advocates' Proposals on Recreational Development Presented to the Turangi Tongariro Community Board⁷

The purpose of this meeting is to describe a tourism-linked plan involving the Tongariro River and to enlist the Board's participation in forming a working party.

The Advocates regard Turangi as the natural centre for tourism in the region, and the Tongariro River as the principal feature of that centre. Both Turangi and the Tongariro River need strong management processes if the town is to prosper as a tourist destination with the follow-on economic gains possible given this high-quality location. The task as we see it is to position Turangi for the next 50 to 100 years as an eco-tourism location. Our thinking is in line with that of the Minister of Conservation and the Minister of Tourism.

Turangi is open for tourists every day of the year. Close by, the mountains are often inaccessible due to adverse weather and, even in summer, often available only to fit and experienced trampers with alpine experience. The lake is subject to frequent strong winds when even the largest vessels are unable to take visitors out. Sometimes these vessels are further restricted by low water at moorings and boat ramps. On the other hand, the Tongariro River's environment is rarely disturbed by the weather. The river's scenic qualities are internationally known and regarded highly; it is a classic mountain stream, which over a short length undergoes changes as the terrain changes from alpine, sub-alpine and then alluvial plain before flowing in to the lake.

The River's plight has been recognized and restoration is under the control of Ngati Tuwharetoa who own the river, Environment Waikato, the Department of Conservation and Genesis is at the consents stage. This restorative work is expected to make the River look like the River it once was, so that again, we can have pride in it.

The Tongariro River has the potential to be extensively visited provided access is improved. The principle here is that the river is close to the main highway and has, in Turangi, the infrastructure to support a form of eco-tourism based on the river. So, it is not remote.

⁷ This paper was also the basis of a formal submission to the Area Recreational Manager, Department of Conservation as part of a review of recreational opportunities (31 January, 2004).

The Tongariro River, while privately owned, has much adjoining land that is publicly owned. This ownership should make it easy to extend public access. The river's environs have many features that might attract tourists, but we think, not enough access to those features. There are some tracks and these are heavily used. However, the existing tracks restrict walkers' access to the full range of scenic features.

The Advocates propose that two courses of action be initiated. First, that a set of tracks be completed, restored, or better maintained. Second, that foot access is provided to parts of the river's environment that have been locked away for many years, especially that which is held by the Corrections Department.

Tracks to be completed, restored or better maintained.

1. The existing tracks on the right bank of the river from the Red Hut Bridge to the Birches Bridge to the State Highway One (SH1) Bridge are upgraded so that they are fully useable in the wet season. This has been done, in part, at the south end of the walk using pumice and boards but needs to be extended to deter users from stepping around puddles thus widening the track crushing small trees.
2. The track from the SH1 Bridge southward is extended past Kutai Street to link with the tracks in and around the National Trout Centre. Some tracks exist for anglers' access, and a further 600 meters or so would complete a part of the walk.
3. That a public access track be established from the south end of the National Trout Centre to the Red Hut Bridge. This would involve permission from private landowners. Mr. Whakapumautangi Downs, an owner of that land, Block 2B2B Ohuanga South and chairperson of the Trust, understands that there is some noteworthy history and heritage associated with that place (Kowhai Flat) which is worth preserving and which the public will enjoy.
4. That clean-ups take place so that infestations of blackberries and invasive willows are removed and replaced by suitable native shrubs and trees.

Restoration of access, especially to the Lower River

The lower reaches of the Tongariro River and The Delta represent a site of great ecological and historical significance to Maori and European alike. The wetlands have international significance, the Delta itself was the home to Maori, and later, there was a camp there for visitors.

Formerly, people could walk to the River Delta and the lower reaches by well-formed access. On the right bank, there was and is a road to the Delta that has not been useable for many years. Also, a duck-walk from the Tokaanu Hotel provided access to the lower reaches of the River, but this was removed when the Tailrace was put through.

There seems to be little sense in having these noteworthy sites if people cannot enjoy them.

Development of tracks in the Upper Tongariro River.

Walkers' access to the Tongariro River above the Fence Pool is greatly restricted, although there is some seven or eight kilometers of River before Begg's Falls. There is foot access from the south end of that stretch of the River, to the Waipa confluence, but very little else. However, people who want to visit this portion of the River can do so by raft, but at high cost (about \$300 per trip). This of course makes that part of the River an exclusive region, which is not at all in keeping with eco-tourism goals, which are about educating people in conservation values through on-site activities.

The question is, 'Why have a world-famous river and lock away some of its most scenic parts, denying access to all but the wealthy?'

Tracks alongside the Upper River would provide safe walking and permit over-night camping. In time a DoC hut might be added so that the River would provide extended active recreation throughout its accessible length.

Proposal

That the Turangi Tongariro Community Board and The Advocates for the Tongariro form a working party to identify the eco-tourist value of the Tongariro River and to bring about the planning needed to extend walking access to the River's environment as outlined here.

Pride in the Tongariro, pride in Turangi

APPENDIX 8

Walking Access in the New Zealand Outdoors

The Advocates for the Tongariro River Inc is grateful for the opportunity to record some comments and views on the report of the Land Access Ministerial Reference Group. Our Society has a keen interest in aspects of the issues associated with clarifying citizens' and tourists' rights, privileges and responsibilities.

It is pleasing to note the sensitivity with which the Ministerial Group has approached the issues. While it is possibly not a good time to be broaching such issues, the conciliatory flavour to the approach taken by the Group may lead to greater and more certain access for all.

Regrettably my Society was not able to attend the public meeting in our region (Taupo, 23 September) as public notice was given after the event, so it may be that this comment will go over old ground.

We have three principal points to make. The first two deal with the Report itself, and the third with some local issues.

POINT 1. The Report puts forward the view that it is a good thing for people to have access to the outdoors, attended by customary rights or not. No one disagrees with this position; what is missing though is clarification of what is implied by the notion of 'a good thing.' It seems that the report is, consciously, not grounded in arguments based on values and national aspirations. For example, there are sociological, political, ecological, environmental and economic themes underlying the benefits to NZ society; these themes are where our values lie. So this comment is constructive criticism; the Report understates the value of access. Perhaps these values are too obvious, or seen as merely rhetoric. Nevertheless, the suggestion being made here is the Report's strategic approach needs to be grounded in commonly held and publicly stated principles so that any (especially negative) responses can be thought through from the point of view of commonly agreed values. For example, and as the Report notes, being a Kiwi means having an affinity with the bush (used generically here). But, as in Australia, the urbanisation of the population means that 'the bush' is an increasing vague or abstract notion, so that the outback is a romantically conceived place that we know about mainly from television. So the Access Report and subsequent action sets out to ameliorate this

position by ensuring that there are fewer or no difficulties associated with access to the bush. Politicians then will see the value in supporting and even funding your actions so that citizens will come to accept the need to bring about habitat restoration and enhance biodiversity using taxpayers' money, rather than spending it all on roads.

Similar rationalisation applies with regard to citizens' health; burning off extra fat is effectively accomplished on long walks and treks. Well-being is promoted. An ageing population needs access to lower level walks rather than tramps in the high country. These sites are often near to rural centres and farms where much of the land is private.

So there are, clearly, health and demographic reasons why access should be rendered more certain.

POINT 2. The Report is principally a strategic document whereby a blueprint will be produced. Given the above comment, that strategies ought to be based on principles that are located in deeply held values, the task is to evaluate the set of five objectives. It is clear that no progress will be made unless there is strengthening of good will, and this is recognised. However, the type of leadership that will engender this is not very common these days. Once we might have thought that the strategy would be best carried out by the Department of Conservation, but that Department gives the impression that it is struggling under the weight of already too many environmental challenges. So, the location of the Access activists might be a crucial decision and might even affect the elucidation of objectives.

POINT 3. On the role of the Government in promoting an ethos of goodwill and co-operation: Of the leadership functions of Government, two are highly important here. The first, as an advocate for more certain access by relating to Government policies (on health for example, or eco-tourism), has been mentioned above. The second is in being a good example to other participants. And this is where one of the local cases comes in.

Case One. Access to riverbanks for recreational purposes. It is no secret that the rivers and lakes of the central North Island have high scenic values and many varied recreational uses, for example trout fishing, kayaking and rafting. Yet citizens are banned from access over Crown Land where that land has penal institutions on it. So, the upper reaches of the Waioatka River are not accessible at all (whereas until recently they were). Similarly the upper reaches of the Tongariro River are rendered inaccessible on the left bank for some eight kilometres. These river banks are just the places for older walkers to stroll, keep fit and enjoy the beauty of these mountain streams for the gradients are low, and the weather is less a deterrent than in the high country.

In addition due to the large number of anglers who fish the Taupo rivers and particularly the Tongariro River (which incidentally is considered by many experienced international anglers as possibly the best trout fishing river in the world) the present denial of access to the upper reaches of the Tongariro restricts anglers' fishing activities to the mid and lower reaches of the river which results in considerable congestion from too many anglers competing for limited stretches of fishable water. This obviously causes frustration and sometimes anger. Allowing access through the prison farm property (which could be restricted to a chain in width on either side of the river) would open the upper reaches of the river enormously and would be appreciated by all recreational user groups and overseas visitors alike.

Granting access adjacent to the riverbank through the prison property would result in anglers and hikers being spread throughout a much greater extent of the river and riverbanks respectively.

The scenery in the upper reaches of the river that is currently excluded to public access on foot is superb, and the Advocates consider that it is extremely regrettable that the general public at large cannot enjoy this scenery and environment. Currently only kayakers and rafters enjoy this privilege.

From a security position, anglers using access adjacent to the riverbank on the prison properties would not appear to be a problem as the riverbanks are sufficiently distant from the penal institutions. If a prisoner should escape then persons using the access through the prison property would be exposed to no greater risk than users on the lower parts of the river, which do not pass through the prison property.

There are further strange matters in which the Government might be encouraged to take an interest in order to show others the direction it is taking in support of greater and more certain access. For instance, the NZ Army controls and restricts access to a pond, Lake Moawhango, which was constructed as a part of the Tongariro Power Development project in the 1960s, claiming that civilians would be endangered. However, Army personnel do have access to this pond. In fact, the Army has been a poor occupier of Crown Lands adjacent to the National Park, leaving unexploded munitions lying about in the National Park.

Case Two. As you know, the ownership of riverbeds and lakebeds in the Taupo region resides with the Tuwharetoa people. Under the Deed of Agreement 28.08.1992 that accompanied the return gifting of these places is the agreement to preserve "the public's freedom of entry to and access upon Taupo waters" (1.13(a) and 2.4). In return, Tuwharetoa mana and toanga are

restored. As well, the Tuwharetoa receives, as koha, one half of the licence fees and sundry other fees. Yet there are problems. For example, for anglers to gain access to Lake Rotoaira, an access fee (\$8.00 a day or \$50.00 a season) must be paid to walk a few meters to the water's edge. Non-anglers are not required to pay at all. A further example occurs on the shores of Lake Taupo near the mouth of the Waihaha River. To walk for a few minutes across a block of land there, the fee is \$50.00 per year. People arriving by boat or plane do not need to pay.

In the case of these Taupo examples, the landowners receive about \$700,000 per year from licence fees; are they not double dipping by charging further fees? Are they not breaking the Agreement that guarantees "freedom of access" to all?

In the grand scheme of things these are, possibly, trivial examples of access problems. Their value here though is in asserting a role for Government in cleaning up these nuisances thereby sending the right signals. Further, they have value in reviewing and revising the five strategic objectives.

Of course it is easy to mention situations like this, and so the grievance industry grinds on. There are ways of dealing with some of these; here is an example. Officials may recall problems associated with the rights of authors whose books were located in libraries. A loss in royalty occurs each time a book is borrowed. In some parts of the world there is a fund from which authors receive (token) payments according to the use of their books. If only in a small way, rights and royalties are addressed. A scheme like this, based upon a central fund, might show sufficient goodwill and lead to progressive changes of the sort the Access Strategy Objectives desire.

The Advocates for the Tongariro River Inc support the initiative taken by the Ministerial Group and consider that the collective experience of the Advocates for the Tongariro River would provide great assistance in implementing achievable and acceptable riverbank access to the public.

APPENDIX 9

“Now, about the litter on the riverbank ...”

John Toogood cottonstore@cottonstore.co.nz

Although it is easy to say that NZ is relatively litter free in a world context, in reality it is not. One only has to look around public areas throughout the country, to see that we are as good as the next country at leaving our rubbish lying around.

This became obvious to me several years ago, when fishing on the Tongariro River. Fishing pool car parks were often littered with rubbish, some of it virtually household waste deliberately dumped. With my own growing concern for the widespread presence of litter, I became increasingly aware that this was a symptom of attitude of mind. We simply did not seem to care where we leave our rubbish, or, if we were not guilty ourselves, we seemed to tolerate this attitude in others.

It is increasingly embarrassing to consider that visitors from overseas would see the evidence of this attitude. They would be aware of our pride in promoting NZ as clean and green, “100% Pure NZ”, etc, but also would become more and more aware of our willingness to tolerate our own environmental pollution. We are living by a double standard, and it would be a mistake to think that the rest of the world would not, in due course, perceive this.

It became clear to me that the solution is not a matter of simply making more rubbish bins available, or spending more time and money cleaning up - it is a matter of changing the way we think, changing our attitude. We needed to practise taking our rubbish with us, to be responsible for it, and to become intolerant of those who are not.

What we need is an educational program to change our thinking, and I was reminded that, while in the UK in the '60s, I saw a visually strong public campaign to this very effect. I became firm in my belief that this was the sort of thing we need to do here, simply, that instead of wasting resources cleaning up after others, why not educate to prevent the littering in the first place?

And we should be seen to be doing so. The benefits would transcend a sense of national pride to tourism, primary industry exports, local body efforts and more. It would make us look good

in the eyes of the world, and it was fundamentally just good business practice - a top-of-the-cliff, walk-the-talk, and eliminate-the-negative approach.

It would also strengthen the pride we have in our river.

I have subsequently submitted by way of a letter to the Government, through the Minister for the Environment, Hon Marion Hobbs MP., a proposal for a SUSTAINED, GOVERNMENT-SPONSORED and MANAGED, EDUCATIONAL, ANTI-LITTER PROMOTIONAL CAMPAIGN.

Copies of this submission and all subsequent extended arguments and notes are available.

The Minister has confirmed her full agreement with the principles of the submission, and I have now had three meetings with her. Progress to date is that the Minister states that this issue is still very much on the agenda and that she intends to call a meeting with other Departments that are effected to present the case and explore the ways in which the proposal can be implemented. It is intended that I be present at this meeting, scheduled for sometime soon after mid- February.

John Toogood writes on Anglers' Manners

I have a growing concern about the deterioration of fishing etiquette on the river. This unease prompted me to write last year to the Fishery Manager for the Department of Conservation, Tongariro Taupo Conservancy, with a suggestion that may add some weight to the efforts the Department already makes in this regard.

I contend that the etiquette message just did not seem to be getting through to some anglers and guides, and I suggest that a small flyer be included with every licence when issued, reinforcing the rules of etiquette, as established and accepted over the years and which the Department already includes on its car park noticeboards.

I am not complaining about crowding on the river but about bad manners. I maintain that etiquette on the river helps us manage crowded situations whenever they occur, eliminates confrontation, makes fishing on the Tongariro that much more enjoyable and keeps us proud of our great river.

The Department ought to support the principle of my etiquette suggestion, and this too should be the subject of a vigorous educational campaign.

APPENDIX 10

Transcript of the

DEED OF AGREEMENT

Between The Minister of Conservation
And the Tuwharetoa Maori Trust Board
On Beds of Taupo Waters
 28 August 1992

This Deed bearing date the 28th day of August 1992 records the solemn negotiations carried out and agreements reached between the Minister of Conservation ("the Minister") representing Her Majesty the Queen of New Zealand on behalf of the people of Aotearoa, New Zealand and for herself her heirs and successors and Tuwharetoa Maori Trust Board ("The Board") a Maori Trust Board established under s.10 of the Maori Trust Boards Act 1955 representing as it beneficiaries within the meaning of the Act Ngati Tuwharetoa, tangata whenua o te papa o Taupo Nui a Tia.

1.0 RECITALS

- 1.1 Lake Taupo is a Taonga of Ngati Tuwharetoa.
- 1.2 Lake Taupo embodies the mana and rangatiratanga of Ngati Tuwharetoa.
- 1.3 Negotiations in 1926 between the Crown and Ngati Tuwharetoa relating to the fishery in Lake Taupo led to an agreement embodied in s.14 of the Maori Land Amendment Act and Maori Land Claims Adjustment Act 1926 (the 1926 Act) under which the general public were accorded access to the Lake Taupo fishery. Compensation for access to the fishery is currently provided pursuant to s.10 of the Maori Trust Boards Act 1955.
- 1.4 Public access to Lake Taupo for recreational use and enjoyment of its waters has always been acceptable to Ngati Tuwharetoa and it is in accordance with Ngati Tuwharetoa custom.
- 1.5 The bed of Lake Taupo and the bed of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls together with the right to use the respective waters, were declared to be the property of the Crown under s.14 (1) of the 1926 Act.
- 1.6 The beds of rivers and streams flowing into Lake Taupo (the particulars of which were set out in the Schedule to such Proclamation) were declared to be Crown land pursuant to a Proclamation made on the 7th day of October 1926 under s.14 (4) of the 1926 Act.
- 1.7 For the purpose of this Deed the expression "Taupo Waters" shall mean and include Lake Taupo and the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls and the beds of rivers and streams flowing into Lake Taupo the particulars of which were set out in the schedule to the proclamation made on the 7th day of October 1926. For the avoidance of doubt such expression does not extend to, or include, any riparian or lake side reserves or rights of way created under s.14 of the 1926 Act as amended by s.11 Maori Purposes Act 1974.
- 1.8 Ngati Tuwharetoa asserts that the vesting in the Crown of title to the beds of Taupo Waters was not intended to be part of the agreement negotiated by Iwi in 1926.
- 1.9 The Trust Board has sought the return of such title to Iwi.

- 1.10 Clause 4 of a document dated 26 July 1926 and signed by Hoani TeHeuheu, Paramount Chief of Ngati Tuwharetoa and J G Coates, Prime Minister headed "Taupo Waters and Fishing Rights" records the proposal that "the beds of all Taupo waters shall be vested in the King as a public reserve."
- 1.11 The 1926 Act made no provision for beds of Taupo waters to be held as a public reserve.
- 1.12 The beds of Taupo waters are acknowledged to be Crown land under the control of the Commissioner of Crown lands, subject to the Land Act 1948.
- 1.13 The parties are agreed that in accordance with the spirit and intention of the Treaty of Waitangi as they are now understood and of the 1926 Act, and of the relationship that has developed since 1926 between the Crown and Ngati Tuwharetoa:
 - (a) ownership of the beds of Taupo waters should be revested in Ngati Tuwharetoa to preserve and enhance its tribal mana and rangatiratanga;
 - (b) the public's freedom of entry to and access upon Taupo waters (including the beds) should be preserved.
 - (c) The beds of Taupo waters should be managed and administered in partnership between the Crown and Ngati Tuwharetoa.
- 1.14 The Board shall be deemed to have entered into this Deed for itself its successors and assigns.
- 1.15.1 The Minister of Conservation enters into this Deed on behalf of Her Majesty the Queen pursuant to resolutions of Cabinet empowering him so to do.

2.0 AGREEMENTS REACHED

- 2.1 Subject to clause 3.7 of this Deed title to the bed of Lake Taupo ("lake title") shall be vested in the Trust Board and shall be held by the Trust Board in trust pursuant to the Maori Trust Boards Act 1955 for its beneficiaries.
- 2.2 Pursuant to s.24B and s.24C of the said Act, the Trust Board further declares that it also holds the lake title in trust for the common use and benefit of all the peoples of New Zealand.
- 2.3 Title to beds of the Waikato River extending from Lake Taupo to and inclusive of the Huka Falls and of the rivers or streams flowing into Lake Taupo as described in the above mentioned proclamation dated 7 October 1926 (as amended by proclamation of 18 February 1927) shall be vested in the Trust Board and shall be held by the Trust Board in trust for the members of the Ngati Tuwharetoa hapu who adjoin such rivers and streams and in trust for the common use and benefit of all the peoples of New Zealand pursuant to the said Act.
- 2.4 The people of New Zealand shall continue to have freedom of entry to and access upon Taupo waters (including their beds) for recreational use and enjoyment, research and associated activities subject to such conditions and restrictions as the Management Board (hereinafter referred to) considers to be necessary for the protection and well-being of the beds of Taupo waters and for the protection and control of the public using them and further, subject to the provisions of clauses 2.6.1 and 2.9 hereof, such access shall be free of charge.
- 2.5 Notwithstanding any Trust (charitable or otherwise) or the terms of clauses 2.2 or 2.3 hereof and where not inconsistent with the general principle of public access to Taupo waters the Minister may from time to time release any portion of the beds of Taupo waters (subject in any case to such conditions as he sees fit) from the operation of clauses 2.2, 2.3, 2.4, 2.6.1, 2.7 and 2.9 of this agreement, in which case the trust Board shall hold the same upon trust for the beneficiaries of the trust Board or such of them as are entitled thereto. Provided that no such release shall prejudice any rights then existing pursuant to clause 2.6.1 or referred to in clauses 2.6.3 or 2.7.

- 2.6.1 The Trust Board, with the concurrence of the Management Board hereinafter referred to may grant leases or licences in respect of parts of the beds of Taupo waters to any person or persons subject to the harbours Act 1950 and the Lake Taupo Regulations 1976.
- 2.6.2 In such event, one half the total amount of all monies received by the Trust Board from such leases or licences shall be paid to the Crown. The other half of such monies shall be the revenue of the Trust Board and shall together with any investments for the time being representing the same, be held by the Trust Board for charitable purposes as authorized by the Maori Trust Boards Act 1955.
- 2.6.3 Nothing herein contained shall require the holder of any permit or licence under the Lake Taupo Regulations 1976 to obtain any lease or licence from the Trust Board.
- 2.7 Subject to the other provisions of this deed the beds of Taupo waters shall be managed as if they were a reserve for recreation purposes under s.17 Reserves Act 1977.
- 2.8.1 Management of the beds of Taupo waters shall be controlled by a Management Board comprising eight members, four of whom shall be appointed by the Minister in consultation with the Minister of Local Government and four of whom shall be appointed by the trust Board.
- 2.8.2 At any time by mutual agreement between the Minister and the Trust Board the membership of such Management Board may be increased on the basis that half of such Board from time to time shall comprise persons appointed by the Minister to represent the public interest and an equal number shall be appointed by the Trust Board to represent Ngati Tuwharetoa interest.
- 2.8.3 The Management Board will appoint one of its members as Chairperson who shall have a deliberative vote, but not a casting one.
- 2.8.4 In accordance with clause 2.7 of this Deed the Management Board shall as far as practicable, and where not inconsistent with this Deed, act as if it was an administering body under the Reserves Act 1977.
- 2.9 The Management Board shall be funded as follows:
- 2.9.1 The Board shall be entitled to charge for any services or facilities provided by it for public use.
- 2.9.2 The Board shall be entitled to charge applicants the cost of considering any application for its consent.
- 2.9.3 The balance of the cost (if any) of the Board's management and administration shall be met in a manner subsequently agreed between the Board with the parties to this Deed or with any other party.
- 2.10 Subject as herein expressed the beds of Taupo waters are acknowledged to be land belonging to Ngati Tuwharetoa, and the Trust Board shall have all the rights (including all Maori customary rights not inconsistent with the law or this Deed) and shall be subject to all the responsibilities and restrictions of, a landowner.
- 2.11 The Trust Board agrees that the Department of Conservation may maintain public footbridges across Taupo waters, at the following locations, provided they have also been authorised by the owners of the adjacent riparian lands: Grid references U 18 789 792, 775 637, 778 630, 782 627, 784 624, 787 623, 791 616, 787 609, 773 642. T 18 680 538: T19 537 412, 536 376 and 539 368 and such additional locations in the future as may be agreed between the Board and the Department in consultation with the Management Board.

3.0 EXCLUSIONS

- 3.1.1 Nothing in this Deed is intended to affect or alter the provisions of s.10 of the Maori Trust Boards Act 1955, the Taupo Fishing Regulations 1984, the Lake Taupo Fishery Advisory Regulations 1991, Part VB and s.53 (3) and (4) of the Conservation Act 1987, and freshwater fisheries regulations under that Act in respect of the fishery in Taupo waters and access thereto and the sharing of revenue derived therefrom.

- 3.1.2 Nothing in this Deed is intended to authorise, require, or permit the management of the Taupo waters or the beds thereof so as to exclude or limit
- (a) the exercise by the Crown of any statutory power to the control or manage commercial fishing;
 - (b) the rights, powers or duties of any persons holding from time to time any permit to take fish for sale or
 - (c) any of the provisions of s.14(20) of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926.
- 3.2 The Trust Board acknowledges the right of the Crown to control and legislate in respect of water use and quality, public safety, public health, navigation and recreation.
- 3.3 Taupo Waters shall be subject to all the controls and conditions imposed or subsisting by or under the Resource Management Act 1991 or any plans and rules approved or consents granted under it.
- 3.4 The Trust Board acknowledges that the issue of water consents or discharge permits is currently controlled by local government and is not affected by this agreement.
- 3.5 The Trust Board acknowledges that Lake Taupo is a harbour within the meaning of the Harbours Act 1950 and the Lake Taupo Regulations 1976 and the control of Lake Taupo as a harbour is currently in the Crown and the provisions of this deed and the operations of the Management Board are subject to the provisions of the Harbours Act 1950, the Lake Taupo Regulations 1976 and any legislation enacted in place of the said Act and regulations.
- 3.6 Nothing herein shall prejudice or preclude a claim already commenced or hereafter commenced by or on behalf of any Maori under s.6 of the Treaty of Waitangi Act 1975 nor the settlement thereof by the Crown nor any claim for compensation under the provisions of the 126 Act.
- 3.7 Those parts of the beds of Taupo waters within the Tongariro Hatchery Camping Ground (NZ Gazette 1926 page 1354 and 1928 page 3530) and the site of the Taupo Control Gates (NZ Gazette 1972 page 675 and 1952 page 456) and control of the waters passing these sites are excluded from this agreement.
- 3.8 The launching ramps, wharves, berths, jetties, beacons, buoys, and other boating facilities owned or controlled by the Department of Internal Affairs in or on Taupo Waters at the date of signing of this deed, shall continue to be vested in or controlled by the Crown.

4.0 RATIFICATION

- 4.1 The Trust Board will refer this agreement to its beneficiaries for ratification. Within twelve months from the date hereof the Trust Board will advise the Minister whether or not this agreement has been ratified accordingly then it shall be null and void as between the parties hereto. Upon giving advice of ratification to the Minister, the Trust Board will execute the ratification notice appended to this Deed.
- 4.2 Execution of the ratification notice by the Trust Board shall be conclusive evidence against all persons, including beneficiaries of the Trust Board, that the terms of this deed have been duly ratified by Ngati Tuwharetoa.
- 4.3 Upon execution of the ratification notice by the trust Board, and after the parties hereto have entered into an agreement with the Management Board to abide by this agreement, the Minister shall take such steps as are necessary in consultation with the Trust Board, to implement this agreement.

APPENDIX 11

Rules of the Advocates for the Tongariro River Incorporated

This constitution was approved on the 30th day of September 2002 and amended on 20 April 2003.

1. Name

The name of the Society shall be

THE ADVOCATES FOR THE TONGARIRO RIVER SOCIETY INCORPORATED.

2. Registered Office

The registered office of the Society shall be c/- 213 Taupahi Road, Turangi.

3. Purposes

The purposes of the not for profit Society shall be as follows without restriction in any manner:

- 3.1 To actively engage in fostering Tongariro River management strategies including long-term strategies, and in promoting methods of managing the river with the desired effects of preventing and/or minimising erosion and for the provision of protection to property adjacent to the river;
- 3.2 To take such steps as are appropriate to facilitate the protection and promotion of the Tongariro River and its environment as an effective nursery of both the rainbow and the brown trout.

The purposes 3.1 and 3.2 above being achieved through:

- a. acknowledging the spiritual stewardship of Hapu of Tuwharetoa, Iwi, and enlisting their co-operation and active support;
- b. promoting public awareness of the Tongariro River prior to the inception of hydroelectric schemes and the consequential long-term effects upon the river;
- c. promoting and articulating the Tongariro River's heritage as a wild fishery and as the principal nursery for the Lake Taupo basin;
- d. informing the public of the engineered changes to the river and any associated significant negative environmental impacts;
- e. reviewing the promises central government made to do the least harm through the Tongariro Power Development;
- f. liaising with local and regional authorities and central government and its agencies to both promote and ensure compliance with statutory requirements and encourage an holistic approach to the needs of the river and its environment as they relate to the purposes of the Society (3.1 and 3.2);
- g. promoting and providing opportunities for public participation in river management;
- h. taking action to prevent further exploitation of the river for hydroelectric and other engineering purposes;
- i. calling upon, enlisting and utilising all and any scientific knowledge on ecosystem management and enhancement that is available in the preparation of submissions and public announcements as to the possible effects on proposed engineering interventions;
- j. seeking the establishment of benchmarks so that the state of the river can be determined, described and documented;
- k. providing whatever practical and/or practicable support possible for any organizations lawfully engaged in the pursuit of promoting the Tongariro River or the fishery in such manner as the Society decrees.

4. Structure of the Society

The Society shall be administered by an Executive Committee comprising up to eleven (11) members, including the President, Vice President, Immediate Past President, Secretary and Treasurer. The offices of the Secretary and Treasurer may be combined.

5. Membership of the Society

- 5.1 Membership shall be open to any member of the public who applies for membership and pays the membership fee as determined from time to time by the Society. Membership shall be undertaken through formal application to the Secretary and the Executive Committee shall determine if the application is successful.
- 5.2 Members shall cease to be members by:
- Resignation.** Any member who gives notice of her/his resignation shall be deemed to have resigned on the date on which that notice is received.
 - Failure to pay membership fee or subscription.** Membership fees or subscriptions shall be paid on or before 31 March in advance. Any member who fails to pay the subscription and does not remedy that within the current financial year shall cease to be a member and shall have her/his name removed from the list of members.
 - Suspension or expulsion.** The Society may suspend or expel a member, whether an officer of the Society or not, in the interim by notifying the member that the member's rights have been suspended pending a special general meeting being called for the purpose of expelling/ suspending the member upon grounds specified in the notice to the member. The member at that time shall also be informed of the conduct and the allegations that are the subject of the member's proposed expulsion/suspension and be invited to attend such special meeting and/or to make written submissions to refute the allegations.

If two-thirds of the members present and entitled to vote at the said special meeting determine that the member has breached any Rules of the Society and/or has demonstrated conduct unworthy of a member of the Society and which is or might be injurious or prejudicial to the objects of the Society then such member shall be removed from the list of members and s/he will be so advised in writing.

Any member who is so expelled/suspended may within fourteen (14) days give notice to the Society that s/he intends to appeal the expulsion/ suspension order and the Society shall forthwith appoint an independent arbitrator to determine the appeal, the cost of such appeal to be borne by the appellant.

6. Proceedings

6.1 Ordinary Meetings

The Executive Committee shall meet at intervals not less than every 6 (six) months, at such time and place as it determines. These regular meetings shall be described as Ordinary Meetings. At least seven (7) clear days' notice shall be given of any ordinary meeting to members of the Committee.

6.2 Special General Meetings

A Special General Meeting (of the Society) may be called by the Secretary upon requisition of the President or not less than three (3) Executive Committee members. At least seven (7) clear days' notice of a special general meeting shall be given by the Secretary to members of the Society, and the notice shall indicate the general nature of business to be considered at the meeting.

All meetings of the Society other than the Annual General Meeting shall be deemed to be special general meetings.

6.3 Annual General Meeting

- The Society shall hold an Annual General Meeting on Easter Sunday, at a time and place to be determined by the Executive Committee.
- The business to be transacted at the annual general meeting shall include:
the receipt of the minutes of the annual general meeting and any special general meetings held in the preceding year, the approval of the audited financial statements of the Society, a report of the President or his/her nominee on the affairs of the Society in the preceding year, the appointments of the President, Vice-President and Secretary and Treasurer and up to seven (7) Executive Committee members for the forthcoming year.

- c. Notice of Annual General Meeting shall be given 30 days in advance of the meeting.
- d. Appointment of President, Vice-President, officers and Executive Committee members shall be subject to a nomination accepted by the Society from any member for the position provided the nominee is nominated and seconded by two (2) Society members of good standing.
- e. Notices of motion. Members shall inform the Secretary in writing thirty (30) days prior to the annual general meeting of any matter/s a member wishes to raise at the annual general meeting.

6.4 Notice of Meetings

Each notice of meeting shall specify the place, the date and the hour of the meeting. Notice shall be deemed to have been given to any member if it has been posted, faxed or e-mailed to the last known address of the member and shall be deemed to have been received the day after the notice is sent. An accidental omission to give notice to any member or the non-receipt by any member of a notice shall not invalidate the meeting to be held.

6.5 Quorum

- a. At any meeting of the Executive Committee there shall be a quorum if there is a majority of Committee members present and no business shall be transacted unless a quorum is present. In the absence of a quorum for any reason, the meeting shall lapse.
- b. At any meeting of the Society the quorum shall be 10 members present and eligible to vote.

6.6 Officers

The Society shall appoint a Secretary and a Treasurer, to be appointed at the Annual General Meeting in accordance with Rule 6.3. These offices may be combined.

In the event of a vacancy arising in the interim period the said vacancy shall be filled at the discretion of the Executive Committee.

6.7 President, Vice-President and Immediate Past President.

The Society shall appoint a President and Vice-President at the Annual General Meeting in accordance with Rule 6.3. The Immediate Past President shall ex officio be a member of the Executive Committee. The President shall preside at all meetings of the Society; in her/his absence the Vice-President shall preside. In the absence of the President and the Vice-President the Immediate Past President shall preside. In the event of a vacancy arising in the interim period the vacancy shall be filled by resolution of the Executive Committee so that should the Presidency be vacant the Vice-President shall be appointed President and the Immediate Past President shall fill the vacant Vice-President's position. Should the motion be lost and the Executive Committee be unable to make these appointments a Special General Meeting shall be called by the Secretary to elect a new President.

6.8 Voting

All questions before the Society or the Executive Committee shall be decided by a simple majority on a show of hands or ballot, in accordance with the decision of members present as to how the voting is to be conducted and that decision shall be final.

Each member present and eligible to vote, including the President, shall have one vote. If the voting is tied the President shall have a second or casting vote.

6.9 Record of Meetings

The Secretary shall keep minutes of all Society and Executive Committee meetings which shall be available for inspection by members at a reasonable time.

7. Powers

In addition to the powers implied by the general law of New Zealand or contained in the Incorporated Societies Act 1908, the powers which the Executive Committee may exercise in order to carry out its purposes and objectives for which it has been constituted under Rule 3 are as follows:

- a. to control, administer, manage and promote the affairs of the Society; and

- b. to use the funds of the Society as the Committee thinks necessary or proper in the payment of costs and expenses of the Society, including the employment of professional advisers, agents, officers and staff as appears necessary or expedient; and
- c. to purchase, take on lease, exchange or hire or otherwise acquire any land or personal property and any rights or privileges which the Committee thinks necessary or expedient for the purpose of attaining the objects of the Society and to sell, exchange, bail or lease, with or without option of purchase, or in any manner dispose of such property, rights or privileges as aforesaid; and
- d. to carry on any business in connection with the business of the Advocates; and
- e. to invest surplus funds in any way permitted by law for the investment of Society funds and upon such terms as the Committee thinks fit; and
- f. to borrow or raise money from time to time (including by way of donation, sponsorships and community fund raising activities) with or without security and upon such terms as to priority and otherwise as the Committee thinks fit; and
- g. to do all things as may from time to time appear desirable to enable the Committee to give effect to and to attain the purposes of the Society and to comply with the provisions of the Incorporated Societies Act 1908; and
- h. to open and operate such bank accounts as may be necessary for the running of the Society's affairs; and
- i. to enter into all negotiations, contracts and agreements in the name and on behalf of the Society as it may consider expedient for its purposes provided that such negotiations, contracts and agreements are not in conflict with the Society's objects; and
- j. to receive and give receipts and execute any discharges for all gifts, legacies, bequests or other monies and to execute any trusts created for any of the objects of the Society or for the purpose of furthering any such objects.

8. Power to Delegate

- 8.1 **Delegation.** The Executive Committee may from time to time appoint any committee and may delegate in writing any of its powers and duties to any such committee or person, and the committee or person as the case may be, may without confirmation by the Executive Committee exercise or perform the delegated powers or duties in like manner and with the same effect as the Executive Committee could itself have exercised or performed them.
- 8.2 **Delegate bound.** Any committee or person to whom the Executive Committee has delegated powers or duties shall be bound by the terms of this constitution.
- 8.3 **Delegation revocable.** Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the Executive Committee.
- 8.4 **Delegate need not be Executive Committee member.** It shall not be necessary that any person who is appointed to be a member of any such committee, or to whom any such delegation is made, to be an Executive Committee or a Society member.

9. Employment

Under Rule 7(b) the Executive Committee may employ Society members or any of them.

10. Income, Benefit or Advantage

- 10.1 **Application.** Any income, benefit or advantage shall be applied for the purposes of the Society.
- 10.2 **Influence.** No member or person or related entity associated with a Society member shall derive any income, benefit or advantage from the Society where they can materially influence the payment of the income, benefit or advantage except where that income, benefit or advantage is derived from:
 - services to the Society rendered in the course of business charged at no greater rate than the current market rates; and interest on money lent at no greater rate than current market rates.

11. Accounts

- 11.1 **True and fair accounts.** The Executive Committee shall keep true and fair accounts of all monies received and expended for each financial year with the balance date of 31 December in each year.
- 11.2 **Audit.** The Executive Committee shall, as soon as practicable after the end of every financial year of the Committee, cause the accounts of the Society for that financial year to be audited by an approved auditor in accordance with the Public Audit Act 2001. The audited accounts shall be available for the Annual General Meeting of the Society.
- 11.3 **Control of funds.** All monies received by the Society shall be paid to the bank account/s of the Society. All cheques or payments to be drawn upon the bank account/s of the Society shall be signed by at least two members of the Executive Committee approved by the Committee for that purpose or the President and the Treasurer.
- The Secretary is authorised to invest any funds that the Executive Committee approves for the purpose in any investment fund that complies with the Trustees Act 1956 and the investment of funds and the status of returns shall be subject of a regular report to the Committee.

12. No Responsibility for Loss

No member of the Executive Committee shall be responsible for any loss to the Society unless the same is attributable to his/her /their dishonesty or to the wilful commission or omission by him/her/them of any acts known to be a breach of trust.

13. Common Seal

The Society shall have a Common Seal which shall be kept in the custody of the Secretary, or such other officer as shall be appointed by the Executive Committee, and shall be used only as directed by the Executive Committee. It shall be affixed to documents only in the presence of and accompanied by the signature of two Committee members with the prior approval of the Executive Committee.

The use of the Seal shall be entered into a Seal Register and shall be reported to the succeeding meeting of the Executive Committee.

14. Alteration to Rules

- 14.1 The Society may from time to time add to, amend or change any of these Rules at a special general meeting. Any amendment or change to the Rules shall require a resolution to be passed by three-quarters rounded up to the nearest whole number of Society members present at the meeting and eligible to vote.
- 14.2 No such amendments or changes will be made to the Rules where they nullify the charitable purposes of the Society.

15. Incorporation

The Executive Committee shall have the right to apply for incorporation under the provisions of the Incorporated Societies Act 1908 under the name of The Advocates for the Tongariro River Society or such other name as shall be approved by the Registrar of Incorporated Societies.

16. Winding Up

- 16.1 The Society may be wound up if at a special general meeting called for that purpose a resolution requiring the Society to be wound up is passed by a majority of not less than three-quarters rounded up to the nearest whole number of the total number of members present at the meeting and eligible to vote.
- 16.2 The resolution must be confirmed at a subsequent special general meeting held not earlier than thirty (30) days after the date on which the resolution so to be confirmed was passed.
- 16.3 If upon the winding up of the Society there remains after the satisfaction of all its debts and liabilities any property whatever the same shall not be paid or distributed among the members but it shall be disposed of to charitable organization or organizations in sympathy with the objects and purposes of the Society within New Zealand.

17. Acceptance

Members accept the above terms and conditions on the basis that all future members will also be so bound.

**PROTECT NEW ZEALAND'S
GREATEST RIVER & TROUT FISHERY
THE MIGHTY TONGARIRO**

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