



» ≈ ANNUAL REPORT

FOR *THE* YEAR ENDED 31 DECEMBER | 2004



ADVOCATES  
FOR THE  
TONGARIRO  
RIVER

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## COMMITTEE 2004

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Bruce Coldicutt  
Mark Cosgrove » **PRESIDENT**  
Graeme Duff  
Bob Duckworth  
Richard Kemp  
Will Kemp  
Heather Macdonald » **VICE PRESIDENT**  
Gillian Osborne » **SECRETARY**  
Peter Smith  
Sylvia Smith  
Eric Wilson » **TREASURER**  
Tuatea Smallman

Later, Gill Osborne resigned as Secretary and remained on the Committee; Eric Wilson took on the role of Secretary-Treasurer. Tuatea Smallman accepted the role of Kaumatua. Bob Duckworth and Will Kemp resigned. Helen Elliott joined the Committee on occasions and prepared and presented a paper on recreational promotion to the Taupo District Council. Bob Appleton was appointed by the Minister of Conservation to represent The Advocates on the Taupo Fishery Advisory Committee.

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PHOTOS: Aerial photos courtesy of Rob McLay.  
Other photos by Michael Cosgrove and  
Mark Cosgrove.

## **NOTICE OF ANNUAL GENERAL MEETING**

The Third Annual Meeting of The Advocates for the Tongariro River Incorporated will be held at the Tongariro River Bridge Fishing Resort, State Highway 1, Turangi on Sunday 27 March 2005 at 4.00 pm.

Preceding the annual meeting Mr Graeme Nahkies will lead a seminar which will outline strategies with which The Advocates might advance the cause of restoration and ongoing management of the Tongariro River. Mr Nahkies, an Advocate, has been CEO of Environment Waikato and Hutt Valley Health and now operates a consultancy which focuses on processes in implementing plans.

### **≈ AGENDA**

The business of the Annual General Meeting will be to:

1. Record those present and note apologies.
2. Receive the minutes of the second Annual General Meeting held on 11 April 2004.
3. Receive the President's Report and to approve the Financial Statement.
4. Consider any motions of which due notice has been provided. (The full Rules of the Society are printed in this Report).
5. Appoint an Executive Committee comprising a president, a vice-president, a secretary, a treasurer (or a secretary-treasurer), and committee members.
6. Consider any other matters.

At the conclusion of the meeting members are invited to afternoon tea at the Tongariro Bridge Fishing Resort.

## **The Third Annual Report**

The Advocates for the Tongariro River aim to be recognised as an informed, balanced and authoritative group seeking to sustain and enhance the Tongariro River for future generations. This Report is an account of the steps taken towards this aim in 2004.

In 2004, this advocacy role continues to take on a distinctly political slant, through

- participating in the Tongariro River Management Forum, and the development of a Strategic Management Plan for this river
- convening a public meeting in the aftermath of a damaging flood on 29 February and the reporting of that meeting to Government Ministers
- representing the Taupo District in the TrustPower National Community Awards in Blenheim
- appealing some aspects of the Taupo District Council's draft District Plan concerning natural values and subsequently taking part in mediation under the aegis of the Environment Court, and developing a proposal for the protection of notable trees
- lobbying Ministers and the co-leader of the Green Party with a proposal for funding river restoration costs
- continuing to present seminars aimed at clarifying the science of the river
- proposing recreational developments near the Tongariro and at the head of the lake to the Taupo District Council on two occasions; first as part of that Council's development of its Long Term Council Community Plan and second, as a contribution to the Council's recreational initiatives
- publicising contributions through press releases and on the website
- reporting to members through the 2003 Annual Report, Newsletter *The Advocate 4* and by e-mail.

This, the third Annual Report, will be set out in two sections; the first deals with the way these activities tie in with a strategic plan (published in The Annual Report 2003). The second part is a collection of papers which support the points made in the first section.

***To have widespread public awareness of the Tongariro River's past glories, its present state as effected by the power schemes and neglect and the potential future degradation if remedial action is not taken.***

A comprehensive Annual Report has been sent to members covering the Society's actions in 2002, 2003 and 2004 (this Report). These Reports are the principal way of approaching this goal, providing an almanac of relevant articles and documents (for example, in the 2003 Report, the 1992 Deed of Agreement between the Ngati Tuwharetoa Trust Board and the Crown; in 2004 a transcript of the 1926 Act).

One newsletter was sent in October (*The Advocate 4*).

Several press releases were released in local papers, and one resulted in a major article in *The DomPost*.

Two seminars were presented to well-attended meetings of members and the public.

***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.***

Lobbying to improve river management and against further exploitation of the river and against any failure to keep promises is an ongoing and sometimes unrequited activity.

It is clear that the Government is in denial about the damage done in the construction stages and subsequently; its person-on-the-spot, the local member, Hon Mark Burton MP, has reacted to The Advocates' well-documented case-histories of promises, inaction and duplicity on the Government's side with politeness but with no other perceivable response or effect. The Hon. Mark Burton is perfectly located to take action, as he is a senior Minister with relevant portfolios (Tourism and State-Owned Enterprises) as well as being the local electorate Member of Parliament, but despite continuous requests there has been little action in redressing the historical grievances citizens feel about the effects on the river of the Tongariro Power Development Scheme.

It is important to understand what The Advocates propose. The Advocates' approach is not just to lambaste the Government relentlessly. The damage has been done and the real task is to offset that damage. The Advocates position is that this once-great river, and many others, suffer from industrial processes and urbanisation. These rivers need fixing. The costs involved should come from the industries, either in the form of a cut from the

industry's profits or, and more likely, through a levy on the use of that resource. That suggestion has been put to the Minister of State-Owned Enterprises, who expressed some interest. The Minister for the Environment expressed much interest and offered to refer the suggestion to her Ministry's policy developers.

It is worth reporting that the State-Owned Enterprise, Genesis Energy, has (1) recognised that there have been construction effects and that there are ongoing consequences and (2) sought some remediation by tagging for river restoration a portion of a confidential financial package it has negotiated with the Nagti Tuwharetoa Maori Trust Board (representing the owners of the river bed).

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

This goal has been addressed in meetings with Environment Waikato, The Taupo District Council, the Turangi Tongariro Community Board, Genesis, and the Taupo Fishery Advisory Committee. These organisations now know of The Advocates' existence and this results in frequent consultation.

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

This goal was met through a policy of open invitation to the general public to seminars and, related to the flood damage, and a public meeting which then reported as a delegation to three Cabinet Ministers.

***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, the fifth goal of ten in the strategic plan, was met in a number of ways. First, the seminar series continues to elucidate for general use the scientific and technical knowledge already available to scientists, engineers and policy makers. Second, the Advocates ask for regular inspections of the river and the Regional Council is acting on this request. Following the once-in-a-century flood in February 2004, some old records including aerial photographs became obsolete and so the process will have to start over again. The Advocates is determined that such surveys not be limited to the urbanised area of the river as there are serious conservation problems both upstream and downstream of that area.

Genesis Energy, through its Environmental Manager, is preparing a monograph which reports on the effects of the February flood.

A proposal to develop a summary of present knowledge about and description of the present state of the river is on hold at present, awaiting a funding proposal.

***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.***

This goal is highly important to the wellbeing of the Tongariro River, for there is an already strong, and growing national campaign for sustainable river management. The Resource Management Act provides individual citizens and groups opportunities to be heard and there is now strong evidence that these voices are being listened to by industrial interests, regional councils and especially the Environment Court. The Act itself is now under threat by politicians of a ‘cement-mixer’ mindset and the nation seems destined to another round of ‘think big’ projects.

***To establish effective dialogue with Iwi and establish mutual trust.***

The Advocates will have to adopt a very long-term view if there is to be resilient and robust dialogue. The Advocates greatly respect the kaitiakitangi of the Ngati Turangitukua. That Hapu has formed an environment committee which has developed extensive plans for river restoration in the lower reaches using industry funds. The full environment committee attends the meetings of the Tongariro River Management Forum.

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

As reported, if the Advocates stand for anything it is respect for knowledge about the river in all forms – kaitiaki, cultural and historical knowledge, hydrology, geography and paleogeography, biology.

On the matter of other advocacy bodies and liaison, the Advocates has compiled a listing of some of these (elsewhere in this Report). There is a clear need to form some sort of federation of river advocacy groups; Fish & Game, The NZ Recreational Canoeing Association, Forest and Bird and The Federated Mountain Clubs have recently formed a *Living Rivers Alliance* to promote the preservation of New Zealand Rivers. This Alliance

will serve the purpose of an over-arching national group; where organisations such as the Tongariro River Advocates can contribute is in providing the local knowledge needed to strengthen the power of argument for river restoration and careful, sophisticated management.

***To increase membership.***

The Secretary-Treasurer's Report deals fully with the current state of membership. In policy terms, the Advocates need the support of a powerful and articulate group of members, and there is no doubt in the Committee's minds that there needs to be a strong recruiting drive to meet that objective. A number of steps have been taken, the most recent being a mail-out to existing members in December asking each existing member to recruit one or more new members.

In passing, the President was asked by a member, Arthur duPlat-Pearce a venerable angler (now deceased), to explain why the membership was not in the thousands, given the numbers of people who enjoy and appreciate the Tongariro River.

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

This advocacy group needs income greater than that which it gains from subscriptions alone. Some members border on being benefactors, having made donations as well. In the first year of the Society, a grant (\$6000) from Pub Charity assisted in the Annual Report's publication. Since then The Advocates has had another publication grant of about \$1600 from the Bay of Plenty Community Trust and a grant of a similar amount from the TrustPower Community Awards has helped our funds. Despite these income sources the bank account was virtually empty as recently as October. However, the Society has been the fortunate recipient of a grant from the WN Pharazyn Charitable Trust. The grant, of \$10000, will ensure the financial viability of The Advocates for some years and should allow for a period of consolidation. That the application to the Pharazyn Trust was successful was due entirely to the actions of Richard Kemp.

**Financial Statements for the period ended 31 December 2004**

**Income and Expenditure**

	<i>2004</i>	<i>2003</i>
	<i>12 months</i>	<i>9 months</i>
<hr/>		
Income		
Subscriptions and donations	5579	5513
TrustPower Award	0	2000
Grants	10000	1668
	<hr/>	<hr/>
	15579	8981
<b>Expenditure</b>		
Advertising and Promotion	616	0
Post Box rental	125	125
Website	2369	2345
Newsletters	694	2082
AGM, Report, Seminars	4542	2644
Postage, Stationery, Banking	1742	886
Lakes Water Quality Conference	0	483
South Taupo River Charters	0	230
Environment Court Hearing	233	0
	<hr/>	<hr/>
	10321	8795
<b>Excess Income over Expenditure</b>	<hr/>	<hr/>
	5043	168

**Statement of Financial Position at 31 December 2004**

	<i>2004</i>	<i>2003</i>
<hr/>		
<b>Current Assets</b>		
Bank	11583	6243
Fixed Assets	0	0
<b>Total Assets</b>	<hr/>	<hr/>
	11583	6243
<b>Current Liabilities</b>	<hr/>	<hr/>
	297	0
<b>Accumulated Funds</b>		
Balance at beginning of year	6243	6057
Net Income	5043	186
<b>Total Funds Employed</b>	<hr/>	<hr/>
	11286	6243

## Notes to the Financial Statement

### **1 Statement of accounting policies**

*Reporting Equity.* The Advocates for the Tongariro River Incorporated is incorporated under the Incorporated Societies Act 1908. The financial statements have been prepared in accordance with generally accepted accounting practice.

*Measurement Base.* The accounting principles recognised as appropriate for the measurement and reporting of earnings and financial position on an historical cost basis are followed by the Society.

*Specific Accounting Policies.* The following specific accounting policies which materially affect the measurement of financial performance and financial position have been applied: subscriptions are recorded on a cash received basis.

*Changes in Accounting Policies.* There have been no changes in accounting policies. All policies have been applied on bases consistent with those used in the previous year.

### **2 Balance Date**

The balance date is as for 2003. The year 2004 is the first twelve-month period of operation. The financial year 2003 was for a period of nine months ending on 31 December 2003. Before that the first period of operation was for six months and ended on 31 March 2003.

In conclusion, it has been shown that The Advocates' year has been one of vigorous advocacy. The next year will demand that The Advocates become strong lobbyists for a strategic management plan for this river, and that the other rivers of the Taupo Basin be incorporated into that management plan.

The Committee has provided comprehensive guidance and advice; this Committee is especially strong in political acumen, in recognising the broader picture and in advocating delicate approaches where these are necessary. Vice President Heather Macdonald is always available for advice and deputations and provides a hospitable venue for informal meetings.

Special thanks must be recorded to these members of The Advocates:

Helen Elliott, for her preparation and presentation of a proposal to the Taupo District Council on further recreational provisions associated with the Tongariro river.

Joan Forret who has provided advice on environmental law and who took The Advocates' case to modify the District Plan to a mediation meeting convened by The Environment Court.

Mike Forret, who maintains the website and the e-mail membership base.

John Wheeler, a member of the Geographic Board of New Zealand, has taken part in a working party examining the status of trees in the District.

Bob Appleton as The Advocates' representative on the Taupo Fishery Advisory Committee.

## **PART 2**

### **A COLLECTION OF NOTES AND PAPERS SUMMARISING THE ADVOCATES' ACTIONS AND POLICIES**

#### **≈ 2.1 THE FLOOD OF 29 FEBRUARY 2004**

The year 2004, like 1958, will be remembered for the Tongariro River flood of 29 February; an extreme flood, rated at 1450 cumecs, wrecked havoc with river's environs and some adjacent properties. That this flood did not result in loss of life was remarkable; the evacuation of flooded regions in the middle of the night was accomplished with smooth efficiency by Civil Defence. Flooding caused damage to properties in Herekeikei Street and further downstream, including some houses well back from the river. A large pond formed on the eastern side of Herekeikei Street, and this took a long time to drain away. That flooding reached a level of more than two meters on the easement beside the Tongariro Lodge, as noted by debris and silt in nearby trees the day after. Other flooded sites included Hirangi Road and Awamete Road on the northern outskirts of Turangi. The Awamete Road breakout reduced the pressure near Tongariro Lodge and the flooding of Herekeikei Street subsided. And as so often happens, there was flooding on the lower terrace of Koura Street, despite the provision of a stop bank alongside Tahawai Street up-stream of the Birches footbridge.

Not for the first time in recent floods, many large trees swept downstream threatened the State Highway bridge, as logs piled up on its staunchions. When the bridge was cleared these trees were quickly sawn up and trucked away.

In general, civic authorities responded effectively; the Tahawai Street stopbank has since been extended in height by about 50 cm, and several stormwater pipes draining into the river needed clearing and new flaps were installed on the outlets of those drains.

The 2004 flood has brought about a re-think on ways of dealing with such events. For example, Environment Waikato had, in 2003, applied for resource consent to remove 15,000 m<sup>3</sup> of shingle from dry areas near the SH1 bridge. The 2004 flood has deposited a further 50,000 m<sup>3</sup> in that region alone. EW attempted to modify its resource application in the light of these figures, and The Advocates supported that move, but the Commissioners hearing the application declined the change on the grounds that it had not been sufficiently notified.

## ≈ 2.2 ADVOCATES' SEMINARS 2004

Two scientific seminars were held in 2004, continuing the Advocates' strategy whereby the best available scientific knowledge is made known to our members and to the public at large.

This Report includes summaries of both seminars, taken from the Powerpoint presentations prepared by the two speakers. The Society is extremely grateful to the presenters for the pains they have taken to present their knowledge in a straightforward manner and in doing so, illustrating modern techniques of presentation using projected files from computers.

### **What have we found out from these and earlier seminars?**

Several noteworthy points have been made not the least being that important decisions have to be made now and that sometimes the knowledge base is less secure than is desirable.

The second is that sophisticated thinking is needed if a river such as the Tongariro is to serve diametrically different purposes. While no one denies that there is not and has not been industry-linked damage, it would be Canute-like to pretend that industrial use can be inhibited, let alone stopped. What we advocate is that a non-adversarial approach to managing this river be adopted.

### **Biology of Trout in the Tongariro River**



***Glenn Maclean***

*Technical Manager, Department of Conservation*

(Notes based on a Powerpoint presentation prepared for a meeting of the Advocates for the Tongariro River, Turangi, 11 April 2004).

Mr Maclean noted that the Taupo fishery has been extensively researched and is internationally recognised for the quality of that research.

However, as in all science, every research study inevitably poses new and often deeper questions not originally thought of at the outset, and researchers do not always get the answers they may have anticipated.

In considering the effect of the Tongariro Power Development Scheme (TPD), some scientists (e.g. NIWA and Cawthron Institute) believe that the Taupo fishery is all the better for the reduced flows, basing their views upon a modelling technique called Instream Flow Incremental Methodology, IFIM. However, DoC scientists contend that the fishery was stronger under natural flows, based upon their understanding of how the fishery functions from over 50 years of historical angling data. The existence of this dichotomy between the two scientific groups meant that the DoC scientists had to establish why Instream Flow Incremental Methodology gave a different prediction to their own. They identified apparent inadequacies and problems with the way flows were modelled, how suitable habitat was calculated and the assumptions as to what this might mean for the fishery to support their views that the fishery is poorer under reduced flows.

DoC research has established that while juvenile trout have surplus food, their growth is poor, resulting in these juveniles being relatively small when they enter Lake Taupo as 18 month old fish. The chances of these young fish surviving the transition to life in the lake are strongly linked to how big the fish are at the time. Their current diet is dominated by chironomid and oligochaete worms which are associated with thick growths of Periphyton (algae).

Before the TPD the invertebrate community in the Tongariro River was dominated by larger insects such as mayfly and caddis larval and adult forms. When trout feed on these large insects they only need to eat a few to have a full stomach which takes much less energy than rising frequently to take many smaller prey. The outcome is more of the food is available to be put into growth and the trout grow faster and therefore are bigger.

Thick Periphyton (see note at end of this report) growths are a function of nutrient-rich waters and stable flows. While it is unlikely that nutrient levels have changed since the TPD, the operation of abstracting river water has produced more stable flows because the small freshes have to a large extent been eliminated. Therefore as part of the Tongariro Consents agreement (noted elsewhere in this Annual Report) DoC and Genesis have agreed to allow some small natural freshes through the lower river when the Periphyton growths are getting thick to try and scour off the growths and so favour a larger insect community. As there is effectively no storage in the system only natural freshes can be used but this is no different to the natural river situation anyway. At this stage there is some trial and error involved to determine what is the appropriate trigger to allow the next

fresh through, and what sort of flows and at what frequency are necessary to limit the Periphyton growths. This work is overseen by a small scientific group which are closely monitoring the results and which will be making suggestions to modify the regime to maximise its effectiveness.

### *Other research*

Primarily this aims to index the fishing running to the Waipa Stream trap (which has replaced the Whiti kau Stream trap because of flooding problems with the latter trap site). The technique used is to surgically implant small radio transmitters into some 105 fish (65 at the mouth of the river and 40 at the Fence Pool) and to track their movements through the river using portable antennae and receivers. Seven interesting outcomes have been noted:

1. For these radio-tagged trout, the middle of the River was the most favoured spawning location.
2. The average time for tagged fish to travel from the mouth to the Fence pool was 67 days, and from the Fence Pool to the Waipa Stream trap a further 41 days.
3. Fish movement increased over freshes.
4. Most movement occurred around dawn and dusk.
5. Significant numbers of fish were recorded in the Tongariro upstream of the tributary in which they eventually spawned.
6. Anglers caught 16 tagged fish - 14% of the sample.
7. In 2003, the Tongariro run was 80,000 trout of which some 13,500 were kept by anglers.

Another tagging project is the acoustic tracking of fish in Lake Taupo. Here the tags record the water depth and temperature of the tagged fish every minute or so and relay the information which is detected by any automatic loggers which are nearby. By looking at which loggers detect which fish the daily and seasonal patterns of movement by trout around the lake can be determined. There are 16 stations scattered around the lake which will be lifted in January 2005.

Further research and monitoring studies proposed:

1. To investigate the effects of flushing flows (see Genesis Consents Report elsewhere) to maximise the effects such flows have.
2. To understand the influences of juvenile trout survival in the Lake.
3. To tag juvenile trout in the river (using microchips).
4. To monitor smelt populations using acoustic surveys.

***Concluding comment***

Mr Maclean reported that there are many sorts of interactions, some of which are subtle and not fully understood, yet these have a major impact on trout numbers and the quality of this fishery. The fishery is a vibrant and robust entity which thrives despite or because of the harsh environment. Mr Maclean noted, “We tend to think of trout as fragile but in reality they are very robust and perfectly adapted to what is a very demanding environment. However that environment needs to be pristine, they don’t thrive in degraded conditions”. The key is to protect the natural environment.

***Note***

*Periphyton is the brown growth observed in the river; it grows very rapidly (exponentially) if undisturbed. The key restrictions on growth are nutrient limitations and scouring and abrasion by sediment entrained in the flow. This actually is a great example of the fact that under normal flows (outside of floods) the river does not move much sediment. In tests in NZ so far it appears a flow of about five times the mean low flow is necessary to entrain enough sediment to scour the Periphyton. This is also the level of flow necessary to move sediment through the river.*

## **The Tongariro River and its Management: Lessons from the River**



*Paul Williams*

*Professor in The School of Geography and Environmental Science  
Auckland University*

Notes based on a Powerpoint presentation prepared for a meeting of the Advocates for the Tongariro River, Turangi, 24 October 2004).

Professor Williams set out to describe how rivers like the Tongariro work, starting with some of the history of the river. He explained its response to natural processes, and with that background went on to consider the ways in which human activities could have affected the river.

Professor Williams then explained what impacts are known and what others could be expected, and concluded that it is extremely difficult to separate changes due to natural processes from those due primarily to human activities. He noted that there seemed to be a conflict of interest between conservation values and management strategies.

Williams started with photographs of the Waipakihi River leaving the Kaimanawa Range and meeting the volcanic ringplain. The Ruapehu ringplain, an apron of volcanic debris, impounds rivers (including the Waipa, the Whitikau and Waihaha Streams) from the Kaimanawas, turning them from west- or south-flowing to north-flowing. The middle Tongariro River then enters a deep valley between the ringplain and the Kaimanawa Range, which confines the river. Lower down the river is confined by terraces which are remnants of old floodplains. The river leaves its confined reach at Turangi, where its gradient reduces. This change causes coarse bedload to be deposited and so forms an alluvial fan as the river swings radially, spreading its load. This Tongariro fan merges with those of the Waiotaka and Waimarino to form a broad deltaic plain.

Commenting on the 2004 flood, Professor Williams stated that it is in the nature of deltas to flood, and that if the lake level is high, flooding is more likely. Further, channels clogged with willows have their capacity reduced and so will encourage overflows.

On the effects of lake levels Professor Williams pointed out that, although controlled since 1942, lake levels can only be regarded as a minor contributor to channel and water level changes in the lower reaches, because the average increase in lake level attributable to the

control is only about 15 cm. Natural tectonic subsidence in the south of the lake could be just as important as a contributor to back-flooding.

In general, Professor Williams noted, floods are a major cause of channel change in this river but lahars have the potential to cause much more damage.

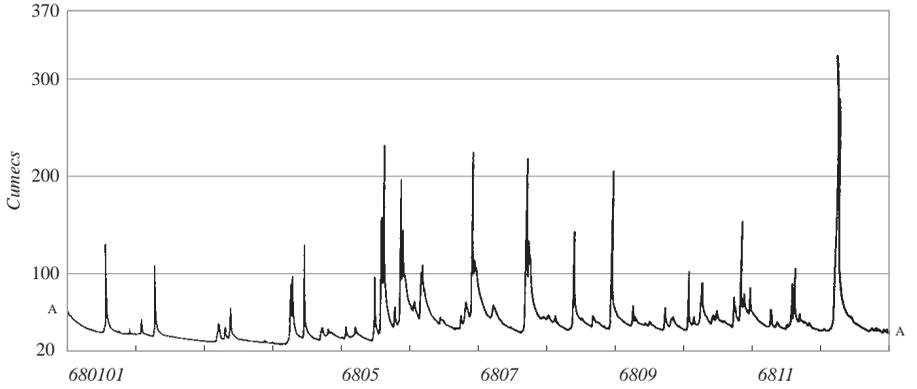
Concluding the first part of his talk, Professor Williams pointed out

1. The Waipakihi River was dammed by volcanic debris, diverted to become the Tongariro River and confined between the ringplain and the Kaimanawas.
2. Channel changes are limited to the width of the valley floor in the confined reaches.
3. Where the river enters the Lake Taupo lowlands near Turangi the river is no longer confined and its gradient reduces.
4. The associated reduction in energy causes the river to deposit gravel from Turangi downstream. This builds an alluvial fan that extends into Lake Taupo as a delta.
5. The river is unconfined as it crosses its fan-delta and so its channel migrates, splits and re-joins.
6. There are many old channels that can and will be re-occupied.

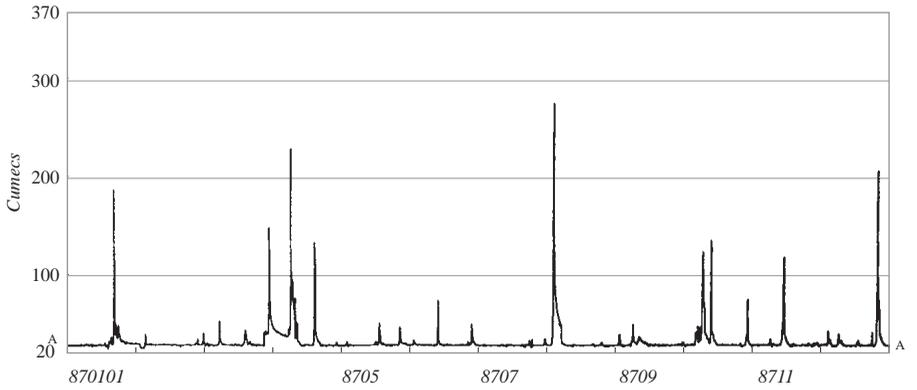
***Moving on to consider human activities, especially the TPD.***

Dams receive and divert water and sediment, thus altering the natural patterns of discharge and transport. Water diversions in the Tongariro catchment in the mid-discharge range alter the duration of moderate flows, and there is less transport of fine gravel and sand. On the other hand the TPD's effects on major floods, which are the main cause of channel changes, is not significant except for the release of sluiced sediment which may have some effect. In the figure below, the hydrographs before (1968) and after (1987) the TPD, show the effect on discharge regimes.

**1968 DISCHARGE HDROGRAPH (CUMECs)**



**1987 DISCHARGE HDROGRAPH (CUMECs)**



In the pre-TPD discharges of 1968 there were 15 events of 100 cumecs or more, compared to nine in 1987.

Professor Williams then considered how flood damage could be managed. In his view while some protection is much better than none, stop-banks encourage a false sense of security, as they will always be overtopped eventually. Possible strategies can be summarised:

<i>Strategy</i>	<i>Cost</i>	<i>Effectiveness</i>
Avoidance	zero	high
Insurance	moderate	low
Relocation	high	high
Protection	very high	moderate but short term

In reaching this picture Professor Williams is in agreement with a report of the Nature Conservation Council to the Government in 1964, which strongly advised the Government not to build Turangi where it is.

As a conclusion Professor Williams urged the Advocates to refine its thinking about whether it is to be a nature conservation lobby or a river management group. At present it is attempting to be both (which its Constitution requires it to do) and this leads to a conflict of interest. The Society is not as clear as Williams is that there is a dilemma in taking this dualist view.

**Note**

*These scientific seminars help greatly in discriminating fact from folklore. A further example comes from a discussion about the weed invasions in Waihi Bay, Lake Taupo. It is known that the weeds infesting that region of the Lake are of relatively recent arrival and as such their presence is associated with the TPD and the tailrace of the Tokaanu Power Station. These weeds, *Eloidea* and *Largarosiphon*, are known as oxygen weeds. They arrived in these waters, the scientists say, at the same time as the TPD but independently of the scheme.*

**Source**

*Dr John Clayton, Freshwater ecologist, NIWA. Genesis TPD Consultative Group Meeting, Tokaanu Power Station, 25 November 2004.*

## ≈ 2.3 POLITICAL ACTION

### FIXING THE TONGARIRO RIVER

#### **Ideas Presented at a Meeting with Cabinet Ministers Hon Mark Burton, Hon George Hawkins and Hon Chris Carter, in Turangi, 9 March 2004.**

Bob Duckworth, Eric Wilson and Mark Cosgrove (Advocates) and Bruce Coldicutt (representing other citizens)

Advocates' President Mark Cosgrove addressed the meeting:

“Ministers, you have seen the damage arising from the Tongariro River flood of 28-29 February 2004.

At a public meeting in Turangi on 7 March 2004 some 60 people asked that these six points be made to you:

- Environment Waikato (EW) needs to override Department of Conservation (DoC) and clear the lower river.
- EW must allow the dredging of river gravels.
- EW is not being the umpire between Mighty River Power and Genesis and may need to have its statutory powers removed and given to a body that can manage things better.
- Under the Resource Management Act, if you make a mess you clean it up.
- Civil Defence early warning systems are not effective enough.
- Turangi may be small but we need protection and action. Many residents are as “mad as hell and are not going to take it any more”.

The mood of that meeting was one of frustration and anger, with good reason. Turangi citizens and others have watched the river change for the worse over the years and they have tried to make the plight of the river known for some time. Here are some of the steps the Advocates alone have taken recently:

1. A Petition to Parliament bearing some 602 signatures was organised by Virginia Church and presented to Parliament (2001).

2. A Submission based on that Petition was presented on request to the Parliamentary Select Committee for Local Government and the Environment together with an invitation to address that Committee (2002).
3. An invitation to address the Select Committee was withdrawn (2003).
4. Both the Select Committee Chair and the Advocates have consulted the Parliamentary Commissioner for the Environment on river restoration (2003)
5. Environment Waikato Councillors have been informed and inspections arranged (2003).
6. A Tongariro River Management Forum has been set up as result of the Advocates' lobbying.
6. Consultations with Environment Waikato's Advisory Committee for the Regional Environment (ACRE), have taken place (2003).
7. Meetings with the Member of Parliament for Taupo have been held on these issues (2003).

Behind these recent actions there is a long history of proceedings going back to the 1970s when the effects first became obvious, and even to the 1960s when engineering works polluted the river.

The officials now tell us that the plight of the Tongariro River has to be regarded as a regional issue. But this is not acceptable to citizens, recreational users, or tourism-based businesses. The problem was, and is caused by inept management of the river since the inception of the Tongariro Power Development Scheme in the 1960s.

The Advocates assume that you, Ministers of the Crown with responsibilities related to the recovery of the Tongariro River know the following facts:

1. That to Maori and non-Maori, indigenous people and visitors, the Tongariro River is a taonga of the highest rank and that, to Maori, their turangawaewae is desecrated and mana lowered because of the river's present state.
2. That the Tongariro River is the most important rainbow trout nursery anywhere and that its prestige as a wild trout fishery is international.

3. That the Tongariro Power Development Scheme (TPD) was financially extravagant, poorly planned, ecologically disastrous and culturally crude. Further, that the principal reason for this state of affairs is the abstraction of about half of the normal natural volume of water to feed the Tokaanu Power Station. This has resulted in abnormal sedimentation and bed raising, channel narrowing, willow proliferation and major changes to the aquatic flora and fauna. Further effects include accelerated flood damage.
4. That the reason that Queenstown and Alexandra flooded in November 1999 was because the Clutha River could no longer transport sediment to the ocean, and, concomitantly because the Kawarau and Shotover Rivers formed a hydraulic dam against the flow of water near the outlet from Lake Wakatipu. The subsequent recovery from flood damage particularly in Alexandra was achieved with Government contributions, extremely quickly and some public fanfare. Identical processes occur in the Tongariro except for the restoration!
5. That the Tongariro River will soon have its beds above the surrounding land. This is known as 'the Mississippi River Effect' and it leads to the conclusion that more and higher stop banks cannot be the sole answer, even though that might be the cheapest one. Everybody is opposed to turning the river into a canal but that is what is happening, as if this is the only answer.
6. That Project Watershed offers little more than slight amelioration and no long-term remediation of the problem. As well you know by now that citizens are disgusted with the lack of progress, with the heavy rates burden and the ugly sight and prospect of yet more stop banks. Further you know by now that there is talk of civil disobedience by refusing to pay those rates and that there is a proposal, led by a leading Wellington Law firm, to see if there are grounds to bring a class action against whichever organisations are found to be causal or contributing to the causes of these floods and subsequent property damage.
7. That you are aware that there will be political backlash from this hiatus whereby little gets done. Of course, you know that once before, in 1972, anglers alone brought about the change of several parliamentary seats as a result of a government not taking heed of the people on a issue of vital importance to them.

8. That you know that it is time for managers to drop their nineteenth century view of rivers simply as drains and sources of running water for hydro and irrigation purposes and that this obsolete view must be replaced by a twenty-first century view which starts by respecting the ecology of rivers and promotes their sustainability.
9. That there will be considerable costs associated with recovery from this flood. Property owners need compensation for damage arising from what to them appears to be neglect. Clearing the riverbanks will be a high priority too, with many visitors expecting access for recreational purposes. There is an immense amount of debris to be removed.
10. That the Tongariro River is dying. In 35 years' time it will not be here. The harmful effects are increasing exponentially, like compound interest, so that each flood builds on the backs of previous floods in the damage they do.

### **What we want you to do**

First, we need urgent clean up funding, for both property damage and riverbank restoration. We expect this to come from central funds, just as there was relief in the Clutha floods and more recently in the Manawatu, Orua and Rangitikei River watersheds.

Second, if you are determined to stop the premature death of this once great river then you will bring an end to the sophistry and double-talk surrounding this problem. We ask that you consider moving aside from the present management agencies; it is our view that Environment Waikato, the environmental referee, has been ineffectual and that the Department of Conservation is the wrong location for the care of this river and its fishery.

Third, we suggest that, collectively, you examine ways to get to grips with this problem. This may lead you to establish a Ministerial Working Party to report to you and to citizens on how the Tongariro River can be managed so that (1) its recovery is achieved, and (2) it can operate sustainably. You might go further and set up a Commission of Inquiry into the state of the River with a view to identifying the weak points and blockages and to finding a better management strategy.

Fourth, we urge you, together with the Minister of Science and Minister for the Environment to call upon leading scientific and technical experts to meet in non-

adversarial circumstances to establish what is known and what is not understood with respect to this river and its sustainability, to determine guidelines for river management.

Fifth we urge that you wrap-up these findings in legislation so that they have to be obeyed. As well we request that you examine the State-Owned Enterprises legislation to see if it is adequate to deal with a case like this where it is clear that environmental pillage has, and is occurring.

The effects of this flood have been exacerbated by negligence: for some 40 years there has been obfuscation and bureaucratic sleight of hand surrounding the effects of abstracting water from the Tongariro River to supply the Tokaanu Power Station.

Many citizens are gravely concerned about this and for them the only course of action they have is to tell their story to politicians. Yet these people think that the politicians are not listening at all.

***The problem is political, the answer is also political.***

#### **Note added**

On 11 march 2004 the Acting Conservator (Sean Goddard) replied by letter, clarifying some community-held views about DoC's role in river management. Some of Mr Goddard's points are published here so that they are on record.

*"The Department of Conservation has no direct responsibility in managing rivers. That is the role of landowners (the beds of Taupo rivers are owned by various hapu of Ngati Tuwharetoa), the regional council (Environment Waikato) and to a lesser extent, the Taupo District Council. DoC does manage the Taupo trout fishery and number of reserves adjacent to rivers and is an advocate for conservation, the protection of natural values and associated recreational activities.*

*DoC, along with other affected parties, including land owners, anglers and private individuals make submissions on proposed works under the Resource Management Act. In no case involving river works by either the district or regional councils has DoC appealed decisions or become involved in hearings or litigation. Generally our concerns have been met by negotiation and this has involved compromise on both sides.*

*The department has worked closely with Environment Waikato and Taupo District Council engineers and planners and their consultants over both Project Watershed and other river protection works. We consult with and reflect the views of our stakeholders (anglers, conservation board, iwi and others) in seeking to protect the interests for which we are responsible. We have a commitment to work with all agencies and interest groups to find effective solutions to these problems while protecting conservation and recreation resources. While I can understand that feelings are running high due to the impact of the recent flooding event, it is unfair to try and lay blame on DoC.”*

## ≈ 2.4 RESOURCE CONSENTS

### 2.4.1 THE TONGARIRO POWER SCHEME APPEALS

### 2.4.2 THE TONGARIRO RIVER WORKS

#### **Resource Consents for the Tongariro Power Scheme**

##### *A brief history*

In 2001 Genesis Energy applied for resource consents to operate the Tongariro Power Scheme for a term of 35 years. This application was granted by a joint Hearing Committee of the Manawatu-Wanganui and Waikato Regional Councils. This decision was appealed to the Environment Court by 15 parties; 12 of these were resolved or withdrawn, and three relating to Maori spiritual and cultural values within the Manawatu-Wanganui Region were heard by the Environment Court in late 2003. None of these matters relate to the Waikato Region, and so the decision of the Joint Hearing Committee stands – consents have been granted for 35 years.

In May 2004 the Environment Court released its decision – the term of the resource consents for the Manawatu Wanganui Region was reduced to 10 years. Genesis Energy has appealed the Court's decision to the High Court. A date for this hearing has not been set.

At Genesis Energy's request the Environment Court made all the resource consents operative on the 1 December 2004. However Genesis Energy will continue with its appeal to the High Court against the 10-year term for those resource consents.

For the Tongariro River the new consents bring changes to the flow regime in the form of flushing flows and recreational flows. A scientific committee with representatives from Genesis Energy, NIWA and DoC will monitor the flushing flows.

*Flushing flows to deal with sediment:* When the flow at Rangipo Dam is greater than 60 cumecs and is estimated to exceed 100 cumecs in next 6 hours.

*Flushing flows to deal with Periphyton:* When Periphyton levels are greater than 200 milligrams/m<sup>2</sup> then there will be a flush of 4 cumecs in the upper river. When Periphyton levels are greater than 35 milligrams/m<sup>2</sup> then a flush of 80 cumecs at defined periods June-Sept (lower river).

*Recreational Flows:* At the Rangipo Dam, there will be three releases of 30 cumecs on Sundays for 8 hours. At the Poutu Intake there will be three releases of 35 cumecs on Saturdays for 6 hours.

These releases, agreed with the New Zealand Recreational Canoeing Association, will take place on the Tongariro River on

2nd/3rd April 2005

16/17th April 2005

24th/25th September 2005.

**Sources:**

J. Bowler (Environmental Manager, Renewable Energy, Genesis Energy Ltd), Circular letter to The Advocates 30 November 2004

B. Hooker (Genesis Energy Ltd), e-mail to The Advocates, 25.11. and 22.12.2004

**Notes on the Genesis Energy Environment Court Decision**

**Joan Forret**

Ngati Rangi Trust v Manawatu-Wanganui Regional Council (Env A067/2004),  
18 May 2004.

Before Judge Whiting and Commissioners Hackett, Prime and Borlase.

*Appellants:* Ngati Rangi Trust, Tamahaki Inc Soc, Whanganui River Maori Trust and others.

*Respondent:* Manawatu-Wanganui Regional Council (MWRC).

*Applicant:* Genesis Energy Ltd (Genesis).

The appeals were against the grant of resource consents to Genesis. Originally a joint decision of Environment Waikato (EW) and MWRC resulted in the grant of the various consents sought by Genesis with EW granting 23 consents and MWRC granting 30 consents. The division between the consent authorities reflects their differing responsibilities in terms of the catchments affected by the applications.

The appeals challenged the lack of recognition of Maori cultural matters and how those matters could be accommodated and provided for under provisions of the RMA.

Issues central to the appeals arose from the diversion of water from the headwaters of Whangaehu, Whanganui and Moawhango Rivers into Lake Taupo and then the Waikato River.

Originally 15 appeals were lodged; nine have been withdrawn and three were settled. The remaining appeals were all on behalf of Maori appellants.

*Important documents considered by the Court were;*

Whanganui River Report of Waitangi Tribunal 1999

Planning Tribunal Decision on Whanganui River minimum flow appeals 1990.

The decision summarised the Tongariro Power Development

a) *Eastern Diversion*

From tributaries to Whangaehu River to Lake Moawhango into Tongariro River via Rangipo and Tokaanu power stations.

Concern for Ngati Rangī Trust.

b) *Tongariro Section*

Water from Waihothonu Stream to Rangipo and Tongariro River. Mixing water from Waihothonu tunnel and Moawhango tunnel and Tongariro River.

Rangipo tailrace discharges into Tongariro river below Waikato Falls. Downstream of the falls is the Poutu intake. Water flows to Lake Rotoaira via the Poutu tunnel. Then the Rotaira channel, Poutu River and into Lake Taupo.

Tongariro Section appeals all settled prior to hearing.

c) *Western Diversion*

Water from Whanganui river to Whakapapa-Tawhitikuri via Whanganui tunnel. Flows to Lakes Te Whaiau and Otamangakau to the Wairehu canal and into Lake Rotoaira.

Headwaters of 8 Whanganui Tributary streams and rivers diverted to Lake Rotoaira and then the Tokaanu Power station. (See para 22 of decision for names)

Main concern for the Whanganui Maori Trust Board and Tamahaki Inc.

d) *Rotoaira Section*

From Lake Rotoaira to Tokaanu and then Lake Taupo in Waihi Bay. Then to Waikato River.

Appeals settled before the hearing.

Mighty River Power an s274 party (an interested party) concerning these appeals and remained in support of Genesis. Water diverted into Lake Taupo comprises 20% average flow of the Waikato River at the Taupo gates. MRP had status as an s274 interested party because it had originally lodged a submission in respect of the proposal.

Much evidence was given by expert witnesses concerning fish, ecology and the river morphology of the Whanganui River and its tributaries.

The Court concluded that the diversion has little effect on the morphology of the Whanganui River and its tributaries. (para 191).

The Court concluded there are no more than minor effects of the Tongariro Power Development diversions on the headwater tributaries or their fisheries. (para 310).

No evidence was given concerning the morphology or ecology of the Tongariro River. That is because the status of the Tongariro River was not the subject of any of the appeals. None of the appellants had appeals that raised generalised ecology issues. Those issues were only raised in the context of detriment to the Whanganui River and its tributaries. Because wider effects of the power projects were not appealed, there was no evidence of those effects on the Tongariro River. The legal inference arising from the lack of appeals is that the expert evidence given at the consent authority hearing was accepted by the authority (reflected in the grant of consent) and by those parties who had status to appeal. There may, of course, be other pragmatic or commercial/financial reasons why there were no appeals.

The decision records evidence that for each cumec taken from the Western diversion 37.3 GWh/yr of generation is lost to the Tongariro Power Development and Mighty River Power. That loss has a resulting cost of \$2.4 million with 4800 households affected. For every one cumec released from the Wahianoa An aquaduct there is a resulting loss of 54.5 GWh/yr generation at a cost of \$3.5million with 7000 households affected. That gives a combined loss of 91.8GWh/yr generation at \$5.9million with 11,800 households affected.

*Influencing factors on the Court*

The magnitude of effects on Maori

The depth of feeling of Maori witnesses

The power of requiring a fresh application over review of the proceeding

The term of 10 years recognises national interest factors and provides correct balance.

The decision reduced the term of the consents that were the subject of the appeals, from 35 to 10 years.

The Court considered that the ten year term will provide time for a “meeting of minds between the parties” and allow the parties to concentrate and focus their thinking. Maori were having difficulty identifying appropriate restorative action to meet the metaphysical effects on them and needed time. Judge Whiting described that process: “The instant reaction of Maori was to request restoration of the water. However in recent times the Maori appellants have accepted the need to accommodate that extreme view. Just how, is a

difficult question. It is apparent from the evidence that Maori are having extreme difficulty in identifying appropriate restorative action to meet the metaphysical effects on them. They ask for some time to work the matter through.” (para 471).

**To The Taupo District Council and Environment Waikato About Resource Consents for Tongariro River Works**

The regional authority, Environment Waikato applied to the Taupo District Council for a land use resource consent in relation to flood protection works, described in the public notice issued by Taupo District Council (Application RM030634) as:

*“Flood Protections works along the banks of the Tongariro River including:*

*The construction of new flood protection works on the true left bank of Tongariro River starting at the end of Koura Street and ending at Te Aho Road being both earth wall and timber wall stopbanks,*

*The construction of an earth wall stopbank in front of Bridge Lodge beside SH1 bridge,*

*The upgrade and extension of the existing stopbank on the true right bank of Tongariro River between SH1 and the Tongariro Lodge finishing at Grace Road,*

*The extraction of gravel (15000 cubic metres) from areas on the Tongariro Riverbed,*

*The establishment of a construction laydown area between 47 & 51 Herekieke Street, and*

*Associated truck movements, construction noise and works. Works to be undertaken over two summer periods, being of 3 months duration each.”*

Further, applications 110223 and 110224 were made to Waikato Regional Council, for resource consent in relation to flood protection works, described in the public notice issued by Waikato Regional Council as:

*“110223 – To undertake works, including gravel abstraction, debris/vegetation removal, soil disturbance and other bed disturbance associated with construction and maintenance of stop banks on the Tongariro River & its flood plain,*

*110224 – To divert water, including floodwaters via the operation of stopbanks and floodwalls in the bed and on the floodplain of the Tongariro River,*

*all in the vicinity of (Tongariro River Works) Turangi Township, at or about map reference NZMS T19:535-425.”*

**Advocates' Submission in Opposition Of Application for Resource Consent**  
Under Section 96 of the Resource Management Act 1991

*The reasons for making our submissions are*

We oppose the proposed construction of stop-banks and flood walls as the principal way of dealing with flood protection, preferring there to be a more sophisticated solution based upon better understandings through wider consultation, further engineering studies and architectural inputs.

While our submission is in favour of some aspects of the proposed works, in the main, our view is that the proposed solutions are too simple and as such we must oppose them until they are made more comprehensive. Earlier, this Society might have been more favourably disposed to the proposed river works, as we regarded them as the first steps in a river recovery and restoration program; now the situation has changed. The recent major flood has helped us to concentrate our thinking and to see the need to plan for the overall future of the river, not just the protection of some properties near the town of Turangi.

We advocate a dynamic approach, with active management of the river rather than the static provision of stop-banks alone. That provision is regarded as no more than a short term answer and an answer with a major downside; that of destroying the river's natural beauty as the result would be that the river is in danger of becoming a canal. This must not be allowed to happen.

We think that some of the desired flood protection could be achieved by, for example, terracing some river-front properties, lowering the river bed, widening the channel, training and re-directing braided channels. We think that the channel widening proposals for the lower river which Ngati Turangitukua and Environment Waikato have discussed should be considered at this time and incorporated into the works program. We support gravel extraction, debris and vegetation removal and planting programs which would strengthen the banks and at the same time widen the channel.

If these counter proposals can be the forerunner of a Management Plan for the Tongariro River then this would be a good outcome. If some of the operations which are the subject of the present consents hearings are consistent with such a plan then of course we would support them.

***We wish the Taupo District Council to make the following decision:***

*To delay the river work until there can be a comprehensive study of the river, to identify an operational sequence and to deal with the river's restoration as a whole and not piecemeal as proposed.*

## ENVIRONMENT WAIKATO

### Media Release

September 28, 2004

#### *Consent Granted for Flood Works*

Environment Waikato has been granted resource consents to undertake flood protection works on the Tongariro River and flood plain.

In a hearing before Commissioners and Taupo District Council's Hearing Committee the Regional Council was granted permission to take up to 15,000 cubic metres of gravel, remove debris and vegetation, disturb soil and the riverbed in constructing and maintaining stop banks, as well as divert water using stopbanks and floodwalls near Turangi township.

A series of works on the lower Tongariro River is proposed to enhance and restore the river environment and reduce the risk from flooding and bank erosion. Ten submissions were lodged with Taupo District Council and 32 with Environment Waikato.

The Committee heard that Environment Waikato began the process in the mid 1990s. Following extensive consultation with the community, a Natural Hazard Management Plan Discussion Document was released in February 1999, setting out a framework of management options for the lower Tongariro River.

Environment Waikato worked closely with the Tongariro River tangata whenua hapu Ngati Turangitukua to develop a package of works that would restore and enhance the Tongariro River and protect Turangi residents from a one in 100 year flood.

Consent for river enhancement works was granted by both Taupo District Council and Waikato Regional Council in March 2004. While the Council was consulting with potentially affected parties about the proposed works, a large flood in February caused the Tongariro River to rise and burst its banks, with severe bank erosion along the river. The structural integrity of some of the existing erosion protection works and control structures was compromised, and vegetation and gravel was deposited in the river channel.

Damaged erosion protection works and flood control structures were repaired, and a stopbank constructed between Tongariro Lodge and the Tongariro River under emergency

provisions of the Resource Management Act 1991. Retrospective consent was sought for this aspect of the works.

Environment Waikato's Asset Management Group said the main river channel flowing through Turangi needed to be stabilised, excess gravel removed and the 100 year design flow constrained within the main channel using stopbanks and floodwalls.

Submitters had concerns about the order of the proposed works, and if stopbanks were needed, they should be located to maintain resident's privacy and views. A representative for Advocates for the Tongariro River said many features of the proposal were favourable but that the works proposed were "too little, too late and too cheap". The Advocates were not against intervention, but questioned whether the proposed works would achieve the desired outcome.

They did not want a canal created, as the river was one of the best rainbow trout streams in the world. Although active river management was needed to maintain its health, this could be achieved through development of a River Management Plan. Alternative funding should be found to do the works and Central Government should contribute, the group said.

Granting the consents, Taupo District Council said it supported and endorsed the future holistic management of the Tongariro River and the Lake Taupo catchment by Environment Waikato, through appropriate mechanisms such as the Tongariro River Management Forum and comprehensive river and lake catchment management plans.

The proposed flood protection works were consistent with the objectives and policies of both the Taupo transitional and proposed district plans and were designed to fit within the existing riverside environment, blending with the amenity of the area. Temporary construction effects would be managed through comprehensive management plans and conditions of consent that maintain amenities to surrounding residential areas.

**Note**

*These consents are now the subject of two appeals to the Environment Court. The Advocates did not join these appeals as it is considered that its points of objection had been noted and safeguards concerning river management had been addressed.*

## **ADVOCATES FOR THE TONGARIRO RIVER INC**

### **Press Release and Discussion Paper**

Mark Cosgrove, President

*6 August 2004*

### **Towards a resource-user funding model for river restoration**

The Advocates for the Tongariro River Inc met the Minister for the Environment in Taupo recently to put forward a funding plan that partly shifts the burden of environmental recovery from local ratepayers. The idea had earlier been discussed with the Minister of State-Owned Enterprises.

Advocates' President Mark Cosgrove said, "We contend that Local, District and Regional citizens are being asked to bear too much of the costs of river protection and restoration works, on top of other environmental restoration in the District. It is high time that these works were funded properly."

For rivers in the region and especially the Tongariro River, the Advocates propose a funding model whereby hydro generators would be levied a fee for their usage of river water. That fee is to be held in a Trust so that environmental managers can pay for river restoration, recovery and maintenance projects.

### **The Advocates proposed funding model**

1. In this model the resource-user pays a levy for the use of the resource, in this case, water. The levy is based on a pro rata formula; for example, if a river recovery project needs \$10,000,000 to carry out the restoration works over, say, a 10-year period, then a levy is struck whereby \$1,000,000 is derived from the total number of megawatts produced by that water per annum. There would be little difference here from the way Auckland's transport recovery is being funded, it seems; it would be like the Cullen superannuation fund, but for rivers. (A more sophisticated mathematical model would need to be developed- the formula presented here is a very simple example.)
2. The cost of the levy to the power companies would be recovered in the usual way, by a combination of flow-on charges to national consumers, by tax exemptions or from

company profits. Consumers would know that the small increase in power charge would be dedicated money paid in to a Trust for an important environmental purpose.

3. This model's yields are based on production and consumption of electricity rather than on rates levied on property values or per household irrespective of usage. Low socio-economic regions would not be so severely taxed under this proposed model.
4. This proposed resource-user-pays model could replace mitigation payments. These tend to be ad hoc, grace-and-favour payments not necessarily used to address the environmental damage. Rather they are a sop, used as an incentive to sweep environmental concerns under the mat. Mitigation payments do little if anything to address the associated problems. This effect was noted by the Environment Waikato Commissioners commenting on the Mighty River Power consents outcome for its use of Lake Taupo. They thought it strange that there was so little opposition from environmental advocacy groups and local bodies, as if mitigation payouts solved most of the problems!
5. This is a corporate social responsibility model and is based upon the State-Owned Enterprises Act 1987 (requiring SOEs to be profitable, good employers and good corporate citizens etc) and fits comfortably with triple bottom line accountability which 'focuses industries, corporations and governments not just on the economic value they add, but also on the environmental and social value they add – and destroy. At its narrowest, the term 'triple bottom line' is used as a framework for measuring and reporting corporate performance against economic, social and environmental parameters. At its broadest, the term is used to capture the whole set of values, issues and processes that corporate bodies must address in order to minimise any harm resulting from their activities and to create economic, social and environmental value. This involves being clear about the corporation's purpose and taking into consideration the needs of all the company's stakeholders – shareholders, customers, employees, business partners, governments, local communities and the public,' according to the SustainAbility Foundation ([www.sustainability.com](http://www.sustainability.com)).



The 2004 flood caused some damage to important infrastructure, including the footbridge (struck by trees and logs) and many paths and tracks. However these were soon restored.





In some places, severe erosion has occurred and much loose pumice has been exposed. These photos taken at the Stag and Whitikau Pools show some of the damage. The photos also show the thickness of the pumice deposit from the eruption in 202 AD, and the underlying river bed – the bed is lower now than it was then.



Breakaway Pool, 5 March 2004. The river had been forming a new channel (upper centre) for some years and now it by-passes the Breakaway Pool completely. Anglers have found productive new pools. However there are many trees exposed to even small floods.



At the TrustPower Community Awards in Taupo, Graeme Prentice, TrustPower's community maestro (right) tunes up the Advocates' team at the 2004 National TrustPower Awards, Gill Osborne, Heather Macdonald and Taupo Mayor, Clayton Stent.



Inevitably many trees piled up on the State Highway bridge which was cleared using a log lifter. These trees were soon sawn and sold; the trimmings and smaller material were burned. All in all, the clean-up of the river near the town proceeded quickly.



While the river's channel near the town was cleared soon after the February Flood, many logs in the lower river had not been dealt with six months later. These logs cause channels to become narrow and the river's flow is impeded causing further sedimentation.

### **Advantage of the Advocates funding model**

The user-pays model proposed here is in keeping with current management and funding principles in New Zealand.

This resource-user environmental funding model differs from other environment protection fundraising in which either the polluter pays, or the victim pays (or both pay) taxes, rates and levies as a result of some operation that has a negative effect on environmental features. Such models are naïve and unjustifiable, and as well, unsustainable: they operate as if the victim is somehow benefiting from the environmental damage which the tax intends to remedy.

### **Implementation**

The Tongariro River Advocates consider that the time is as right as it ever will ever be for such a funding model because:

1. The economy is very strong.
2. State-Owned Enterprises under their Act are required to be good corporate citizens and some SOEs could do with 'more runs on the board' of public goodwill if they are to enhance their mana in the community.
3. The present rating scheme is not sustainable. In particular the additional rating levy under Project Watershed is likely to have to deal with frequent increases to meet the costs of unanticipated flood damage. The result may well be that some property owners may be forced to sell up.
4. The RMA is working and the Environment Court is making strong and increasingly sophisticated judgements, and also warning resource users to take in to account a widening range of factors and values in their applications for resource consents.
5. Politically there are advantages for any party which runs with this model. For the present or next Government there is an opportunity to shift the electorate's focus from just vexatious foreshore and societal issues to the environment in a positive, long-term and possibly sustainable way. A Government would be saying that it recognises that the hydro generation of power does some damage to rivers (as everybody knows) and

that the damage grows exponentially with the age of the power project and the proportion of water abstracted, and that it, the Government, has to fix the damage. When the 1960s power stations are 100 years old the harm to rivers will be extreme and require massive remediation; the alternative is to start as soon as possible on recovery and restoration. This is a good custodian stance, assuring the politicians of high stewardship kudos, which used to be their 'bottom line': to leave the nation better than they found it.

### **Seeking the Minister's views**

The Advocates met with Environment Minister Marion Hobbs soon after her press release about the funding plan to deal with Lake Taupo's nitrogen problems. To quote her statement, 'The plan will make an important contribution to the \$82 million package that the government, Taupo District and Environment Waikato agreed to jointly fund. Of that amount, the government has committed around \$37 million and Environment Waikato and Taupo District Council have committed \$27 million and \$18 million respectively to the funding.' (30 July 2004).'

The Minister acknowledged in her meeting with the Advocates that this meant that Turangi and Taupo rate payers would pay at least twice and possibly three times if they contributed to all three of these funding commitments. Minister Hobbs agreed that this was iniquitous and that the three-level taxation plan would seriously affect the wellbeing of the many residents, especially those of low socio-economic status.

Further, there are other recovery projects to which these same ratepayers are contributing. Turangi ratepayers pay into Project Watershed, a Regional Council rate for catchment work involving flood protection. In addition, Turangi ward ratepayers pay more than one-half of the costs of lakeshore erosion works at Motutere and Kuratau.

The Minister also noted that rate-payers in the Taupo District already pay comparatively higher rates than most city dwellers and that there is a high proportion of citizens on benefits in the Taupo rating district.

Minister Hobbs reacted positively to the ideas we proposed here; she has undertaken to do some further work on the proposal and will report back.

## **Conclusion**

The idea underpinning this proposal is not new. Power Companies themselves have supported river restoration plans before. For example, Project River Recovery involving Meridian Energy (previously ECNZ) and the Department of Conservation was set up in 1991 in the Mackenzie Basin to ‘provide habitat and conditions equivalent to or greater than the net loss ...’ attributable to the Waitaki Scheme (Peat, N. and B. Patrick (2001), “Wild Rivers.” Dunedin; Otago University Press. P.44). What is needed here and now are smart and insightful action like that example.

This Advocates’ resource-use funding model is capable of producing highly desired outcomes quickly and it can be scaled up to work for other rivers.

The environmental outcome would be beneficial and replace the ad hoc strategies whereby individual Ministries are targeted for funds, piece-meal, and often adversarially.

Citizens are more likely to accept a funding model which, first, shifts the cost of environmental protection from ratepayers to the primary users of the water, and second, spreads the cost to a national base and third is targeted, through a Trust, at specific restoration-recovery projects than the current blunt instrument approach.

## **Finding a means to restore the mana of the Tongariro River**

### ***Note***

*The Ministry for the Environment has recently published a discussion paper; ‘Freshwater for the sustainable future: issues and options’ which invites the public to make submissions. Also, note the register of ‘nationally important recreational waters’ compiled by the MfE.*

<http://www.mfe.govt.nz/publications/water/freshwater-issues-options-dec04/html/page10.html>

<http://www.mfe.govt.nz/publications/water/national-importance-rec-dec04/index.html>

## **KEYSTONE IDEAS FOR A PROPOSED TONGARIRO RIVER MANAGEMENT PLAN**

### **Vision**

The Advocates' vision is that the mana of the Tongariro River be restored to its previous international status as one of the best trout streams in the world so that it once again can be the most significant recreational and ecological resource of the district.

### **Underpinning Principle**

The realisation of this vision depends on a paradigm change in river management philosophy from the current adversarial approach to one which closely follows the inclusive and consensus-seeking strategies that underlie the pioneering efforts of the Guardians of Lakes Manapouri, Monowai and Te Anau whereby hydro and ecological interests came together.

Outcomes expected from the operation of a Tongariro River Management Plan designed by and administered by the Tongariro River Management Forum will include the following:

1. That a secure knowledge base is built up, derived from scientific studies.
2. That consultative and respectful management processes are adopted.
3. That active management strategies replace laissez faire styles currently in use.
4. That there be ongoing river studies so that benchmarks are established.
5. That the whole river benefits from active management.
6. That all decisions consider the river with its environs.
7. That the status of this wild trout fishery be protected and enhanced.
8. That funding will have moved towards a resource-user model of payment of fees for Tongariro River restoration and maintenance.

## Sources

### *On river restoration*

Peat, Neville and Brian Patrick (2001). Conservation issues. Chapter 7 (pp. 129-135) in "Wild Rivers." Dunedin: University of Otago Press.

Sutton, Roger (2002). Manapouri – Waiau – A conservation landmark. Chapter 21 (pp.113-121) in "Keeping faith with fin and feather." Invercargill: Roger Sutton.

### *On consensus management*

Mark, Alan, Turner, Keith S. and West, Carol J. "Integrating Nature Conservation with Hydro-Electric development: Conflict Resolution with Lakes Manapouri and Te Anau, Fiordland National Park, New Zealand." Lakes and Reservoir Management 17(1):1-16, 2001.

### *On landscape values*

Peart, Raewyn (2004). "A Place to Stand. The protection of New Zealand's natural and cultural landscapes." Auckland: Environmental Defence Society.

## SUBMISSION ON THE LONG-TERM COUNCIL-COMMUNITY PLAN – 2004-2014

### **Helen Elliott**

On behalf of the Advocates for the Tongariro River

This submission by the Advocates for the Tongariro River focuses, in the main, on the recreation and scenic aspects of the Taupo District Council's Long-Term Council-Community Plan (LTCCP) as it affects the Turangi Tongariro Ward.

We commend the Council on the Environment Goal it has set for itself in the Plan (page 17), namely *“A clean, diverse, healthy and sustainable natural environment supporting the district's economy and providing for the community's present and future wellbeing.”*

We also support the general thrust of the related Community Outcomes – Environment (page 17) and in particular those referring to:

- A natural environment which people enjoy and strive to preserve for future generations
- Natural features, which are valued or which are a special landscape feature, preserved
- Future reserves to meet community needs and in harmony with surrounding environment
- Access to land and waterways which complement natural values
- Natural wetlands and margins are protected

We also support the Council's stated contribution to Community Outcomes, Recreation and Leisure Services (page 46), namely:

- Recreation, fitness and cultural activities positively affect people's lives
- Attractive, quality recreation services and facilities make an important contribution to the economy of our district.

However, what is of concern is that we see nothing in the Plan specifically designed or intended to develop, promote and market the potential of the outdoor aspects for the Turangi Tongariro Ward in general and Turangi in particular over the next 10 year period.

The Plan states that “*The district’s major resources are forestry, agriculture, hydroelectric and geothermal energy, tourism, and scenic and recreational attractions*” (page 3). Turangi, and certainly the Turangi Tongariro Ward, possess all of the above attributes. Prior to hydro works being undertaken, the Government of the day commissioned an impact report. The author of the 1964 report (“*Fisheries Aspects of the Tongariro Power Development Project*”), Dr CS Woods, wrote in a recommendation referring to the proposed development of a Tokaanu-Turangi township “*The Tokaanu-Turangi area could be the richest area in New Zealand for tourism. The variety of scenery is unrivalled with mountains, volcanoes, lakes thermal pools (which rival those at Rotorua), snow, bush and tussock; and the hydro installations could in themselves be tourist attractions. The climate is favourable with fine warm spells between storms at all seasons. The angling is, and could remain, among the best of its type in the world, and hunting, shooting, boating, swimming, skiing, walking, sight-seeing, photography, motoring, climbing and hiking are all richly provided for ....*” It is understood that the Government adopted the report and gave its support for the development of the Turangi township.

This leads us to an assumption that either the Council does not see this area as an asset in which long-term investment can further enhance the socio-economic benefits of the district through recreational activity and asset development, or that the issue will be significantly addressed by the Development Planning (page 26), namely by way of Key Actions proposed for 2004/05 and Ongoing 2004/14 (page 27). Clarification is needed.

As an organisation which sees the Ward, Turangi township and Tongariro River as being of particular value and significance to the district, we would like to draw your attention to the following:

- (i) The Visitors’ Centre at Turangi has recorded 131,000 enquiries in 2003 (page 68). Visitor numbers are expected to increase by an average of 3% per year (page 68). Given the size of Turangi and its environs the figures reflect a significant visitor interest in the area.
- (ii) The physical attributes of the Turangi area which excite interest of visitors to the area include the scenic beauty of the area in general and, in particular, the established history of the Tongariro River as a significant trout spawning and fishing facility as well as recreation opportunities provided by the area’s ready access to the Lake and the mountains.

- (iii) The diversity of the area within a relatively small geographic space ranges from mountains to volcanic plateau and river flats, fast flowing rivers and streams to wetlands, large scale planned developments like the hydroelectric works, forestry and the township to vast open spaces beyond.
- (iv) Recreational walking activity is in great demand, as demonstrated by the public support of DoC's summer programmes and the popularity of the Tongariro crossing which is deemed to be undertaken by some 69,000 walkers a year.
- (v) The historical significance of the area, Maori and European.

The potential is there for a large number of visitors and residents, either greatly active or less so, to enjoy something in the area and bring socio-economic wellbeing to both Turangi and the district.

One obvious area which we have identified as being close to the Advocates' interest in the Tongariro River and related eco-systems and one which calls for a greater recognition of its recreation opportunities is the **River Walkway and walking tracks**. People walk, and run, for pleasure and health. The Council could capitalise on this by enhancing the present facilities. Indeed, opportunities for showing off and better utilising the southern areas of the district area are endless – not only loop walks along much of the Tongariro River, but also walkways or walking tracks in around and connecting southern Lake residential townships, walking track/s connecting local peaks, a round-the-Lake-Taupo walkway similar to the Waikaremoana Lake one, to name a few. The kudos of such a system would reflect well for the district community overall.

We are not advocating the completion of all such proposals in the immediate future – we are suggesting that the Council could develop a vision statement along these lines in its current LTCCP, endorse the vision in principle and then set about planning and working towards bringing the vision to reality over a period of time. Achieving developments stage by stage or in small bites would be practicable and would be resource friendly, as it would not place excessive demands at any one time. It would also allow time for negotiation with affected agencies, community groups and property owners, as well as allow an ongoing monitoring process over how things were working at any given time and how the related processes could be improved.

In the immediate future, Advocates are inviting the Council to consider proposals closer to home, namely those set out in the attached Appendix A with its particular focus on the Tongariro River. The document is a copy of a submission put before the Turangi Tongariro Community Board in October 2003. The Council decided at the time that a working group be established to consider the feasibility of the working party proposal. However, we understand that an invitation to a large number of representatives of various interest groups to attend the initial meeting was responded to by the Advocates only.

We feel that a significant part of the problem is that people just don't know where and how to start, whether the effort is worth it and what's in it for them. We urge the Council, as the territorial rating authority in the district, to take leadership and pursue the matter further, adopting a "small and focused" approach as the way to go.

In regards to the main body of the River and upper reaches within the Turangi environs and further south, at the initial stage we suggest that perhaps representatives of only those groups or agencies who would have the direct responsibility for the actual development, extension and promotion of the project be involved, say the Council, Department of Conservation, Government Department responsible for the Crown land used by the Corrections Department and, possibly, Transit New Zealand as there might be a need to put in deviations to circumspect private land and thereby possibly encroach on land under the Transit jurisdiction. We understand that DoC has a good working relationship with Landcorp in general and could probably pursue any negotiations without that body necessitating representation on the initial working group.

Proposals for the lower reaches and wetlands should include the Council and the Ngati Turangitukua, through whose ancestral land the lower Tongariro flows. Transit New Zealand may also need to be involved, for the reasons as stated earlier.

Advocates offer themselves in an advisory capacity.

Once the initial groups agreed on a working process or found themselves needing additional advice on a given proposal or project, then, if necessary, further input from appropriate interest groups could be called upon.

**Recommendations:**

1. That the Council supports in principle the concept of a walkway/walking track network within the district which will provide and enhance recreation opportunities for both active and less active public participation and the enjoyment of the environment, and that this be reflected in the final LTCCP 2004/2014.
2. That the Council agrees in principle to the eco-tourist value of the Tongariro River and its environs and initiates steps to bring about planning and working strategy/ies needed to extend walking access to the River environment, and that this be reflected in the final LTCCP 2004/2014.
3. That the Council initiates and oversees the process of seeking appropriate means for the enhancement and extensions to the Tongariro River Walkway/walking tracks from the River's southern boundary to the wetlands/delta in the north, by establishing a working group or working groups comprising initially only appropriate representatives from agencies or organisations which would be directly participating in the process.
4. That, given the effects of the February 2004 floods and the restoration work required, the working group/s referred to in 3 above also address the appropriate means for achieving the following:
  - (a) The existing tracks on the right bank of the river from the Red Hut Bridge to the swing 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.
  - (b) That the track from the SH1 Bridge southward be extended past Kutai Street to link with the tracks in and around the National Trout Centre, supplementing some existing tracks for anglers' access.
  - (c) 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 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.

- (c) That clean-ups take place so that infestations of blackberries and invasive willows are removed and replaced by suitable natives such as flax and toitoi.
5. That the Council notes that an enhanced network of walkways/walking tracks would be congruent and in sympathy with the Council's strategic themes of:
    - Managing Growth (Development Planning, Urban Land Development)
    - Strong Communities (Recreation and Leisure Services, Community Support)
    - Economic Development (Destination Marketing and Management)
  6. That the Council notes the offer of the Advocates for the Tongariro River to assist in an advisory capacity on any aspects of recommendations 1-4 above.

## **WALKWAYS SUGGESTIONS AND IDEAS PRESENTED TO THE TAUPO DISTRICT COUNCIL'S ROADSHOW**

*Turangi, 25 August 2004*

### **Introduction**

“This Society is pleased to be invited to contribute to development of recreational policies as a part of The Taupo District Council’s Walking and Cycling Roadshow in Turangi on 25 August 2004. We recognise this as a first step in recreational policy development and it follows on from the Society’s submission on the Proposed Long-term Community-Council Plan, 2004-2014 (see Appended papers).

The scope of these suggestions is

1. to analyse the present situation here, at the head of the Lake, in Turangi
2. to put a case for urgent provision of walkways
3. to put forward our priorities
4. to suggest a strategy
5. to present as appended papers our policies on walkways, recreation and tourism.

The proposals made here are nearly all for walkways located within one day’s walking distance from Turangi. All of the proposed walks are lowland walks, not encompassing the nearby Tongariro National Park (with one exception).

### **The situation**

Turangi is not well-served with walkways, nor cycleways, both in comparison with other regions of the Taupo District and in terms of local needs. For we note that Taupo (town) citizens have several extended walks, such as those to Aratiatia and Waitahanui; that Kinloch residents have an all-weather tracks (e.g. that to KawaKawa Bay), that Omori-Kuratau-Pukawa people have an excellent lake terrace walk (well-maintained by the TDC, we acknowledge) and we note the development of a walkway near Whareroa.

Turangi residents do not have such facilities. For instance, there is no safe walkway from Turangi to Tokaanu, no foot access to the lake from Turangi, incomplete walkways alongside only a small portion of the Tongariro River, and very limited, if any, access to the internationally regarded wetlands of the Tongariro River Delta, nor to the Delta itself.

Further, the situation with regard to walkways locally is regressing. One there were walks from Tokaanu to the Delta (partly via a boardwalk) and from Grace's Road to the eastern side of the Delta. Paper Roads are no longer recognised and the status of some other roads is confusing. Riverside tracks once used by anglers are no longer maintained. Flooding and ponding have wiped out several tracks.

### **The need for more tracks**

Nationally there is a very concerted push for citizens to have access to the countryside. And there are strong reasons for this, including heritage and health values that recognise the need for well-being as well as rights of access.

We identify three strands to the case for greater walkways in this part of the District.

First, there are intrinsic values to be met. People who access the country recreationally are alert to environmental effects and can detect changes; as such are a component of the front-line eyes and ears of conservation and protection.

Second, there is a strong need for tourism infrastructure here. While the National Park and the Lake are internationally valued, so too should the Tongariro River. A tourism attraction so near to the principal State Highway and on the main north-south tourist route needs urgent further development to provide for many visitors.

Third, there is a clear and strong need for walks for people who do not use motor vehicles and who are not interested in mountain treks. As well as residents, this group includes many thousands of backpackers visiting Turangi (The proliferation of hostels demonstrates the growth and potential here).

The Advocates will assist the TDC in furthering these proposals.

## **Priorities and proposals**

### ***Proposal One***

We request the TDC to clarify the status of some roads in the District, as shown on Map T-19.

#### *Paper Roads*

Here we ask the TDC to identify those roads which are designated paper roads and to denote them publicly in accordance with Section 344 of the Local Government Act 1974 and its successors.

#### *Other Roads*

The right to use other roads is problematic and unclear. For example some roads through forests are used by some citizens while other citizens are barred.

The status of Hydro Construction roads is unclear. Requests to the TDC for definitions of their ownership and maintenance have not produced unequivocal answers, and sometimes no answers.

### ***Proposal Two***

#### *That new tracks be formed*

A very high first priority for this Society is the Tongariro River Walk, from the mouth of the river to the Red Hut suspension bridge and back on the opposite side.

#### *That old tracks be re-instated*

Once it was possible, partly by boardwalk, to walk from Tokaanu to the Cherry Pool on the Tongariro River, and this was extremely popular until the access was removed.

#### *That tracks suitable for people with prams and for disabled people be developed*

This proposal might apply to the one existing riverside walk if some improvements were to be made.

#### *That there be Lake access on foot from Turangi*

Especially as a loop from the Tongariro River Walk

*That a Pihanga-Rotopounamu loop become part of the walkway system of this region*

We propose that there be defined access over the farm on the northern slope of Pihanga to join up with the existing track through the bush to the summit, with a new walkway to the west linking up with the Lake Rotopounamu loop track.

***Proposal Three***

*That the restrictions on access to rivers by the location of Corrections Department facilities be re-examined*

The Crown need not take the stance it has adopted, of totally denying access to wildness of extreme beauty.

**Appended papers**

Submission to the Taupo District Council on the Long-Term Council-Community Plan – 2004-2014 (including a submission to the Turangi-Tongariro Community Board)

Walking Access in the New Zealand Outdoors.

Extract from The Waikato Times, 18 August 2004.

**Jointly presented by**

John Wheeler, Gill Osborne, Helen Elliott, Heather McDonald and Mark Cosgrove on behalf of the Advocates for the Tongariro River Incorporated, PO Box 335, Turangi 2751.

## **TOWARDS A BETTER NETWORK OF VISITOR FACILITIES**

### **– SUBMISSION RESPONSE**

*(Response from Mr Derek Thompson, Department of Conservation, Tongariro Taupo Conservancy, Turangi)*

‘Thank you for taking the time and effort to respond to the Department of Conservation’s National Recreation Opportunities Review, “Towards a Better Network of Visitor Facilities”.

The review of recreation opportunities, focussed on the provision of facilities, is now complete. Enclosed for you is a copy of the submissions and decisions report. It summarises submissions received on Tongariro/Taupo Conservancy's proposals and describes how these relate to the decisions. Decisions have been influenced by submitter comments and I am confident of an open and inclusive process. As a result of this review Tongariro/Taupo Conservancy will be able to better manage the facility network to meet the needs of the recreating public.

Specifically, you did not submit on any Departmental proposals, but provided comment on some other sites. More detailed answers to your submissions are listed below.

#### **True Right of Tongariro River, Red Hut Bridge to SH1 Bridge;**

Maintenance work will be addressed on this site in the upcoming years.

#### **True Left of Tongariro River, Kutai St to National Trout Centre (NTC);**

The Department will work to develop a track at this location, to current anglers access standards.

#### **True Left of Tongariro River, NTC to Red Hut Bridge**

The Department will support this initiative and work in conjunction with the community, but it will not lead it due to the current land tenure.

#### **Pest Plant Clearance and Revegetation**

The sites you mention are not currently a priority for this treatment. As funding allows, it may become a priority for the Department to revegetate sites on the river in this manner.

### **Walking Access to the Delta**

This is not a priority for the Department. We agree that it is a noteworthy site, and is best left undisturbed for its merits as a waterfowl and Bittern habitat. There are also land tenure issues that might not be easily resolvable.

### **Development of tracks in the Upper Tongariro**

Some of this land falls within the Kaimanawa Forest Park, but the development of such a track is not a priority for the Department.

Please note that initially, the Department will focus on addressing deferred maintenance on its existing network of visitor assets. As these proposals are part of a 10 year funding programme, it is possible that no new facilities will be developed until at least 2007.

Thank you for participating in the review and I hope that you will continue to enjoy Tongariro/Taupo Conservancy's recreation opportunities for many years to come.'

Derek Thompson  
Recreation Planner  
Department of Conservation  
Turangi  
20/10/2004

## GOVERNMENT RESPONSE TO ACLAND REPORT ISSUED

### Press Release

20.12.2004

*Hon Jim Sutton, Member of Parliament for Aoraki  
Minister of Agriculture, Minister for Trade Negotiations, Minister for Biosecurity, and  
Associate Minister for Rural Affairs*

The Government has decided to embrace the Queen's Chain ethos, which would see walking access would be extended along water ways with access value throughout the country, Rural Affairs Minister Jim Sutton said.

Mr Sutton said that Cabinet had endorsed a three-year program which would see a new access agency clearly set out legal access where it currently exists and negotiate walking access across private property where there is none now.

However, the decision would not see the Queen's Chain automatically extended to cover all the missing areas along rivers, lakes, and beaches, he said.

"The original Queen's Chain has few restrictions on it, and we want to be quite clear that this new access is for walkers only. It is not for people in vehicles, people with dogs, or people with guns, unless they have the express permission of the landholder."

Mr Sutton said the new 5 metre-wide access ways would also give way to a 50 metre exclusion zone around houses, and a 20 metre zone around farm buildings.

"This is a decision to enhance walkers' access, not a right to intrude on people's homes or business buildings."

Mr Sutton said the Government intended to set up an access agency, which would provide information about exactly where public access was now, through mechanisms such as the Queen's Chain, and assist with marking footpaths.

"About 70 per cent of water ways which should have had a Queen's Chain registered actually got one, and in many cases, the water way has either moved or the designated Queen's Chain area has eroded away."

He said the Government wanted to ensure that New Zealanders have free and secure access along the coast, rivers, lakes and mountains while, at the same time, respecting the interests of property owners.

“Access to these iconic lands is a very important part of maintaining the ‘real New Zealand’. These places are of great cultural and social importance to New Zealanders, and having access to them is important.”

Mr Sutton said farmers had for many years, and many still do, give free access across their properties to beaches, lakes, rivers, and conservation land.

“I want to acknowledge the generous spirit New Zealand farmers have displayed to their fellow citizens. Unfortunately, over time, this has changed in many situations, particularly as ownership has changed, reflecting the increasing urbanisation of our society. It used to be that many of our people had relatives on the farm who they would visit for holidays, thus learning how to behave in the often hazardous farm environment. Nowadays, that link is rare, and urban people are often disconnected from the realities of rural life.”

Mr Sutton said that comprehensive consultation last year showed broad support for a well-balanced access strategy to ensure certain, free, practical and enduring access to the coast, rivers, lakes and mountains.

“This issue is not a new one: people have wanted change for some time. The Labour Party has promised in its election manifesto in 1999 and 2002 to review the Queen’s Chain and to remedy access issues.”

He said the Government believed the popular expectation of public access to and along water margins – known as the Queen’s Chain - remained valid and needed to be reinforced, promoted and extended.

The New Zealand Land Access Strategy is based on a concept of High Quality Access, and addresses the five objectives advanced by the Land Access Ministerial Reference Group in its report, Walking Access in the New Zealand Outdoors.

Mr Sutton said such access carried with it responsibilities.

“We will also introduce a statutory code of responsible conduct, similar to that of the animal welfare codes, to ensure that people are aware of their responsibilities to the landowner when on rural land. Certain standards of behaviour are expected. ”

The Government intended to introduce a bill into the House mid next year to enact these recommendations.

“The public will have further input into this important issue when the bill is referred to select committee. But anyone wishing to have input into this process can also write to me at Parliament.”

≈ 2.5 FROM THE ARCHIVES – HISTORICAL PAPERS

**Maori Land Amendment and Maori Land Claims Adjustment Act 1926**

*The Act known as the 1926 Act is now reduced to one section and that is presented below. It should be read in conjunction with the Deed of Agreement of the 28th August 1992 reached between the Minister of Conservation and Tuwharetoa Maori Trust Board. That Deed is reprinted on The Advocates' Second Annual Report (2003) and is available on The Advocates' website.*

**TAUPO WATERS**

**14. Bed of Lake Taupo vested in Crown –**

For the purpose of giving effect to an agreement entered into under the provisions of section 29 of [the Maori Land Amendment and Maori Land Claims Adjustment Act 1924], it is hereby enacted as follows:

1. The bed of the lake known as 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, are hereby declared to be the property of the Crown, freed and discharged from the [Maori] customary title (if any) or any other [Maori] freehold title thereto:

Provided that there shall be reserved to the [Maoris] all islands situate in the said lake and not heretofore specifically alienated by the [Maoris], together with the right of ingress, egress, and regress over the waters of such lake to any island:

Provided further that the Governor-General may reserve any portion of the bed of the lake or any Crown lands on the border thereof for the use of [Maoris], and may vest the management and control thereof in the Board hereinafter mentioned or in any trustee.

2. There shall be reserved to the [members of the Tuwharetoa tribe the right to fish for and catch for their own use any fish in the said lake that are indigenous to] the said lake, but no such fish shall be sold except with the consent of the Board hereinafter mentioned. The sale of any such fish without consent shall be deemed to be unlawful,

and any person who commits any such offense shall be liable on summary conviction to a penalty not exceeding [\$10].

3. Subject as herein mentioned, there shall be reserved to the public a right of way over a strip of land not exceeding [20 meters] in width around the margin of the said lake. Should any dispute arise as to the position or location of such right of way the matter shall be referred to the Survey-General, whose decision thereon shall be final:

Provided that the Governor-General may from time to time, by Proclamation, exempt any portion thereof from public use, or restrict or limit the right of such public user in such manner as he may think fit, and thereupon the public right of user over the portion specified shall cease or be limited accordingly.

[(3A) For the purposes of subsection of this section, the margin of the said lake shall be the 358.378 metres contour in terms of Taupo Datum (which is the same as 357.015 metres in terms of Moturiki Datum), whether or not that contour is for the time being covered by the waters of the said lake, or such other margin as may from time to time be defined by the Governor-General by Proclamation.]

4. (a) The Governor-General may from time to time, by Proclamation, declare the bed of any river or stream flowing into the said lake, or such portion of such bed as may be described in the Proclamation, to be Crown land, and thereupon the land so proclaimed shall become Crown land freed from the customary or other title of [Maoris], and the Crown shall have the right to use and control the waters flowing over such bed.
- (b) The Governor-General may from time to time, by Proclamation, reserve to holders of special licences a right of way over a strip of land not exceeding [20 metres] in width along the banks of the beds of rivers or streams so vested in the Crown, and such holders shall be deemed to have the right of access accordingly:

Provided that the Governor-General may from time to time, by Proclamation, exempt any defined portion thereof from use by the holders of special licences, or may restrict or limit the right of user thereof in such manner or to such persons or class of persons as he thinks fit, and the right of user on the portion specified shall cease or be limited accordingly.

- (c) The Crown shall have the exclusive right to let for camping sites any part of the land [over which a right of way is] so reserved, and it shall not be lawful for any person owning an interest in the land over which a right of way is reserved to alienate or deal with the land comprised in such right of way except with the consent of the Governor-General in Council:

Provided that if any person having an estate or interest in such land, or being possessed of any valid rights of camping or fishing thereon, is injuriously affected or suffers damage through the exercise of any powers conferred by this subsection he shall be entitled to compensation for such injury.

- (d) Any person claiming compensation as aforesaid (herein called the claimant) must, within 3 months from the date of the publication of the Proclamation in respect of which the claim arises, make and lodge with the [Director-General of Conservation] a claim therefore, giving full particulars of the amount and nature of his claim, the grounds of such claim, and the name and address of the claimant.
- (e) All claims for compensation shall be determined by a Commissioner to be appointed from time to time by the Governor-General. Such Commissioner shall have all the powers and jurisdiction conferred upon Compensation Courts by [Part of the Public Works Act 1981], and shall be deemed to be a Compensation Court accordingly. It shall not be necessary that assessors be appointed, but the Court may appoint one or more assessors to assist it in its deliberations.
- (f) All sums of money found to be due hereunder by the award of the Compensation Court shall be paid out of the [Consolidated Account] to the person entitled without further appropriation than this Act.

[(4A)The Governor-General may from time to time, by Proclamation, define any area of land over which a right of way for the time being exists under subsection or subsection of this section, being land which on the 26th day of September 1926 was Maori customary land or Maori freehold land. Every Proclamation under this subsection shall have effect according to its tenor.]

5. Any Proclamation made under this section shall be conclusive of its own validity, but may from time to time be amended, varied, or revoked as the Governor-General may think fit.

6. No person owning an estate or interest in any land over which a right of way is granted pursuant to this section shall be deemed to obstruct any such right of way by reason only of the erection of fences over or upon it if reasonable and ready access by gates or otherwise is provided for foot passengers through or over such fence:

Provided that no fence or building shall be erected upon any place let or laid out by the Crown as a camping site without the consent of the Minister of [Conservation].

7. The Crown may expend such sums as may from time to time be appropriated by Parliament for the purpose in providing and laying out sites for camping grounds for anglers, and the erection thereon of necessary buildings for their accommodation, and in otherwise providing for their convenience. Such sites may be laid out upon the rights of way granted or proclaimed under this section, or upon Crown land, or upon any other land acquired for the purpose.

(a) Paragraph (e) of section 88 and section 90 of the said Act shall have no force within such district:

(b) No licence issued by or on behalf of any acclimatisation society, and no licence issued under the regulations regarding trout fishing in the Rotorua Acclimatisation District, shall have any force or effect within the district defined under this section:

(c) Such members of the Tuwharetoa Tribe as are nominated by the Board hereinafter referred to shall be entitled to have issued to them, free of charge, licences to fish for imported fish in accordance with the regulations:

Provided that not more than [200] such licences shall be issued in any one year without the consent of the Governor-General in Council:

(d) The Governor-General may, by Order in Council, make special regulations as to any matter or thing relating to or that is in any manner deemed necessary for the due administration of this section. Sections 98 and 99 of the Fisheries Act 1908 shall apply to such regulations as fully and effectually as if they were regulations made under that Act. The power to make regulations shall include the power, in so far as there may not be provision for doing so under [the to license boats and vessels plying for hire over or upon the waters herein referred to, with power to impose such conditions as may be deemed necessary or prudent for the safety and

convenience of passengers, to prescribe fees therefore, to declare the grounds upon which a licence may be revoked or suspended, and to restrain any person from plying for hire with unlicensed boats or vessels. It shall also include the power to prescribe the fees to be paid for fishing licences and camping sites within such district. The said fees need not be uniform, but may differentiate between such classes of persons as are defined by the regulations, and any class or classes may include divisions of age, or of residence or non-residence within such district, or by reference to fishermen from overseas and those permanently resident within the Dominion of New Zealand, or in any other manner that the Governor-General in Council may see fit. Such licence fees may be made payable in respect of a whole season or any lesser part thereof, and a licence may limit the rights of the holder thereof to be exercised only within the said district or at some particular place or locality within the said district:

- (e) Where there is a conflict in any respect between the general regulations under the Fisheries Act 1908 and the special regulations made in accordance with the provisions of this section, the provisions of the special regulations shall prevail within the said district.
10. With the exception of the provisions of subsection hereof, none of the provisions of this section shall affect the rights of any owner of [General land] within the said district at the date of the passing of this Act, but any person hereafter acquiring any [Maori] land within the said district shall be deemed to acquire it subject to the rights reserved to the Crown by this section, and it shall be so subject.
11. Notwithstanding anything in this section, the Minister of Conservation may with the concurrence of the Tuwharetoa Maori Trust Board, by notice in the *Gazette*, –
- (a) Fix the forms and classes of fishing licences:
  - (b) Fix the scope and effect of fishing licences or any specified class of fishing licences:
  - (c) Fix the fees payable for any fishing licence.
12. Any notice made under subsection of this section shall be deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989.

The MAORI LAND AMENDMENT AND MAORI LAND CLAIMS ADJUSTMENT ACT 1926 is an Act with 35 sections of which 34 sections have been repealed. The one remaining section, number 14, Taupo Waters in which the Bed of Lake Taupo vested in Crown is reproduced here.

**Source**

[http://www.legislation.govt.nz/libraries/contents/om\\_isapi.dll?clientID=119892&hitsperheading=on&infobase=pal\\_statutes.nfo&record=%7B37224BD1%7D&softpage=DOC](http://www.legislation.govt.nz/libraries/contents/om_isapi.dll?clientID=119892&hitsperheading=on&infobase=pal_statutes.nfo&record=%7B37224BD1%7D&softpage=DOC)

## ADVOCACY GROUPS

*Compiled by Sylvia Smith*

### Highly relevant

<http://www.estuary.org.nz/>

<http://www.converge.org.nz/ecoaction/>

Waitaki River user liaison group <http://www.waitaki-river.org.nz/index.html>

Save the Wairau Committee

[http://www.fishandgame.org.nz/SITE Default/media archive/Stop HydroScheme\\_on\\_the\\_Wairau.asp](http://www.fishandgame.org.nz/SITE%20Default/media%20archive/Stop%20HydroScheme_on_the_Wairau.asp)

<http://www.eco.org.nz/> - a very rich site for eco organisations

Gecko Trust: <http://www.manawa.org.nz/new.php?group=17>

<http://www.pohutukawa.org.nz/>

Waitakere River Care group <http://www.manawa.org.nz/new.php?topic=&group=113>

Clevedon Lancare (Wairoa River Auckland)

<http://www.manawa.org.nz/new.php?topic=&group=135>

Action for Environment

<http://www.greenpages.org.nz/groupdetails.asp?CategoryID=20&GroupID=311>

Lakes Water Quality

<http://www.greenpages.org.nz/groupdetails.asp?CategoryID=20&GroupID=226>

[http://www.eds.org.nz/lakes/nitro\\_water.cfm](http://www.eds.org.nz/lakes/nitro_water.cfm)

East Coast Bays Coastal protection

<http://www.greenpages.org.nz/groupdetails.asp?CategoryID=5&GroupID=155>

Guardians of the Styx (River)

<http://www.greenpages.org.nz/groupdetails.asp?CategoryID=5&GroupID=450>

<http://www.kaipatiki.org.nz/>

(more environmental protection than advocacy – but about rivers)

Clutha Mata-Au River Parkway <http://www.cmrp.org.nz/>

Guardians of Pauatahanui inlet <http://www.gopi.wellington.net.nz/>

Integrated Catchment Management for the Motueka River

<http://icm.landcareresearch.co.nz/>

Waikato Catchment Ecological Enhancement Trust <http://wceet.org.nz/>

Preserving New Zealand's whitewater rafting rivers <http://www.rivers.org.nz/>

### **International links**

<http://www.environmentalsustainability.info/cgi-bin/search.cgi?query=river&submit2=Search&catid=&db=climate>

International Rivers Network <http://www.irn.org/>

### **Of Interest**

<http://www.publicaccessnewzealand.org/>

<http://www.conservationvolunteers.org.nz/>

<http://www.niwa.co.nz/ncwr/wru/2004-08> – Water Resources Update published by NIWA

### **Sites that the Advocates might want to get listed on**

<http://www.greenpages.org.nz>

<http://www.nzbcsc.org.nz/links.asp>

[http://environment.nzpages.co.nz/science\\_and\\_environment/environment/Organisations/](http://environment.nzpages.co.nz/science_and_environment/environment/Organisations/)

<http://www.nzs.com/science/environment/organisations/>

<http://webdirectory.natlib.govt.nz/dir/en/nz/environment/>

<http://www.eco.org.nz/>

[http://dir.yahoo.com/Regional/Countries/New\\_Zealand/Society\\_and\\_Culture/Environment\\_and\\_Nature/](http://dir.yahoo.com/Regional/Countries/New_Zealand/Society_and_Culture/Environment_and_Nature/)

## **RULES OF THE ADVOCATES FOR THE TONGARIRO RIVER SOCIETY INCORPORATED**

This constitution was approved on the 30th day of September, 2002 and amended on 20 April 2003 and 14 April 2004.

### **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 organisations lawfully engaged in the pursuit of promoting the Tongariro River or the fishery in such manner as the Society deems;

#### 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:

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

## 6.3 Annual General Meeting

- a. The Society shall hold an Annual General Meeting on Easter Sunday, at a time and place to be determined by the Executive Committee.
- b. 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 has paid the current year's subscription and is seconded by two (2) Society members of good standing.
- e. 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.

## 6.4 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 are four (4) 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 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.

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 general 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 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, shall be 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.

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 (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.

**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 *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 authorised 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.

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 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.

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 organisation or organisations 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**

**[WWW.TONGARIRORIVER.CO.NZ](http://WWW.TONGARIRORIVER.CO.NZ)**

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