

# **TAUPO DISTRICT COUNCIL ENVIRONMENT WAIKATO REGIONAL COUNCIL**

**MINUTES of a Special Purpose Meeting of a Joint Hearings Committee of the Taupo District Council and Waikato Regional Council held at Lakeland Resort, 282 Lake Terrace, Taupo, on Monday, 15 June 2009 at 10am**

**PRESENT**      **Independent Chairman:** Dr J A Jones  
**Taupo District Council:** Crs D R Ormsby, C C McElwee  
**Waikato Regional Council:** Crs L Burdett, A Neeley

## **IN ATTENDANCE**

### **Taupo District Council:**

Mayor Rick Cooper until 4.30pm

Mr Gareth Green [Group Manager: Environmental Services]  
10am – 10.30am, 12.50pm – 3pm

Mr Nick Carroll [Manager: Strategic Environmental Policy]

Ms Mali Ahipene [Committee Secretary]

### **Waikato Regional Council:**

Mr Adam Munro [Programme Manager Regional Hazards & Emergency Management]

### **Submitters:**

Mr R Neveltsen, Mr R Scoular, Mr R Lyne, Mr S Germann, Ms N Reeves, Mr J Reeves, Mr B Powell, Mr S Jolly, Mr L Peddie, Mr C Fincham, Ms T de Petris, Mr C Stevens, Mr K Watson, Mr C Fincham, Mr Kemble

## **MEDIA AND PUBLIC**

13 Members of the public during the course of the day  
Dominion Post [10am – 11.30am, 12.50pm – 1.50pm]

## **JOINT HEARINGS COMMITTEE SUBMISSIONS AND DELIBERATIONS DRAFT LAKE TAUPO EROSION AND FLOOD STRATEGY**

The Chairman welcomed those present and introduced the members of the Joint Hearings Committee [the Committee]. He acknowledged His Worship the Mayor who was in attendance. He noted that the strategy was a guiding document to inform decisions by the Councils and other organisations. Those decisions would be made in the context of other processes such as the Long Term Council Community Plans. He also noted that one of the key areas where the Draft Lake Taupo Erosion and Flood Strategy [the Strategy] would provide guidance was in relation to future changes to planning documents which included the Regional and District Plans.

He observed that the Committee's task was to consider not only evidence and submissions presented at the current hearing, but all of the submissions received on the strategy. The Committee would then deliberate and report consistently to each of the Councils with recommendations.

He outlined the intended process for the hearing and for the day and invited submitters, in turn, to present their submissions.

a] ***Kuratau Omori Preservation Society Incorporated  
Mr & Mrs Neveltsen [Property Owners at Kuratau]***

Mr and Mrs Neveltsen were in attendance on behalf of the Kuratau Omori Preservation Society Inc and tabled supplementary information. Mr Neveltsen addressed the meeting and spoke to the submission which focused on their view that high lake levels had resulted in foreshore erosion at Kuratau. He also expressed a view that the methodology for identifying flood levels did not give enough emphasis to the impacts of wave run-up.

He noted that given Environment Waikato's [EW] refusal in 2008 to revisit Mighty River Power's [MRP] consent process it was probably unrealistic to hope that consented levels would be adequately revisited before 2013. He believed that the lakeside communities should be left out of the funding of any rectification work. The Society sought to approach the Kuratau erosion and flooding issues constructively and suggested an alternative method to control erosion, details of which were outlined within the submission.

In response to queries relative to the suggested Frond Mat proposal, Mr Neveltsen noted that whilst he did not have the resources to answer all of the Committee's questions, he believed that the Frond Mat was a method worthy of consideration. He observed that the Society had provided the only alternative to what was proposed within the strategy and sought further investigation to evaluate the proposal.

In response to a further question, he observed that the concept of the 'hump' affecting the wave break was a valid one. Whilst he was not sure if the design, shape and location had been contributing factors, there did appear to have been a reduction in erosion that could be attributed to the hump.

In response to other submissions to the strategy, Mr Neveltsen observed that he understood the national importance for power generation and could accept that there may be more than one factor affecting erosion however he considered both pragmatic solutions and scientific assessment were imperative.

Mr Neveltsen noted that the lake level was currently low and he believed that there would be little erosion caused as a consequence of high winds.

The Chairman noted that Mr Neveltsen's submission had highlighted that long term effects of erosion were of most concern. He thanked Mr Neveltsen for his submission and observed that the matters raised would be taken into consideration.

b] ***Mr Scoular [Property owner at Two Mile Bay]***

Mr Scoular was in attendance and spoke to his submission which noted that he had had a long standing history with the area. He observed that the lake level had risen significantly since the installation of the control gates and that most of the lake foreshore erosion was a consequence of that.

He noted that the model of Guardianship set up for Lake Manapouri had been very successful in pulling the electricity generators and community together. He proposed that the Committee consider a similar model for Lake Taupo.

Mr Scoular noted the Annual Report of the Tongariro Advocates for the River [a copy of which was tabled] which outlined a number of conclusions particularly that erosion was a result of lake foreshore activity and that the management of the lake should be reviewed.

In response to a question, Mr Scoular suggested that the electricity generator companies should be required to pay 80% of the cost to control and rectify the damage to the lake. However, when it was pointed out that power generation was a consented activity, Mr Scoular observed that the best outcome would be the continued use and enjoyment for all. He noted that the proposed Guardian Group could potentially amalgamate the interests of the users, local authorities and power generations.

The Chairman thanked Mr Scoular for his submission.

***The meeting adjourned at that stage [11.50am] for lunch and resumed at 12.50pm.***

c] ***Lyne Enterprises Ltd  
Mr & Mrs Germann and Mr Lyne [Taupo Commercial Property Owners]***

Mr and Mrs Germann and Mr Lyne from Lyne Enterprises Ltd were in attendance to speak to their submission which requested that the flood hazard warning on the LIM report of their property be deleted. Mr Germann tabled supplementary information which he spoke to. Questions of clarification followed.

In response to a query from the Chairman, the Manager: Strategic Environmental Policy explained that prior to the purchase of land the purchaser would request a LIM report from the local authority. In accordance with the Local Government Act [LGA] Taupo District Council [TDC] was required to provide any information that it had in relation to that property. That included the Opus study which had identified the subject property within a flood prone area. He noted that the information contained within the LIM also included a disclaimer that stated that the flood hazard information was subject to the outcome of the draft strategy.

He also advised that if further information was received in relation to that property or future studies were conducted the information contained within the LIM would be superseded. He noted that the Committee's scope for consideration did not include the content of LIM reports.

In response to a question, Mr Germann indicated the subject property line on the map which indicated flood hazard zones. He requested that those zones be deleted from their property as shown on the map. He

noted that the Edgewater Hotel was built in 1933 and that there had been no flooding from the lake during the past 76 years. He observed that whilst Council was obligated to include all available information on the LIM report, he challenged the accuracy of the information.

The Chairman noted that the strategy had identified that more information and data needed to be collected and that a conservative approach had been taken so as not to limit the consultation process and recommendation thereof. He thanked the delegation for their submission.

d) **Mr & Mrs Reeves [Property owners at Kuratau]**

Mr Reeves spoke to his submission which observed that the specific issue was the higher lake levels which had become more prevalent since the implementation of the most recent resource consent granted to MRP. He believed that that had caused a dramatic increase in erosion around the lake. He supported the need for immediate action and endorsed much of the action outlined within the strategy. He also believed that the long term solution to address erosion was to reduce the day to day maximum lake level by reviewing the MRP resource consent conditions. He believed that rezoning private property within flood prone areas was unfair.

Mrs Reeves addressed the meeting and observed that she was really concerned because the lake foreshore was being damaged and eroded every day. She asserted that evidence showed that damage occurred when lake levels were high, therefore maximum lake levels had to be lowered. She believed that the power generators were responsible for causing erosion and should be responsible for funding the necessary rectification work. She believed that no more time or money should be wasted and that the time to act was now.

In response to a question, Mr Reeves noted that his family had owned property at Kuratau since 1953. He believed the sediment behind the Kuratau dam which had been there for approximately 50 years, clearly could not be the cause of the problems that had occurred within the last 7 years.

***The meeting adjourned at that stage [1.50pm] for a short break and resumed at 2.00pm.***

e) **Mr Powell [Property owner at Kuratau]  
Mr Jolly [Licensed Surveyor]**

Mr Powell distributed supplementary information and addressed the meeting. He noted that he had read MRP's submission and had been very disappointed. He noted that it was against the law to damage another person's property. He further noted that foreshore erosion was effectively a controlled hazard created by the controlled lake level by MRP.

Mr Powell had employed the assistance of Mr Jolly, a Licensed Surveyor, to carry out a topographical survey of his property and to extend that out into the lake and establish level bench marks on other properties which

extended from Kuratau spit to the Kuratau River mouth. The results of that survey were detailed within his evidence. Mr Jolly addressed the meeting and noted his client's concerns that the flood maps had indicated that his property was within a flood hazard area. He observed that such identification would have a detrimental effect on its value. Questions of clarification followed.

Mr Jolly believed that it was important that any information that would be included within a LIM report should be precise and not unnecessarily inflated. The accuracy of findings and recommendations within the strategy needed to be refined. He observed that the OPUS report had been done very well, however, there had been no definitive study done on the effect of climate change on lake levels. He believed that more research was needed. He noted his concern relative to the accuracy limitations of the OPUS LiDAR survey undertaken which varied from between 10 - 20cm.

In response to a question, Mr Jolly observed that the improvement of accuracy within the study could be achieved fairly easily with more benchmarking around the lake and improvement on the LiDAR survey.

In response to the submitter's concerns relative to identified flood prone areas the Chairman suggested that those areas be relabelled as 'areas sensitive to flood hazard' and that it be the responsibility of any property owner or property developer to employ the services of a consultant at the time of future development, to further refine the information and risk levels.

In response to a specific question, Mr Powell observed that the reduction of lake levels would address his concerns of flood prone areas.

***The meeting adjourned at that stage [3pm] for a short break and resumed at 3.20pm.***

f] ***TrustPower  
Mr Stevens [Counsel], Mr Watson [Manager – Environment] and  
Ms Peddie [Environmental Planner]***

Mr Stevens, counsel for TrustPower, distributed copies of his submission which he spoke to. He observed that TrustPower was concerned about potential funding outcomes which had been elevated to one of three 'scope of activity' considerations of the strategy. He noted that the Committee may determine to impose a funding requirement on TrustPower which he believed could not be justified based on the evidence set out within the draft strategy. He believed that the strategy had the veiled suggestion of general resource consent reviews. He believed that that should not form any part of a strategy document.

Mr Watson then addressed the Committee and spoke to his evidence which observed that the proposed strategy was misleading and inappropriately attempted to apportion blame towards electricity generators and dams impounding sediment as a key cause of erosion. He said that the lack of certainty of causes of erosion at specific sites created a corresponding lack of certainty in seeking contributions from

stakeholders towards avoidance, mitigating or remedy of adverse effects of their activities. Questions of clarification followed.

In response to a question, Mr Watson observed that the contributor factor needed to be based on sound evidence. He noted that the BECA report had indicated that Hatepe seemed to be stable, however, the strategy had identified that area as unstable.

He noted that foreshore erosion at Kuratau could be attributed to natural processes. TrustPower denied that the activity carried out at the Hinemaiaia Scheme had resulted in foreshore erosion around the lake.

In response to further questions, Mr Stevens noted that whilst TrustPower did not object to the suggestion of monitoring erosion at Hatepe, they did not believe that they should be responsible for the cost of such. Mr Stevens noted that evidence [including the BECA Erosion Study – Stage 4] expressed the view that there would be no benefit in the requirement of monitoring because there had not been any significant changes since the implementation of the Hinemaiaia power station. He said that TrustPower removed the build up of sediment in the hydro dam impoundment as per resource consent conditions. Mr Watson agreed to provide the Committee with evidence of the amount of sediment removed from the dam over the years.

He noted that the strategy clearly attributed erosion and flooding to two main contributors, dams/structures and lake levels. He said that TrustPower recommended that the Committee consider all causes of erosion holistically and amend the strategy to reflect such.

In response to a further question, Mr Stevens observed that the Hinemaiaia power station had been re-consented by EW in 2003. Whilst the strategy stated that the review of existing resource consents may be necessary as a result, he did not believe that the activity at Hinemaiaia power station would require such.

The Chairman noted that whilst the implementation of the strategy may identify future actions that may include the review of existing resource consents, such a review was not a matter within the terms of reference of the Committee.

g] **King Country Energy**  
**Mr Kemble [Associate Director of Ryder Consulting Ltd] &**  
**Mr Fincham [Energy Supply Manager]**

Messers Fincham and Kemble representing King Country Energy [KCE] were in attendance. Mr Fincham distributed supplementary information which he spoke to which observed that KCE sought a more balanced approach within the strategy that recognised that the science in the Taupo catchment was developing and that there was seldom a single cause of erosion. He believed that direct contributions should only be sought where a direct cause or relationship existed between an activity and erosion. He suggested that further investigation and monitoring should only be undertaken where doubt remained as to the cause of the erosion.

In response to a question, Mr Fincham observed that as part of its resource consent, KCE had agreed to mitigation conditions to fund works requested by local residents to avoid erosion.

KCE accepted that there may be a shift in the current funding model as a result of the strategy. Mr Fincham noted that KCE was very small in comparison to the other power generators and that cost played a huge role in the viability of their scheme.

It was put to him that the BECA report stated that the KCE dam reduced the amount of sediment travelling down the river and could be one of the causes of erosion at Kuratau.

Mr Fincham observed that there was a possibility that the dam could be one of the contributors but certainly not the only contributor. He noted that the Kuratau Township expanded at the same time that the dam was built and that there were many possible contributors. The river had always moved and changed and erosion was dynamic and dependent on a number of natural causes.

Responding to a further question, Mr Fincham advised that monitoring of sediment removal or accumulation in the impoundment behind the dam was not a requirement of consent conditions therefore such information had not been collected.

He was asked whether KCE had historical information relative to catchment clearance and environment change that may have contributed to sediment build up and movement.

Mr Kemble advised that two comprehensive reports had been completed for the re-consenting process by Dr M P Cave. The 2007 report, in particular had been commissioned by KCE to gain advice on the matter because there had been a lot of angst about the erosion problem at Kuratau.

h] ***Ms de Petris [Cheal Consultants] on behalf of Mr Richard Hall [Property owner at Kinloch]***

Ms de Petris was in attendance on behalf of Mr Richard Hall who owned a holiday home at Kinloch. She addressed the meeting and spoke to the submission which observed that Mr Hall supported the strategic approach to flooding and erosion matters in the Lake Taupo Catchment. However, she said it was important to ensure that the background science that the strategy was based on was accurate and appropriate and did not unnecessarily impede private property rights.

Ms de Petris observed that Mr Hall sought clarification and justification regarding the level of flooding risk that the public was being asked to be responsible for. He believed that property owners along Kinloch Esplanade should be able to be a party to the sediment management discussions between EW and the Marina Society noting that the strategy incorporated provision for sand replenishment or other restorative measures in the subject area.

In response to a question, Ms de Petris observed that Mr Hall felt that some physical works should be carried out along the Kinloch Esplanade because they knew that monitoring would tell them that it was a high risk area prone to erosion. Mr Hall was not aware of what was required of the Marina Society, however it may be part of their resource consent conditions to monitor and fix erosion as a result of the Marina activity.

Cr Burdett requested that staff produce a copy of the Kinloch Marina resource consent.

***The meeting adjourned at that stage [5.15pm] and was scheduled to resume the following day in the Board Room of the Council Office in Turangi at 10 am.***

***The meeting resumed in the Board Room of the Council Office in Turangi on Tuesday, 16 June 2009 at 10am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**

**Taupo District Council:**

Mayor Rick Cooper, Cr B Chrustowski,  
Mr Nick Carroll [Manager: Strategic Environmental Policy]  
Ms Mali Ahipene [Committee Secretary]

**Waikato Regional Council:**

Mr Adam Munro [Programme Manager Regional Hazards & Emergency Management]

**Submitters:**

Mr D Truebridge, Mr A McNab, Mr D Campbell, Mr J Campbell,  
Ms P Jenkins, Mr E Wilson, Mr T Truebridge, Ms McCaw, Mr Gibbs

**MEDIA AND PUBLIC**

12 Members of the public during the course of the morning  
Dominion Post [until 12.30pm]

Council Officers had circulated a number of reports as requested by the Chairman the previous day.

The Chairman welcomed those present and introduced members of the Committee. He acknowledged His Worship the Mayor, Cr Chrustowski [TDC Councillor] and Mr Don Campbell [Deputy Chair of the Turangi/Tongariro Community Board] who were in attendance. He again noted that the strategy was a guiding document to inform decisions by the Councils and other organisations. Those decisions would be made in the context of other processes such as the Long Term Council Community management plans. He again noted that one of the key areas where that strategy would provide guidance was in relation to future changes to planning documents which included the Regional and District Plans.

He observed that the Committee's task was to consider not only evidence and submissions presented at the current hearing, but all submissions received on



the strategy. The Committee would then deliberate and make recommendations on the matter and report to each of the Councils consistently.

He outlined the intended process for the hearing at Turangi for that morning and invited submitters, in turn, to present their submissions.

i] **Mr Truebridge [RDH Truebridge]**

Mr Dick Truebridge was in attendance and addressed the meeting. He distributed supplementary information which he spoke to. Mr Truebridge considered that erosion was caused by MRP's loose resource consent conditions and suggested that if the maximum lake level was dropped by half a metre, it would solve all problems. He further suggested that a powerful independent body be set up comprising highly qualified environmentalists to manage lake levels on a month to month basis.

He noted concerns raised by other submitters relative to private properties identified within flood prone areas. To assist him, the Chairman explained that as a result of the flood strategy research, areas that were prone to flooding or erosion had been identified and therefore Council was obligated to include that information within LIM's. He noted, however, that there had been no changes to the District Plan to date.

In response to a question, Mr Truebridge noted that Project Watershed had been set up to fund the Taupo Catchment and queried why that money had not been used to rectify erosion damage. He noted that a lot of the affected land may be Maori owned. He suggested that the Government could possibly be responsible to fund the rectification work of reserve areas. It was pointed out to Mr Truebridge that Project Watershed had been initially set up to address flood management of rivers within the catchment.

In response to a further question, Mr Truebridge observed that he was unaware of the consented maximum lake levels prior to 2003, however he asserted that lake water levels had been managed 'ferociously' since State Owned Enterprises had taken over the management of the lake.

He observed that in the past the 'Summer Step' required MRP to operate at a lower lake level during the summer period however he noted that it was no longer a requirement of consent.

j] **Mr McNab [Property owner at Turangi]**

Mr McNab was in attendance and spoke to his submission. He observed that his property had been identified within a flood hazard area which had resulted in higher insurance premiums. As a long term resident, he had not witnessed any flooding of his property.

He believed that erosion and flooding problems were a result of mismanaged hydro operations and that mitigation of damage should not be recovered from ratepayers.

In addition he noted his support to set up an independent authority to review MRP's consent conditions. He tabled a report prepared by the Advocates for the Tongariro River, which proposed fine tuning of MRP's

current lake level management with a view to reduce adverse effects on lakeshore environments.

In response to a comment made during Mr McNab's submission, the Chairman clarified that there was absolutely no truth behind the suggestion that a secret deal had been done between MRP and EW to raise the lake level at the time of re-consent.

In response to questions, Mr McNab observed that he had monitored lake levels daily for 20 years and found that the lake level was often higher after 21 days without rain-fall. He noted that in a natural environment the lake level would have been lower and therefore the lake was not being managed in a natural way. In his opinion, lake levels were controlled by outflows and not inflows.

He believed that the local and regional authorities were neglecting their core responsibility of protecting ratepayer interests. He believed that as a rate-payer, both Councils had a responsibility to protect his interests against commercial enterprises.

k] ***Turangi/Tongariro Community Board  
Messr's Don Campbell [Deputy Chairman] &  
John Campbell [Area Manager: Turangi/Tongariro for TDC]***

Messers Don Campbell and John Campbell were in attendance on behalf of the Turangi/Tongariro Community Board. Mr John Campbell circulated supplementary information which he spoke to. The maps circulated indicated the historical and existing shore line of Lake Taupo. He highlighted that the Pukawa foreshore had disappeared since 1943.

He stated that the control gates were installed for electricity generation purposes, not flood management for the lower Waikato.

Questions followed in reply to which:

Mr John Campbell accepted that a variety of man-made structures, such as boat ramps caused sand build up however the effects of such were localised. The erosion that currently occurred was lake-wide and on a scale never previously recorded or anecdotally reported.

He noted that the Tongariro Power Scheme that was operated by Genesis did not have storage capacity and that they operated in an appropriate way.

In response to a question as to what effect the mid '90s volcanic eruption had had and whether increased accretion had occurred at the Tongariro delta, Mr John Campbell noted that the volume of volcanic ash that had dropped in Tokaanu had been minimal.

Mr Don Campbell noted that after the 1998 flood event those affected could not collect compensation from the Crown because EW had closed the control gates as a management tool to prevent the flooding in the lower Waikato River area.

l] ***Department of Conservation***

***Ms Jenkins [Planner] & Mr Gibbs [Fisheries Area Manager]***

Ms Jenkins & Mr Gibbs were in attendance to present the submission on behalf of the Department of Conservation [DOC] which supported the overall intent of the strategy. DOC acknowledged that erosion and flooding were natural processes and that where property or life was threatened, mitigation measures may be required. DOC sought that the strategy include research on the causes of erosion and its impacts. It also sought the reinstatement of stakeholder forums post adoption to ensure continued momentum of the strategy. Questions of clarification followed.

In response to the submission, the Chairman noted that the Draft Strategy had acknowledged that further research was necessary and agreed that the research to date be added as appendices to the strategy.

It was noted by a member that DOC had withdrawn their submission in opposition to the MRP consent reviews. Mr Gibbs said that he had been involved on behalf of DOC in the resource consent review process and he advised that DOC had withdrew its submission in opposition because MRP had agreed to implement a number of mitigation projects such as the setting up of a Trust to manage the Taupo Sports Fishery and the provision for substantial benefits for a number of natural resource projects within the catchment. He noted that he was not aware of any projects that directly mitigated foreshore erosion or flooding.

He advised that KCE had agreed to monitor the effects of the dam on the Kuratau River. However, there was no specific erosion control work required of KCE.

He also observed that TrustPower's consent conditions required mitigation to reduce erosion. Furthermore, TrustPower was required to transfer trout above the dam to enable spawning. In that case, KCE were required to do so as specified within conditions of consent rather than through an agreement with DOC.

In response to a question, he advised that there was little research on the effects of erosion on fishery activity within the lake. He observed that trout could adapt to the changing environment and there was no evidence to suggest that erosion had an effect on trout population.

m] ***Mr Wilson & Mr Grace [Landowners at Turangi]***

Mr Wilson was in attendance and spoke to the submission which was made on behalf of Mr Grace and himself. He noted that Mr Grace had decided not to attend the hearing because he felt that he would become very frustrated because the cause of erosion and flooding was so obvious. He said that as a result of the management of high lake levels, Mr Grace had lost a substantial amount of land which was previously used for agricultural purposes. Of principle concern to the submitters was the flooding of the lower Tongariro delta area caused by the deposition of material in the lower reaches of the river, as a result of higher lake levels.

Mr Wilson believed that accretion was as much a problem as erosion for the Tongariro River and that as such, accretion should be addressed sufficiently within the strategy.

He observed that the current management of the lake level was higher than would be the case under natural circumstances and that it had impacted on the Tongariro River by causing extra accretion which lead to flooding and erosion. Questions followed.

In response to a question, Mr Wilson observed that whilst the river and delta were dynamic, the managed lake level further impacted on rates of erosion. He noted RWS Cavanagh's letter [dated 1968] to the Commissioner of Works which had advocated for provision for a dredge in order to keep the mouths of the Tongariro River open. Mr Wilson believed that dredging could be a solution for the Tongariro River.

Mr Wilson suggested that an independent authority made up of representatives from Tuwharetoa Maori Trust Board, Turangitukua and EW should determine that process.

He accepted that there was not enough power generation within the country and that was why MRP had to operate the Lake aggressively. He hoped that in the best interests of the environment, MRP would consider an alternative.

n] ***Ms McCaw [Property owner at Kuratau]***

Ms McCaw was a submitter who had not originally asked to speak to at the hearing had been in attendance for the duration and had asked to speak. The Chairman permitted Ms McCaw to address the Committee following her request to do so. Ms McCaw observed that she had a holiday home on the Kuratau Spit. She believed that the increased lake level had impacted on smelt which had therefore resulted in less trout. She noted that the Kuratau Spit had once been a popular destination for fly fishers. She asserted that, the reduced numbers in trout had a direct affect on tourism with a reduction of visitors. She believed that the maximum lake level managed by MRP should be reduced.

o] ***Omori & Kuratau Ratepayers' Association***  
***Mr Tim Truebridge [Property owner at Kuratau]***

Mr Tim Truebridge was in attendance on behalf of the Omori and Kuratau Ratepayers' Association and addressed the meeting. The Chairman permitted Mr Truebridge to present supplementary information on behalf of Sir Michael Hardie Boys [a property owner at Kuratau].

Sir Michael Hardie Boy's paper suggested that the maximum operating level of the lake had to be reduced as it not only caused erosion, but also allowed the build up of sand at the river mouth. He had suggested that until the lake level was reduced, any replenishment or restoration work would surely be at risk.

Mr Truebridge then spoke to the submission on behalf of Omori & Kuratau Ratepayers' Association. He expressed his disappointment that the consultation process had been inadequate.

Cr Ormsby requested permission to address the comment made, which the Chairman permitted him to do. Cr Ormsby noted that he had informed everyone including the Association of the strategy and encouraged them to make a submission.

Mr Truebridge queried why the first analysis of monitoring wasn't scheduled to occur until 2011/12.

In response, the Programme Manager Regional Hazards & Emergency Management advised that the monitoring of MRP's activity had commenced in 2007 as a condition of the resource consent. There was no requirement for monitoring prior to that. He noted that the strategy recommended a higher level of monitoring.

In response to a question from Mr Truebridge, Cr Ormsby clarified that it was his understanding that a Territorial Authority could review conditions of resource consent at any time if particular conditions had not been adhered to.

Cr McElwee requested that staff provide conditions of resource consents, the monitoring requirements specified by the resource consents and the consequences and results of that monitoring for all of the current consented power generation activities on and around the lake. She believed that the information was necessary to assist the Committee to make its decision.

The Chairman noted his preference for an analysis of that information which would highlight whether there was any relevant non-compliance with conditions and the consequences of such. Staff agreed to provide both the raw and analysed information.

***The meeting adjourned at that stage [12.30pm] for lunch and resumed at the Lakeland Resort, Taupo at 2.25pm.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**

**Taupo District Council:**  
Mayor Rick Cooper, Cr B Chrustowski  
Mr Nick Carroll [Manager: Strategic Environmental Policy]  
Ms Mali Ahipene [Committee Secretary]  
**Waikato Regional Council:**  
Mr Adam Munro [Programme Manager Regional Hazards & Emergency Management]  
**Submitters:**  
Mr P Majurey, Mr J Bowler

**MEDIA AND PUBLIC**

5 Members of the public during the course of the afternoon

p] ***Genesis Energy***  
***Mr Bowler [Environmental Manager – Renewable Energy]***

**Mr Majurey [Counsel]**

Messer's Majurey and Bowler were in attendance to present the submission on behalf of Genesis Energy [Genesis].

Mr Majurey, counsel for Genesis, distributed his submission which he spoke to. He submitted that any expressed or implied reference to Tongariro Power Scheme [TPS] in the final form of the Strategy needed to reflect the outcomes of the exhaustive RMA consenting processes in respect of which the TPS was tested before both local authorities and the Environment Court.

He clarified however, that if the proposed strategy sought to circumvent those processes by laying a platform for increased funding from Genesis, notwithstanding an absence of more than minor adverse physical effects from TPS, then Genesis would fully participate in all available processes to protect its interests.

Questions were then asked of Mr Majurey. In response, Mr Majurey noted that the strategy had indicated that there could be some influence on existing resource consents. However, a combination of resource consents and other enabling acts enabled Genesis to operate the TPS as a complying activity. Genesis was therefore lawfully entitled to dam, divert, take and discharge water subject to the environmental constraints contained within those consents.

Mr Bowler then distributed copies of his evidence which he spoke to. He observed that unless there was a clear tangible link that the TPS contributed in anyway to the need for lake-shore erosion and flood protection works, then Genesis should be exempt from any additional costs associated with the Strategy.

Mr Bowler noted his concern that the strategy made a politically motivated statement to apportion blame to hydro generators with little or no focus on other impacts. The Chairman observed that such statement was made as a foreword by Mayor Rick Cooper and suggested that such a statement in a foreword did not form part of the strategy.

Mr Bowler queried the transparency of the process and noted that there were members of the Committee present who had been particularly outspoken and pushed certain points of view with regards to the development of the strategy and associated issues.

Cr Ormsby challenged Mr Bowler's view and requested that he produce the media comments that he referred to within his submission. Mr Bowler noted that there had been an opportunity for members of the Committee to remove themselves. He stood by his statement.

Questions followed. Mr Bowler observed that the strategy was to feed into other statutory processes and would be used as a platform for future planning exercises. Therefore the strategy should form part of a formal plan change process under the Resource Management Act [RMA].

He noted that Genesis currently contributed significantly towards the funding of Project Watershed [over 8% of the total cost in the Taupo

District]. Furthermore, Genesis staff had attended various forums, provided information and input and had had constructive involvement during the development of the strategy.

Cr Ormsby believed that the funding split for Project Watershed was 55% TDC, 45% EW. He requested clarification from staff. The Programme Manager Regional Hazards & Emergency Management confirmed that the funding split between TDC & EW was correct and advised that EW collected part of that funding from contributions from power generators who paid in proportion to their benefit.

In response to further questions, Mr Bowler observed that whilst many submissions were that lake levels had increased, current lake levels were generally similar or lower when comparisons were made between 'pre TPS' and 'post TPS'. He noted that both the Opus and Beca reports were a sound basis on which to develop the strategy however he believed that there was more information and research needed. He was concerned that the strategy did not reflect the key findings of the studies; rather it took selected aspects which when not in context, misquoted the meaning or intention.

He was asked whether the TPS resource consent contained specific conditions that mitigated erosion or flooding.

Mr Bowler observed that the TPS structures were designed to divert water flows and that any inflow to Lake Taupo as a result of those diversions was stopped in the event of a flood. He believed that the operation of TPS had little impact on flooding and erosion. He clarified that consent conditions required Genesis to cease all foreign water diversions into Lake Taupo once it approached its maximum control level. He further noted that during flood events, Genesis was in constant liaison with EW and MRP. He advised that as the operation of the TPS did not impact on erosion, there were no mitigation conditions relative to such matters.

In response to questions on accretion, Mr Bowler observed that there was no requirement for Genesis to monitor accretion and that their operation had been fully assessed during the consenting process. Genesis had undertaken a lot of research to identify what was causing accretion and the scientific evidence and reports that described what those effects were. The operation of TPS had minimal effect on flooding. He agreed to provide that research to the Committee.

He noted the need to acknowledge that the delta should operate as such and that accretion needed to occur to achieve that. He noted that over time the river mouth had migrated all over the delta and would continue to do so.

He noted that Rangipo Dam trapped sediment, therefore the lower reaches of the river were cleaner than it would normally be. During periods of flooding, the sediment would wash down river naturally.

In response to a specific question, Mr Bowler agreed to provide information on Genesis high flow project regime.

He expressed his concern that Genesis staff had not been allowed to attend a Joint EW & TDC Workshop which had occurred on 20 November 2008. He also noted concerns that whilst the consultation forums had gone well, Genesis was asked to provide feedback on huge technical reports within a very limited time-frame.

Mr Bowler acknowledged that there were erosion issues at specific sites around the lake. However, whilst erosion occurred to the detriment of some areas, accretion had also occurred in others which had increased the lakeshore reserve. He said that in a dynamic environment that would be expected to occur.

He noted that there were a number of misguided perceptions in the public about what caused erosion and flooding and he suggested that there was a need for very sound science to support the implementation of the strategy.

He said that historically, a significant number of large flood events and foreshore changes had occurred during a relatively short period of time, therefore he was not surprised that there had been a lot more activity over the past 7-8 years.

He noted the diagram within the strategy that indicated that Genesis was a contributor to the problem. He believed that it created an expectation that Genesis should be contributing to the funding of rectification work. He believed that the strategy also undermined their resource consents.

In response to a question relating to flood management of the Waikato Catchment, Mr Bowler suggested that the response would be better from EW and/or MRP. However, there was a need to balance flooding within the entire catchment vs erosion. He believed that the residents of Taupo were much better off under a controlled regime than they would be under a natural regime.

Mr Majurey concluded that the strategy should be couched in neutral terms and recognised that there was a lot more research to be done. Genesis was not content with the slant that it may be a contributor when there was no evidence to support such.

The Chairman thanked Genesis for its submission.

***The meeting adjourned at that stage [4.45pm] and was scheduled to resume the following day at 10 am.***

***The meeting resumed at the Lakeland Resort, Taupo on Wednesday, 17 June 2009 at 10am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**  
                  **Taupo District Council:**



Mayor Rick Cooper [2pm - 2.40pm], Cr Chrustowski [from 1pm], Cr Uvhagen [10.05am - 12.10pm], Mr Nick Carroll [Manager: Strategic Environmental Policy] Ms Mali Ahipene [Committee Secretary]

**Waikato Regional Council:**

Mr Adam Munro [Programme Manager Regional Hazards & Emergency Management]

**Submitters:**

Mr M Moodie, Mr Gavin Williamson, Mr William Scarlet, Mr David Payne, Ms Anne Nicholas [all for MRP]

**MEDIA AND PUBLIC**

10 Members of the public during the course of the day

The Chairman welcomed those present and introduced the members of the Committee. He noted that the strategy was a guiding document to inform decisions by the Councils and other organisations. He outlined the intended process for the hearing and the day and invited MRP who were the only submitters scheduled for that day, to present their submission.

q] ***Mighty River Power***  
***Mr Moodie [Counsel], Mr Williamson [Hydro Generation Manager], Mr Scarlet [Key Relationships Specialist], Ms Nicholas [Planner], Mr Payne [Principal Hydrologist]***

Mr Moodie, counsel for MRP, addressed the meeting and distributed supplementary information which he spoke to. He said that it was MRP's position that it supported the directions of the Strategy. MRP was very willing to support ongoing research as part of implementation of the Strategy, with the caveat that the Strategy must be framed in such a way that it did not make unsubstantiated claims or promises. MRP further required that any action taken in its ultimate implementation should be based on sound scientific data collection, analysis and interpretation. Questions were then asked of Mr Moodie.

In response to concerns that had been raised by other submitters, Mr Moodie observed that there had been no private agreements made between MRP and TDC. He noted that MRP did however, have an existing Memorandum of Understanding Agreement with TDC and that it was a public document.

In response to a question, Mr Moodie noted that it had been suggested that the action MRP had undertaken in relation to the Waitahanui Reef initiative represented an admission by MRP that its activities were causing the erosion in that area, which was not the case. Whilst construction had been a result of an agreed settlement with local landowners, MRP saw that activity as an extension of its data and science development programme.

In addition, Mr Scarlet noted that MRP had consulted with the community to gain the necessary approval to install the Reef. MRP shared the science that supported the decision of the installation of the Reef with both Councils and that information had also been well distributed

amongst the community. Furthermore, there was a condition of consent which required monitoring which had been carried out.

MRP had recently discovered that the Reef was constructed two metres wider than what had been designed. Therefore, some rocks had been removed in April 2009.

Mr Scarlet advised that the Tongariro Offset Works Agreement had included a requirement that Lake Taupo be held at a reduced maximum level through the summer period [January to March]. That requirement had expired in 2003 and there had been no provision for its replacement. MRP currently operated under the current consent which had become operative in April 2006. His understanding was that the Summer Step was driven by the experience of the flood event in February 1958 which had been a summer cyclonic event. It was a mechanism directed at managing the risk of high flood levels.

Cr Neeley asked that given that cyclonic events still occurred during the summer period further information on how those events were currently managed be provided.

Mr Moodie advised that historically, the Crown had been responsible for the payment of compensation to property owners who had experienced flood damage as a result of the management of the control gates. Because there had not been a change to the Compensation Act, he suspected that that was still relevant.

Mr Williamson then addressed the Committee and distributed supplementary information which he spoke to. He observed that MRP expected to contribute fairly and equitably alongside others within the community to determine erosion and flooding solutions, but maintained the process must be founded on good science and pragmatic decision making.

He was asked to comment on the suggestions made by submitters that a reduction of the lake level would solve the problems and specifically requested advice on how such a lowering would effect the MRP operation.

Mr Williamson observed that in reality, MRP could not do that. To achieve it, MRP would have to operate the Lake at a consistently low level which would have huge impacts on the operation of the hydro dams further down the river. More water would spill into the river and less power would be generated. There would be more demand on other power generation methods such as thermal and the price of electricity would increase.

In response to a further question, Mr Williamson observed that it was a myth that the daily peak times for electricity affected MRP's management of the lake. He said that seasonal storage was provided by Lake Taupo but day to day storage occurred within the reservoirs on the river.

Mr Williamson accepted observations made by submissions however, emphasised that flood events and other causes of erosion were often out of MRP's control. He noted a recent event where the TDC's toilet at Te

Rangiita had been lost during a flood event. The lake level had been maintained at a low level leading up to the event. He asserted that the damage caused had been a result of other factors such as wind and vegetation removal.

He noted that MRP's focus was on sustainable development of new projects and sustainable management of existing activities.

He further noted that a contribution to Project Watershed was a condition of MRP's consent. He believed that that funding model was a useful mechanism which fitted the contributor/beneficiary factor.

He was asked whether MRP could manage the lake in a better way. Mr Williamson observed that the existing Control Gates provided the only mechanism to control lake levels and that there was no other way that MRP could manage the lake more effectively, unless the gates were rebuilt. MRP could operate well within the current conditions of consent however if there was a better, practicable way to operate, MRP would consider such.

It was put to him that there had been a lot of public discussion that competitive power prices had a direct impact on MRP's management of the lake levels.

Mr Williamson replied that MRP's overriding objective was secure electricity supply and that most of the price competitiveness was driven by activity on the river. The operating regime had not changed significantly since the change over from the previous provider.

He believed that the strategy suggested that MRP's management of lake levels was the main contributor to the erosion and flooding problems whilst disregarding the other exacerbators. He believed that erosion and flooding was caused by a complex mix of issues.

In response, to a query, Mr Williamson noted that MRP was prepared to pay its fair share for lake foreshore erosion damage, but not prepared to pay for all of it.

He was asked whether the objectives set for high flow management could be achieved. In response, Mr Williamson observed that the flood event in 2008 had been managed quite effectively. He said that MRP communicated with EW [the flood coordinator] on a daily basis.

He was asked whether there were any aspects of MRP's consent conditions that could be improved to enable better management of the lake and river.

In response Mr Williamson noted that MRP was constrained by physical barriers such as the Control Gates and believed that the conditions of consent could not be improved upon.

The Chairman noted that the Committee's terms of reference did not include the review of those conditions of consent.

***The meeting adjourned at that stage [12.10pm] for lunch and resumed at 1pm.***

Mr Payne distributed his evidence which he spoke to.

He demonstrated that the use of the Control Gates with direction from the statutory flood manager [EW] had reduced flood severity in terms of level, flood volume and duration of time at elevated levels for the majority of the extreme events.

He noted that the Opus review had concluded that it was likely that the shift in the wind regime had had a greater effect on erosion rates on the eastern shore of Lake Taupo than the relatively minor changes in the lake level regime over the same period.

In response to a question, Mr Payne observed that whilst MRP could manage the lake discharge via the Taupo Gates they could not control lake inflows and therefore lake level was largely dependant on inflow volume.

He was asked what effect other power generation operations had on lake inflows. He advised that only the TPS operation had the ability to divert water flow and that their extra-ordinary water inflow ceased once the lake level approached its maximum control level.

Mr Payne presented a number of graphs. Figures demonstrated that the managed lake levels had not been dissimilar to the simulated "natural" levels over the 1946 to 2009 period. He concluded that if lake level was the factor in erosion then it would have affected erosion for many years and not just in the last few years.

Cr McElwee noted that most serious flooding and erosion occurred within a matter of hours and questioned the relevance of the information presented. She further noted that it was the extreme events that were of concern and not the averages presented. She observed that there was some contention that the Gates had remained closed leading up to the 1998 flood event.

The Chairman commented that from May through to August the managed yearly lake level trend was out of sync with the uncontrolled yearly lake level trend.

In response to a question, Mr Williamson noted that whilst they had not prepared a graph to demonstrate the change in lake activity since the removal of the Summer Step, data from 2003 onwards would indicate some relevant information. He agreed to graph that information and provide it to the Committee at a later date.

It was put to him that the controlled lake level was quite high in April 2005. Mr Payne was unsure of why MRP had maintained the high levels during that period but noted that the 2004 to 2007 period was not out of character when compared to typical levels over a long period of time.

It was also put to him that the obvious upside to the operation of the Gates was that the Waikato River was permanently flood managed. Mr Williamson agreed, however he noted that the Gates only provided a limited level of protection.

In addition Mr Scarlet observed that the Gates provided more options and greater control than what had existed naturally. Flood management over the entire catchment was achievable and EW could make good decisions on behalf of all of the Communities.

It was put to him that whilst the Gates provided more options to the benefit of the entire Waikato catchment their use may result in detrimental effects and less options for Lake Taupo. Mr Williamson disagreed and noted that the Gates provided a greater outlet capacity.

Cr McElwee noted the supplementary information that Mr Payne had circulated. OPUS had prepared a report commissioned by MRP of recent inflow, level, and wind regimes of Lake Taupo which MRP had used to form part of their evidence and submission. She noted that OPUS had also been commissioned to prepare the report Stage 1 – Lake Taupo Foreshore for the strategy. She further noted that Mr Payne had been employed by OPUS in the past and had reviewed that report. She raised her concerns with the process followed and the status of the independently commissioned strategy research.

The Chairman noted that notwithstanding that the hearing was not an RMA hearing he accepted Mr Payne's professional integrity as an expert witness on behalf of MRP. He noted that NZ was a small country with a limited number of professionals in certain fields and that from time to time they may change their employment.

Mr Payne noted that TDC had been advised of the work that OPUS regularly did for MRP prior to the development of the strategy.

It was put to him that the managed lake level appeared to be much higher than the uncontrolled lake level during the summer months.

Mr Williamson noted that consent conditions required MRP to adhere to the High Flow Management Plan which outlined the objectives when managing flood risk, whilst the Flood Rules specified prescriptive action necessary during the flood event. He recognised that there were occasions when MRP was trying to manage the lake for optimum supply and demand and that there would be occasions that MRP's management of the lake would have an impact on the erosion. However the difference between the natural and managed lake levels was minimal.

When questioned, Mr Payne responded that he was happy to replace the word 'simulated' within his evidence presented, with the words 'managed' and 'unmanaged'.

He was asked to comment on the observation that the wind velocity in the Taupo District was very diverse and that the data that MRP had collected from the airport may not have an accurate bearing on the actual wind velocity at different sites around the lake.

The Programme Manager Regional Hazards & Emergency Management noted that wind data was collected at both Turangi and Kuratau and may be useful as a comparison.

Mr Scarlet noted that a report had been prepared by Mr Murray Hicks to support MRP's resource consent which had included an analysis of wind speed and direction.

***The meeting adjourned at that stage [2.40pm] for a short break and resumed at 2.50pm.***

Mr Scarlett then addressed the Committee. He distributed copies of his evidence which he spoke to.

He said that MRP commended TDC and EW for commissioning the research that currently provided the most comprehensive scientific evidence available in relation to flooding and erosion hazards around Lake Taupo. He believed that by using specialist scientists and having the work peer reviewed, all parties in the Taupo foreshore environment could be confident that the scientific evidence was robust and could be relied on for investing in response to those hazards and developing future action plans.

He noted that it was MRP's opinion that an undue focus on lake level management to address erosion issues would result in actions that were not directed at the root cause of the erosion problems that were of community concern and could result in failure to solve the problem.

The Chairman noted that reference had been made to a submission prepared by Dr Haddon and requested copies of any peer reviews of his report, to assist with the Committee's deliberation .

In response to a question, Mr Scarlet observed that the MRP consent process had identified that more monitoring was appropriate. MRP had worked within the suggested guidelines and focused its monitoring to be in line with the requirements of its resource consents. A reasonable amount of data had been collected for analysis and therefore some decisions could be made. However to fully understand the effects of activity on the lakeshore may involve centuries of monitoring.

Mr Scarlet believed that the future level of monitoring may produce forensic evidence and support, but did not expect that to occur within the next 10 years. He clarified that he was not advocating that the monitoring advocated within the strategy be expanded beyond what was currently proposed.

In response to a question, Mr Scarlet observed that whilst Dr Stevens' study of smelt was done pre 1984, the life cycle of smelt had not changed during the time that had passed. Therefore it was reasonable to assume that his findings were still relevant. Given that the majority of smelt eggs were located deeper than 0.5 metres they would hatch long before lake level change could impact on them in any way. Therefore, the effects of lake level management couldn't be linked to the health of either the smelt

or the trout fishery. Furthermore, based on Dr Stevens' findings, it would be very hard to produce a hypothesis that smelt had been adversely affected by the change in beach profile.

At the conclusion of Mr Scarlet's presentation, the Chairman noted the time and observed that the Committee would not be able to hear the evidence from MRP's final expert, Ms Anne Nicholas on that day. He requested that Ms Nicholas present her evidence when the meeting reconvened on July 8. He thanked the MRP delegation for their presentation.

***The meeting adjourned at that stage [4.15pm] and was scheduled to resume in the Taupo District Council Chamber on Wednesday, 8 July 2008 at 9am.***

***The meeting resumed in the Taupo District Council Chamber on Wednesday, 8 July 2008 at 9am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**

**Taupo District Council:**

Mayor Rick Cooper, Cr B Chrustowski [from 9.20am],  
Mr Gareth Green [Group Manager – Environmental Services]  
[from 10.30am],  
Mr Nick Carroll [Manager: Strategic Environmental Policy],  
Ms Mali Ahipene [Committee Secretary]

**Waikato Regional Council:**

Mr Denis Crequer [Manager of Regulatory Operations],  
Mr Murray Mulholland [Programme Manager River and  
Catchment Services]

**Consultants:**

Mr Jack McConchie [from Opus], Mr Roddy Copeland [from  
Beca]

**Submitters:**

Mr Gavin Williamson, Ms Anne Nicholas, Mr Hamish Brookie,  
Mr Wah McLean, Mr Abernethy, Mr David Livingston

**MEDIA AND PUBLIC**

3 Members of the public during the course of the day

The Chairman welcomed everyone to the resumed meeting. He noted that the submission from MRP was to resume and invited MRP representatives to address the Committee, which they proceeded to do.

r]      ***Mighty River Power***  
          ***Mr Williamson [Hydro Generation Manager], Ms Nicholas [Planner]***  
          Mr Williamson and Ms Nicholas were in attendance on behalf of MRP.

Mr Williamson noted that as a result of requests made during the previous session of submissions, MRP had provided a number of follow up

documents for the Committee to consider. He introduced Ms Nicholas who would provide planning evidence on behalf of MRP.

Ms Nicholas distributed supplementary information which she spoke to. She noted that she had been engaged by MRP to review and provide an overview of best practice to support their submission. She agreed that the identification of flood hazard zones was an essential component of the strategy to ensure that inappropriate development did not take place in areas at risk of flooding around the Lake Taupo foreshore.

She provided an overview of hazard zoning and examples of best practice in planning for flood hazards of relevance to Lake Taupo, details of which were outlined within her report.

She noted that appropriate hazard management techniques around the lake foreshore would provide appropriate guidance for the location of future development.

Best practice case studies illustrated the advantages of integrated management between regional and district councils and applying a hierarchical approach to managing flood risk, from fringe or low risk areas through to high risk areas. That would provide a valuable basis for implementing the Action Plan as set out in the strategy.

Questions were then asked of Ms Nicholas.

She observed that whilst flood hazard maps had been included within the strategy, the objectives of what the maps were to achieve needed to be clearly identified.

In response to a query relative to the flood management within the Gisborne District, she explained that that Council undertook a process of assessing where the burden of flood management should fall within the community and determined that the 1 in 200 was a suitable level of risk to plan for.

She clarified that the Timaru District Council had set a minimum floor level height based on the 1 in 200 year flood event in the most risk areas. The floor level in other areas was set based on the 1 in 50 year event.

She noted that the examples presented had not been subject to manmade electricity based management. However, the reason that she had selected those examples was because they were recognised by the Ministry for the Environment as best practice and provided examples of how different planning tools had been utilised to address the risk of flooding. Whilst there was a limited range of mechanisms available, creative responses within each of the areas had allowed each local situation to be dealt with appropriately.

She had researched areas that implemented tools in response to flood hazards and she had not included Lakes Te Anau or Manapouri because those examples were not considered best practice examples.



She believed that it was appropriate to look at a whole range of tools which included restricted development where the risk of flooding had been identified. A number of the examples provided had been a result of a joint strategy from regional and district levels. Hazard identification and management prevention was better than finding a cure, consistent with the strategy's image of the fence at the top, not the ambulance at the bottom.

The Chairman ruled a question from Cr McElwee as out of order because it requested a response that was not within Ms Nicholas' expertise. He requested that all questions to the expert witness be based on the evidence that had been presented or the technical expertise of the expert witness.

Ms Nicholas noted that flooding currently occurred and would continue to do so. She observed that the regional council had responsibility over the entire catchment, however, she had focused her evidence on the district level rules and specifically Lake Taupo because that was where she had had the most involvement and expertise.

She noted that existing land use allowed for anyone to develop up to the specifications that were already in place. The regional plan would provide some ability to manage the existing land use. She believed that any robust information within the strategy should be developed and be subject to rigorous testing. The fundamental basis of what she had presented was that it was important to implement the necessary planning rules to manage flood risk.

She noted that Whakatane District Council's Variation 6, referred to within her evidence, was not fully operative and was subject to the appeal process.

She observed that the 'Queens Chain' was a 20 metre Esplanade Reserve requirement and was a mechanism used commonly throughout NZ. It could be used to achieve multiple objectives such as amenity, character and flood risk management. She further observed that development within the foreshore protection area was a discretionary activity under the Plan. She believed that the Plan should identify appropriate setbacks for flood protection objectives and noted that it may be appropriate to identify greater setbacks according to the level of risk of each area around the lake.

It was noted by a member of the Committee that there was a public perception that MRP was responsible for exacerbating flood events. It was further noted that the Opus report stated that the gates were not designed to be a flood management system and that it was apparent that the gates were closed during flood events to avoid damage downstream. The member queried whether the gates could be better managed to avoid flood risk above and below the gates.

The Chairman noted that experts had already stated that during flood events MRP would operate the gates in accordance with what they were directed to do by EW. He again requested that the Committee constrain

themselves to ask relevant questions of Ms Nicholas relative to her evidence which focused on planning methods to mitigate and avoid risk. In response to a query, Mr Williamson advised that MRP worked closely with EW during flood events and that the current process to do so was sufficient. He noted that the requirement to do so did not interfere with MRP's core business and did not have a significant impact on its objectives. He advised that to be a fully effective flood management tool the gates would ideally be 4 times larger than the existing, however MRP did what they could to manage flood above and below as directed by EW. He did not believe that the summer step provided better flood management capability than the high flow management plan within the current consent.

That concluded the submission from MRP. The Chairman thanked MRP for their submission.

***The meeting adjourned at that time for a short break [10.45am] and resumed at 11.00am***

s] ***Mr Brookie & Mr McLean – Landowners at Waitahanui***

Mr Hamish Brookie and Mr Wah McLean were in attendance and on behalf of six landowners at Waitahanui. Mr Brookie addressed the meeting and objected to the strategy proposing that the erosion affects on the margins of Lake Taupo should in future be managed by establishing Erosion Hazard Zones and then limiting existing property rights on affected private land by using planning instruments.

Mr Brookie observed that the Waitahanui land-owners had withdrawn their appealed opposition to consent based on the 2003 conditions. However, the group were now aware that re-consenting had taken place [2006] and a new set of conditions now existed.

He noted that the six landowners had applied their combined skill set and finances to submit in opposition and appeal against the MRP resource consent. He noted the many affected parties did not have the skill set or resources to launch a successful appeal.

The Chairman noted that it was not the Committee's intention to undertake an enquiry into the provisions of Project Watershed or to review existing consent conditions. He noted that the Committee was unable to reconsider existing consents as they had already gone through the RMA process and that the current hearing was not the appropriate forum to reconsider such matters. He requested that Mr Brookie have regard for the Committee's terms of reference so that the members were not wasting time listening to irrelevant information.

The Chairman also advised Mr Brookie that once Council had information relative to a property, it was obligated to provide that information on the LIM if relevant. He was not aware that the strategy suggested that zones be applied to certain areas.

Mr Brookie believed that the strategy could influence the future resource consent review and activity accordingly if the Committee decided to recommend such.

He noted the previous submitter [Ms Nicholas] who had suggested possible planning instruments to address flooding and erosion. He observed that the six land-owners understood that based on their agreement with MRP together with expert engineering advice and design by Tonkin & Taylor that the beach nourishment and reef structure provided protected them from future erosion and that as such did not believe that their land was threatened by erosion.

They believed that their properties should not be included or identified as land which was subject to a Natural Erosion Hazard. He noted that if TDC decided to designate their properties within the proposed Erosion Hazard Zone, the property owners would fight that process in the Environment Court.

Cr McElwee observed that because the hearing was an open and democratic forum, she was willing to hear concerns about the process followed by TDC.

In response to a query, Mr Brookie advised that the reef had been effective and that as a result sediment had built up on the beach. He believed that that form of erosion protection could be used in other areas around the lake.

Mr McLean then addressed the Committee and requested that in view of what had occurred during the MRP re-consenting process, the Committee should recommend that EW review the consent under s128 of the RMA.

He appreciated Council's legal requirement to include all information within a LIM, however suggested that the Committee recommend that their properties not be identified within an erosion hazard zone.

Discussion ensued. The Chairman advised that it was not within the Committee's power to recommend that conditions be reviewed. Cr McElwee believed that the Committee could recommend a review of consent conditions if it considered it necessary. Cr Ormsby noted that whether the Committee agreed with a submission or not, it was their decision. Furthermore, he suggested a short recess to clarify the contentious issue.

The Chairman noted that it was imperative that the Committee did not misinform or give out the perception that it was able to review conditions of consent. He agreed that the matter warranted further discussion during a recess and noted that he intended to clarify the matter during the lunch break.

Mr Brookie continued to present his submission.

Mr Brookie noted that the removal of the summer step had resulted in a significant change as now the control level for a large part of the year

potentially was higher than what was previously and therefore the ability to flood manage to the same capacity had been removed.

He tabled a copy of a letter he had sent to EW. He suggested that EW had a conflict of interest and was severely conflicted as flood manager, consent authority, exacerbator and beneficiary, controller of the funding mechanism for Project Watershed. He queried their ability to consider the matters and the strategy impartially. He recommended that the Committee request the consideration of whether EW needed to obtain resource consent to operate the gates as a flood management tool for the Waikato River.

***The meeting adjourned at that time [12.30pm] for lunch and resumed at 1.20pm.***

The Chairman clarified that the Committee would consider any points raised within the strategy. He noted that there had been many submissions, some in support and some in opposition. The job of the Committee was to consider what had been submitted and to make recommendations to both Councils.

Mr Brookie asked the Chairman whether the Committee would consider the effects of current resource consents and mitigation measures.

In response, the Chairman noted that the issue for consideration was what was causing erosion and flooding and that the strategy sought to address that.

Mr Brookie then outlined the relief sought as contained within his report.

Due to time constraints, and noting the amount of time already taken by Mr Brookie, the Chairman indicated that he intended to allow other submitters who were in attendance to present their evidence, as per the tabled schedule. He noted that he would allow further questions of Mr Brookie at a later time during that day.

s] ***Mr Abernethy – Landowner at Five Mile Bay***

Mr Abernethy was in attendance and spoke to his submission in opposition to the proposed establishment of planting along the lake foreshore in front of his property. He suggested that the planting would be better placed in front of the near-by reserve where it would not impede anyone's view.

Mr Abernethy was also opposed to the maps which identified his property as prone to flood hazards. He noted that he had resided at the property for more than 40 years and had never experienced flooding during that time. He further noted that he would be willing to employ a contractor to fill in the lower level yard if that would address the concern of flood risk.

Following Mr Abernethy's submission, clarification was given that the proposed establishment of planting that Mr Abernethy had referred to was as a result of implementation of the recent TDC review of the Tapuaeharuru Bay Lake Foreshore Reserve Management Plan. It was

noted that staff would provide that information to the EW representatives and provide the submission to the relevant TDC reserve staff.

t] **Mr Livingston – Maori Landowner at Waihi Village**

Mr Livingston was in attendance and spoke to his submission. He observed that he was totally opposed to the proposal. He believed that Maori had already lost a large amount of land over the years to flooded areas and that they were not willing to lose any more.

He observed that the Treaty of Waitangi protected his whanau's right to full exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties.

In response to a query, he noted that a large amount of Maori land that belonged to his whanau had been identified within the strategy as prone to flood hazard. He believed that it undermined his right to live on the land.

He was disappointed with the lack of consultation and noted that whilst Council may have consulted with the Tuwharetoa Maori Trust Board, that Board did not represent himself and his whanau. He believed that it was important for both Councils to take notice of the landowners. Whilst there may have been hui on a Marae, it had been insufficient.

He said that the Waitahanui Pa which was located beside the Tongariro Delta and existed during the war was no longer there because it was now a flooded area. He noted that whilst he was not a technical expert, local knowledge and common-sense told him that the lake level had risen significantly. He encouraged the Committee to consider the anecdotal evidence presented by submitters.

u] **Council Officers / Consultants response to issues raised**

Mr Carroll addressed the meeting and observed that Council Officers and Council's Consultants intended to clarify matters which had arisen during the hearing, provide advice and answer further questions from the Committee. He explained that officers had prepared a series of information papers that had been circulated to the Committee. These papers provided information on the key issues that had emerged through the submission process. He introduced Council Officers and Consultants who would speak to those papers.

Mr McConchie [a Consultant from Opus] addressed the meeting and in response to an observation from a member of the committee, stated that the reports and evidence that he had prepared were not biased. He noted that he had prepared the Opus report on flood risks for the strategy and as a result of that work, gained valuable knowledge of the various elements and how they impacted on the lake and surrounding environment. Because of his knowledge of lake levels and flood risk, others were keen to utilise his expertise. Therefore, MRP had approached him to do some research on their behalf. In addition, he noted that the work commissioned by MRP was public information and had been provided to the Committee for consideration. He stood behind his evidence and professional conduct.

Mr McConchie observed that Opus had been engaged by the Councils to identify the potential flood risk around Lake Taupo. The key message from the Opus report was that wave run up had a potentially bigger localised impact on water levels than the static water level.

In response to a question, Mr McConchie clarified that 2% of wave run up would exceed that that they had modelled and based the report on. He further clarified that the depth of inundation was based on general water levels which was quite different to the wave run up. He recommended that the 1 in 100 year flood event was the appropriate level of risk to justify mitigation measures.

He said that the wind data modelled was collected from the Taupo Airport because it was the most reliable and longest record available. He noted that they had considered utilising the data from Turangi and Kuratau. However, because the wind conditions at those sites was mild, decided that the Airport data would provide a conservative result when compared to other areas around the lake.

It was noted that the flood hazard zones were causing angst within the Community. However the Committee noted that such information once obtained by TDC could not be disregarded and must be disclosed within LIM reports. Some members queried how the zones could be applied without adversely affecting property owners.

In response, Mr Carroll advised that staff had the resources [via GIS mapping] to identify the topography of individual properties. The purpose of the strategy was to establish a methodology to clearly establish potential flood areas to define the level of risk.

In addition Mr McConchie noted that whilst flooding occurred around the lake foreshore, there was also in-lying land affected. The strategy only intended to evaluate and assess large areas of land and not individual properties. Council was obligated to include such information under the LGA. However the overall assessment had been realistic and reasonable. Furthermore, if the effects of climate change did not occur within the next 20 years, the methodology had only allowed for 180mm of leniency for Climate Change anyway. He therefore believed that that would not restrict too many activities.

Mr McConchie observed that the Lake environment was not stable prior to the installation of the control gates and that it was a myth that erosion did not exist prior to their installation. He noted that the lake would flood without the control gates and believed that the capability to manage flooding had improved with their installation.

He recommended that areas identified as prone to wave run up be identified as an 'orange flag' because such could be addressed by the individual property owner, however the areas identified as prone to inundation by "static" flooding could not and should be flagged appropriately.

He observed that the evidence suggested that there was a realistic chance that a flood event would occur. However, he believed that the flood risk between now and when a decision on the strategy was made would not change dramatically because the strategy was based on long term predictions [100 year data]. Therefore, the Committee should not feel pressured to rush their decision. He noted that most people could accept and buy into risk as long as they were aware of it.

It was acknowledged that the flood risk was not likely to increase, however it was noted that the planning process to implement appropriate mitigation measures would take a reasonable amount of time. It was queried what measures could be taken in the interim to lessen the effects of flooding.

Mr Carroll referred to a colour coded table which indicated the various levels of risk as identified within the flood hazard maps. Cr Neeley requested a copy of the table with commentary included for deliberation purposes.

***The meeting adjourned at that time for a short break [4.10pm] and resumed at 4.20pm.***

v] ***Mr Brookie & Mr McLean – Landowners at Waitahanui***

The Chairman then invited Mr Brookie to readdress the meeting which he proceeded to do. Questions of clarification followed.

Mr Brookie observed that whilst erosion would occur naturally, the way the lake was currently managed accelerated erosion. He believed that the hydro management regime adversely disturbed the natural distribution of water levels. Increases in the high level distribution of water levels was directly correlated with increased wave energy and erosion on the shores of Lake Taupo, which had the potential to change marginally stable beach environments into beaches that experienced long term erosion. He suggested that under the current lake management regime, wave energy increased by 200%. Mr Brookie believed that mitigation measures were necessary.

Mr Brookie explained that in relation to erosion of the foreshore, it was not the extreme natural events that he was concerned with. It was the concentrated activity and management of lake levels.

Mr Brookie observed that the Hicks report had established that the Hinemaiaia River supplied the majority of the sediment which entered the Waitahanui beach catchment. Sediment flowing down from the Hinemaiaia was retained behind the dams owned by TrustPower and therefore the Waitahanui foreshore was starved of sediment.

He believed that the lake was being used for flood management as a retention pond to prevent flooding further down the river. He felt that the summer step provided the capability to control, mitigate and manage flooding. He struggled to support the argument presented in support of the MRP resource consent hearing that removing the summer step would be beneficial to Ngaruawahia. He queried how that would benefit Taupo.

He stated that EW had not invested enough in flood protection downstream of the control gates.

Mr Brookie suggested that the most sustainable long term outcome was to maximise the use of the lake for everyone's benefit. He acknowledged the importance of power generation activities, as long as there was sufficient investment into the protection of private property to achieve an appropriate balance.

He believed that there should be a national solution because the power generation activity on the lake was beneficial to the general public of NZ. Therefore MRP should be responsible to pay for the work suggested by the strategy through money collected for payment for power, or EW through the collection of the rates. He contested the suggestion that he should have to pay for the work on a local level.

***The meeting adjourned at that stage [4.50pm] and was scheduled to resumed at 9am the following day.***

***The meeting resumed on Thursday, 9 July 2009 at 9am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley,

**IN ATTENDANCE**

**Taupo District Council:**  
Mayor Rick Cooper  
Mr Gareth Green [Group Manager: Environmental Services]  
[12.30pm – 3.15pm]  
Mr Nick Carroll [Manager: Strategic Environmental Policy]  
Ms Mali Ahipene [Committee Secretary]  
**Waikato Regional Council:**  
Mr Denis Crequer [Manager of Regulatory Operations]  
Mr Murray Mulholland [Senior Design Engineer]  
**Consultants:**  
Mr Roddy Copeland [Beca]

**MEDIA AND PUBLIC**

3 Members of the public during the course of the day

The Chairman noted that both Councils had recently completed the LTCCP process and that there had been no evidence presented as to whether either document had provided for potential funding anticipating the outcome of the Strategy. He queried whether it was the Committee's task to identify the necessary LTCCP funding and requested clarification from staff.

Mr Carroll advised that whilst the Committee could provide a recommendation for funding, it was not a task of the Committee to provide detailed information on how each respective LTCCP may be amended in the future. Each Council respectively would have the appropriate discussion relative to funding identification within their LTCCP. He noted that amendments to other



documents such as Reserve Management Plans may also be necessary as a result.

w] ***Five Mile Bay Residents' Association  
Dr Haddon [Scientist and Land owner at Five Mile Bay]***

Mr Carroll then observed that submitter Dr Haddon had intended to speak to the submission on behalf of Five Mile Bay Residents' Association but had been unable to attend the hearing because he was currently out of the Country. Dr Haddon had requested staff present some information to the Committee on his behalf. The Chairman permitted the request.

Mr Carroll noted that Dr Haddon had actively participated through-out the entire Strategy process. Mr Carroll further noted that Dr Haddon had a scientific background and had focused on a scientific analysis of the information within the Strategy. Dr Haddon was also a resident of Five Mile Bay and therefore had good local knowledge.

Mr Carroll advised that Professor Terry Healy had peer reviewed the Report prepared by Dr Haddon. Mr Carroll distributed Dr Haddon's email which he spoke to. Dr Haddon was of the opinion that the proposed monitoring would be a waste of time and money and provide no useful information. Dr Haddon believed that whilst the artificial control of the lake was mentioned within the Strategy, it was evidently merely a token gesture intended to placate critics.

The Chairman thanked Mr Carroll and invited him to continue with the presentation of 'Officer's response to issues raised'.

x] ***Council Officers / Consultants response to issues raised***

Mr Carroll introduced Mr Copeland, from Beca who had prepared the technical report on erosion of the lake foreshore. He spoke to matters that had arisen during the hearing which pertained to Lake levels and erosion.

Mr Copeland advised that Lake level analysis had shown that the control of the lake levels had resulted in periods when the lake was held higher than it would be naturally. However he noted that over the long term that was mostly balanced out by periods when the lake level was drawn below what it would have been naturally resulting in similar lake level regimes *if compared on a yearly basis*.

He observed that the overall range of lake level under control was reduced with extreme lake levels no longer occurring. However, more recently the record had shown that controlled lake levels had been held higher than naturally during summer months, and when these periods coincided with high wind events there is increased erosion risk.

Questions were asked of Mr Copeland.

In response to a query relative to the distribution of the lake levels, Mr Copeland advised that the base analysis conducted by Beca had been

global and that specific beach profile analysis had not been taken into consideration. Seasonal data had also been included within the analysis.

He noted however that the most recent study by Opus [Recent Water and Wind Regimes of Lake Taupo 2008] did include lake level distribution.

Noting that beaches recovered seasonally, the question was asked, whether that distribution had an effect on the ability for the beach profile to do so.

In response Mr Copeland noted that wave run up changed when the lake level was kept at a high level for extended periods of time and agreed that it had an effect on the beach profile.

Mr Copeland observed that Beca investigations confirmed that significant erosion occurred between 357 and 357.2 metres, so operation within that 200mm was a sensitive level.

When compared to the seasonal "repair" of natural coastal erosion activity, Mr Copeland advised that you would not necessarily get the same effect within the lake environment. He noted that there were particular areas around the lake where the foreshore repaired quite quickly. He further noted that those areas had been identified and the different levels at which that had been occurring.

Mr Copeland observed that more evidence and monitoring over a long term period would be necessary to determine whether the erosion could be attributed to a long term trend or a fluctuation. However, the Committee would need to consider whether to wait for that long before action was taken.

He noted that the complexity of erosion was vast and that the difference between whether cycles and climate change was an unknown. Mr Copeland then spoke to matters that had arisen during the hearing which pertained to sediment supply and movement. He noted that erosion at Hatepe had not been prevalent during the development of the report, however there were some reports that such was currently occurring.

Mr Copeland advised that the dynamics of sediment supply was very complex and related to rain, wind, and change in river flows.

He noted that there had been an increase in sediment build up at the Kuratau River mouth and that historically the river appeared to be deeper than what it was currently. In response to a query, he noted that whilst the lake level regime itself had not changed significantly, further investigation into how it affected the sediment cycles may be appropriate. Mr Copeland agreed that the high lake level may affect the flow from the river which effected sediment in and around the river mouth, and he observed that he could see a relation between sediment build up and the removal of the summer step.

In response to a query as to whether the build up of sediment could be flushed, Mr Copeland noted that there was no ability to hold back the flow of the Kuratau River to do so.

Mr Copeland highlighted that you could expect to see a reduction of shoreline as a result of a reduction of sediment supply. However he recommended further analysis to find out the extent of the sediment effects within the site specific areas. He believed that some areas needed to be assessed closely before conclusions and actions could be determined.

He observed that there may be a chance that the natural data of an area could be lost if solutions were implemented prior to monitoring and there was also a chance that erosion could continue to occur if the cause had not been correctly identified. He favoured 'soft' options [such as planting] which he believed would have little negative effect.

It was put to him that the Hinemaiaia scheme had been in operation for 50 years however, erosion at Waitahanui had only recently become prevalent.

In response, Mr Copeland observed that whilst they had not conducted a sediment drift analysis, part of the initial research conducted by NIWA had made some predictions. When Beca had reviewed those rates, they were sometimes inconsistent with expected rates. Based on that information, they had only made assumptions. He believed that a sediment drift analysis would be beneficial.

It was put to him that whilst the report by Dr M P Cave drew conclusions from some crude sediment analysis, findings were superficial and did not have the additional depth. He advised that more sampling should be conducted over time to allow for baseline of data.

He observed that it was a commonly accepted that if you were to cut off sediment supply within a 'run of the river' scheme, the river would have the same energy but not the same amount of sediment. The river would compensate by taking sediment from the river bed and changes would occur over time.

He noted the large sources of sediment along the Kuratau River and agreed that the excess could be used elsewhere. He advised that a number of factors needed to be taken into consideration such as initial cost for equipment set up and cultural impacts for Maori.

***The meeting adjourned at that stage [11.00am] for a short break and resumed at 11.20am.***

Mr Carroll drew Mr Copeland's attention to matters that had arisen during the hearing which pertained to physical works to address erosion. He noted that whilst some submitters had requested immediate action to prevent further erosion, experts were suggesting that there was not enough evidence to act upon. Mr Copeland then addressed each location where a desire to see physical works undertaken had been requested and provided further information.

**Kuratau**

Mr Copeland observed that short term options such as beach replenishment and re-vegetation, and perhaps some form of headland control structure would be appropriate for Kuratau. He observed that it would also be a useful trial project because if it were successful its application to other areas could proceed with some confidence.

Mr Copeland observed that the suggested Frond scour control blanket had been considered, however, he noted that they were unproven in the NZ context. He believed that the Frond blanket would be most suitable within a 'not so aggressive' situation where there was slight or low level of erosion.

On the other hand, it was put to him that erosion and sediment movement was occurring and that lake level had been identified as a cause of such. He was asked how much more monitoring was required before something was done about it.

Mr Copeland said that until data from monitoring was available, then you could not apportion funding to power companies. The fact that they were exacerbators needed to be proved before they could be held accountable. The sensibility of the soft options may be reasonable as a short term solution.

Mr Copeland advised that Officers had been able to draw some conclusions from the data that already existed and some short term solutions could be implemented. However, to gain a better understanding about what was happening and what could be done in the long term to fix it, ongoing monitoring was necessary. He noted it would be harder to attribute the cause of erosion to power generation if intervention was taken before the evidence had been collected.

Mr Carroll noted that part of the study process included the collection of the power generation companies existing resource consent information. He agreed to cross reference the existing monitoring that was undertaken by those companies with the monitoring recommended within the Strategy to identify the gaps. He also agreed to provide an analysis of the existing monitoring and to comment on whether it was adequate and sufficient.

Mr Carroll noted that a lot of the lake foreshore was Maori owned land. He was mindful that that it had not had sufficient mention within the strategy. He believed that a greater emphasis on engaging consultation with local hapu and undertaking that investigative work was necessary.

The Committee acknowledged his comments and it was noted that the final approval to carry out any work on the foreshore and lake bed needed final approval by the Tuwharetoa Maori Trust Board.

***The meeting adjourned at that stage [12.30pm] for lunch and resumed at 1.15pm.***

### **Kinloch**

Mr Carroll observed that the difficulty at that site was that the marina had resource consent to continue to operate with the groyne. Beach replenishment would certainly improve the amenity and recreational value, however, that was likely to become an ongoing commitment.

Mr Carroll observed that consent had been granted to the Marina expansion. At the same time another consent had been granted for beach replenishment to mitigate the effects of the groyne. He observed that the Kinloch Marina had been willing to do the necessary beach replenishment. However, the proposal to do so was with the Tuwharetoa Maori Trust Board for approval. It was suggested that it may be an opportune time to readdress the matter. It was noted that the resource consent was to be reviewed in the near future.

Mr Carroll noted that the Marina was a valuable asset for the Kinloch community and should remain fully utilised, whilst mitigating the effects thereof.

Mr Copeland suggested that the design of the groyne could be revisited, and the length reduced, so that sediment that was currently being trapped and/or diverted, would reach the affected part of the beach.

The Chairman noted a clause within the resource consent that allowed for a review of conditions to mitigate the effects of the activity. However, he did not believe that section 128 of the RMA allowed EW to stipulate a redesign of the consented structure.

Mr Carroll proposed that Council staff revisit discussions with the Marina and The Tuwharetoa Trust Board in an attempt to resolve the beach replenishment matter. He suggested that staff also suggest the redesign of the groyne to the Marina Company and highlight the benefits of such vs the necessity of continual and ongoing replenishment of the beach.

In response to a query, Mr Carroll noted that whilst EW were the authority responsible for the issue of resource consent, there was value in TDC being involved in the suggested discussions as a representative on behalf of the local ratepayers.

### **Five Mile Bay**

Mr Copeland observed that the Strategy recommended that planting trials be undertaken at Five Mile Bay to see how effective planting could be in halting erosion issues.

In response to a query, he observed that whilst planting was proposed, it was valuable to continue monitoring of the area. In response to submissions received in opposition, he noted that the proposed planting could be readdressed.

Mr Copeland noted that there were similarities between erosion experienced at Five Mile Bay and Waitahanui. However, given that the strategy was promoting 'soft' options, planting was the preferred option. He believed that it may help to reduce erosion whilst further monitoring and research continued.

Mr Carroll advised the Committee to be mindful that the planting to mitigate erosion was at a relatively early stage and that staff were unaware of whether it would be an effective solution. However, he noted that it was a low cost option.

**Other Identified Sites**

Mr Carroll noted that a discussion with the Department of Internal Affairs to resolve issues relative to existing boat ramps was necessary.

Mr Crequer [Manager of Regulatory Operations] from Environment Waikato advised that most of the structures within the lake which were legally established prior to the RMA in 1991 had existing use rights and had not required resource consent. He agreed to provide a list of those structures for the Committee.

From discussions, it was also noted that the responsible Lead agency should be defined for each action identified.

Mr Carroll introduced Mr Mulholland [Senior Design Engineer] from Environment Waikato, who spoke to matters that had arisen during the hearing which pertained to Flood Management.

Mr Mulholland observed that EW generally did not require resource consent for its operational flood management role due to the emergency management nature of the risk and the need to keep procedures flexible.

Questions of clarification followed.

Mr Crequer noted that submitters and particularly those people who were opposed to the management of the lake levels by MRP had made the comparison between the current MRP regime and 'natural' state of the lake. He observed that during the consent process, MRP had compared their activity with the previous ECE regime. The Commissioners had not granted consent based on what was perceived to be the premise of a natural baseline.

Mr Mulholland observed that the control gates had been open leading up to the 1998 flood event and had only been closed for three days during the event to allow for the effects of the storm to peak to subside in the lower Waikato. He noted that that event was the first major flood experience for more than 20 years, and had provided a good learning experience for most involved. Given the experience of the 1998 event, EW had a more refined understanding of extreme events and how to operate effectively in that situation.

Mr Mulholland also observed that the current set of rules for flood management in the Mighty River Power consents were far more sophisticated and superior when compared to the previous so-called "summer step". He noted that the step had been developed in the 1970s in response to tropical cyclones that had occurred during the January to March period. However, during the re-consenting process, MRP had demonstrated that the risk of high inflows into the lake occurred

throughout the year and proposed better strategies to manage that flood risk.

Mr Mulholland's observations were that, the lake was being managed at a lower level than what it had been in the past. He observed that EW's overall role was to monitor and manage the whole river and flood event, to work with MRP to integrate their operation and requirements, and ultimately balance and manage flood impacts throughout the river system.

Mr Mulholland clarified that the 20% annual exceedence probability was based on a 1 in 5 year recurrence interval, and not 20% of the year as suggested by one submitter.

***The meeting adjourned at that stage [3.35pm] for a short break and resumed at 3.55pm.***

Mr Crequer then addressed the Committee. He observed that whilst he was not familiar with the Kinloch Marina resource consent, he had ascertained that the need to get approval from the lake bed owner was the factor that was holding up the beach replenishment process. The Marina had existing use rights for the groyne and the resource consent gained was for changes to the Marina berths rather than the groyne.

He did not believe that the intention of the condition relative to erosion was to require the consent holder to carry out erosion rectification work as a result of the groyne. He noted that the condition had been included as part of the standard set of earthworks conditions of consent that were prescribed to all consents that required earthworks. However, a consent applicant who had accepted that condition may well resort to legal means if they were being held liable for erosion else-where around the bay.

He advised that there was potential for a difference of views and interpretation of that condition. If the consent holder was not to agree with the requirement to carry out erosion rectification work, the disagreement could be resolved in the Environment Court. Therefore, EW could only enforce consent conditions to the extent that the Environment Court would support its interpretation of the meaning of conditions of consent. Mr Crequer noted that it was more desirable to settle any disagreement by way of mediation to resolve a sensible agreed outcome.

Mr Crequer observed that because MRP had resource consent to carry out lake level management, erosion was not something that could be addressed easily through the conditions of consent. The relevant condition specified that MRP would be responsible to rectify erosion 'as a direct result of activity'. However, there was still some uncertainty around the exact cause of erosion because there was insufficient scientific evidence to determine that MRP activity was responsible for erosion around the lake. He believed that it was intended that the Strategy would identify a way forward to resolve such matters.

Mr Crequer observed that the strategy itself could not trigger a review of the consent, however, it could identify a set of improvements to them. He further observed that EW [the relevant consent authority] could take

that on board and have regard to the advice at the time of consent review. He noted that EW would require clear reasons before it could trigger a review of consent conditions. He further noted that a number of the conditions within the MRP consent had been written with a process such as the current in mind.

He noted a similar clause within KCE, Genesis and TrustPower conditions of consent.

Mr Crequer observed that the review of consent conditions was very uncommon and that to do so, the normal process would be that staff submit a report to the authority to recommend a review be undertaken.

Mr Crequer advised that the granter of the consent [EW] was responsible to ensure that the conditions were adhered to. He noted it was normal practice throughout the country that the consent holder undertook monitoring. It was also normal practice that an independent body peer reviewed the effects of the activity. He noted that if EW was to take any action against a consent holder the conditions of consent that were not being met would need to be identified. It would then be up to the Environment Court to determine whether that was the case.

If the matter was to go to a higher court, the level of evidence required was very high. The opinion based evidence would no longer hold any weighting and the decision would be based on technical evidence from experts.

In response to suggestions relative to a guardianship group, Mr Crequer made comparisons between the operation of the lake with Lake Manapouri. He noted that a huge difference was that the Crown had proposed to raise Lake Manapouri by a significant level which would result in a situation that was drastically different to what existed. He believed that the suggestion to add another body of governance would only further complicate an already contentious matter.

Discussion ensued. The Chairman recommended that subject to further discussion by the Committee, the Strategy identify that MRP were not the only contributors to erosion. He observed that the content of the Strategy needed to be reviewed and agreed upon before the recommendation of funding be further discussed.

***The meeting adjourned at that stage [5.15pm] and was scheduled to resume the following day at 9am.***

***The meeting resumed on Friday, 10 July 2009 at 9am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley,

**IN ATTENDANCE**

**Taupo District Council:**  
                  Mayor Rick Cooper [11am – 3.30pm]  
                  Mr Gareth Green [Group Manager: Environmental Services]  
                  [9.20am – 2pm]



Mr Nick Carroll [Manager: Strategic Environmental Policy]  
Ms Mali Ahipene [Committee Secretary]  
**Waikato Regional Council:**  
Mr Adam Munro [Programme Manager Regional Hazards & Emergency Management]

### **MEDIA AND PUBLIC**

3 Members of the public during the course of the day

The Chairman welcomed everyone to the resumed meeting and outlined the intended schedule for the day.

Cr McElwee requested further information from staff. She noted that whilst the current inflow data had been provided, she was interested in the current outflow data, where and when it was measured and who measured it. She queried the validity of that information. Staff noted the request.

In response to a query, the Chairman advised that all witnesses and staff that presented technical evidence were to be considered as expert witnesses. The Chairman invited staff to continue with the presentation of 'Officer's response to issues raised'.

#### y] ***Council Officers / Consultants response to issues raised cont.***

Mr Carroll spoke to matters that had arisen during the hearing which pertained to climate change and flooding. He suggested that the Committee consider two options, details of which were outlined within his report.

The first option was to place the burden on MRP. Mr Carroll advised that climate change was built into the objectives of the MRP resource consent. He observed that if climate change was to occur, MRP would be required to adjust the operation of their activity to achieve their objectives and performance standards, within the conditions of consent. However, he noted that the MRP consent had a limited life.

The second option was a more conservative approach to place the burden on land-owners as proposed in the Opus report and draft strategy.

Discussion ensued. It was suggested, that in light of the information available, there was an identified risk of flooding in some areas and Council should increase the required building standards and design.

Cr McElwee noted that the meeting was to be conducted under the rules and regulations of the LGA and that as such it was very important for her to act within a representative capacity on behalf of the Community. She believed that the reports by Mr McConchie were not independent pieces of work. She suggested that research should be peer reviewed and independently audited. She noted comments made by the Chairman during the meeting and believed that he was not of an open mind.

The Chairman objected to that statement made by Cr McElwee and requested that she withdraw it. He noted that the presentation of evidence by staff and consultants was expert evidence and that the staff submissions should not be accused as being flawed, skewed or incorrect.

He noted that most opinions presented by staff had been based on a conservative approach.

He disagreed that there was a need to have every report peer reviewed because of the huge exercise and cost. He also felt that the Committee could rely on the experts who presented information and evidence.

The nature of seasonal wind events had been sufficiently covered within the Strategy and site specific monitoring of wind and wave run up at Kuratau had been recommended. Mr Carroll suggested that that could offer some level of reassurance to the Committee.

Mr Carroll then spoke to matters that had arisen during the hearing which pertained to flood affected properties. He observed that the role of the flooding section of the Strategy was to clarify the methodology to be used for calculating the future flood hazard. The next step in the process would be to develop the plan change to the District Plan.

***The meeting adjourned at that stage [10.50am] for a short break and resumed at 11.00am.***

Mr Carroll observed that the Strategy provided some background to the funding issue and described the different groups who could be involved in funding any actions. However, he noted that the scientific information available at present made it difficult to provide any further refinement of the relative contributions.

Mr Carroll noted that under the current Project Watershed there was a District funding component which was collected from Taupo District ratepayers. He advised that TDC may want to reconsider how it would collect its percentage. Project Watershed had been established as an interim policy and the intention was that it would be reviewed pending the outcome of the Strategy. It was a task of the Committee to provide funding recommendations to each Council and apportion funding appropriately.

Discussion ensued. The Committee agreed to identify the roles, responsibilities and function, as a decision on that may produce an appropriate funding split.

Cr McElwee advocated for a site visit to the key erosion prone and flood hazard sites prior to deliberations.

The Chairman observed that no one had contested that erosion was a problem and that given the evidence presented and general familiarity with the area, he did not feel that a site visit would be absolutely necessary in order for the Committee to make its decision. He noted however, that if the Committee felt that it was necessary, a site visit could be organised as and when the need arose.

**RESOLVED**

THAT THE COMMITTEE UNDERTAKE SPECIFIC SITE INSPECTION AS AND WHEN THE NEED ARISES.

*Jones/Burdett*

*Cr McElwee recorded her vote against the motion.*

***The meeting adjourned at that stage [12.35pm] for lunch and resumed at 1.20pm.***

Cr McElwee tabled copies of excerpts from the LGA 2002 relative to discussions prior to the lunch break.

The Chairman invited staff to speak to the Council Officer response to submissions and invited members to make comment.

Mr Carroll addressed concerns within submissions that the control gates were being used to protect areas of the lower Waikato and Wanganui from flood. Discussion ensued. Members had a conflict of views on the matter. The Chairman noted his intention to defer the matter until the Committee had reviewed and deliberated on the Strategy.

The response to submissions that had suggested an independent lake guardianship body was also deferred until the Committee had reviewed and deliberated on the Strategy.

***The meeting adjourned at that time [3.00pm] for a short break and resumed at 3.15pm.***

The Committee continued to discuss Council Officer response to submissions.

Mr Carroll then addressed submissions relative to work undertaken in relation to the Strategy that had not been acknowledged and made freely available. He suggested that such could be better referenced within the Strategy.

Discussion ensued. The Committee agreed that all of the reports would be referenced with clear indication of who was responsible for the work produced.

Mr Carroll addressed concerns within submissions relative to Principle three of the Strategy. Members agreed to defer the matter until the Committee had reviewed and deliberated on the Strategy.

In addition to the response relative to the proposed National policy Statement for Renewable Electricity Generation, it was suggested that there was an opportunity to acknowledge that it may be necessary to review the Strategy, pending the outcome of such. Members believed that the key message was to signal that renewable electricity generation was of national importance.

***The meeting adjourned at that time [4.10pm] and was scheduled to resume on Friday, 31 July 2009 at 9am.  
The meeting resumed on Friday, 31 July 2009 at 9am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley,

**IN ATTENDANCE**

**Taupo District Council:**  
                  Mayor Rick Cooper, Cr K M Uvhagen [from 9.41am],  
                  Mr Gareth Green [Group Manager: Environmental Services]  
                  [from 10am], Ms Mali Ahipene [Committee Secretary]  
                  **Waikato Regional Council:**  
                  Mr Adam Munro [Programme Manager Regional Hazards &  
                  Emergency Management]

**MEDIA AND PUBLIC**

                  7 Members of the public during the course of the day

The Chairman outlined the intended schedule for the day.

He then made reference to a number of documents that had been circulated during the adjournment of the meeting. Those included a number of documents circulated by staff and emails to clarify points that had arisen during the previous session. He further noted that he had permitted Mr Neveltsen to submit further information relative to the frond mat. However, the information received had also included comments on how the Committee had deliberated thus far, which he would not table for consideration because it was inappropriate to allow parties to attempt to influence the free and frank discussion of the issues by the committee.

He also noted that he had allowed a letter from a Mr Bob Burgess to be tabled which gave examples of the use of the frond mats in the UK, but he had ruled that information received which made comment on the Beca and Opus reports was inadmissible.

In response to a request, the Chairman noted that he did not intend to review and make comment on all of the documents received from staff and consultants, much of which was background information. He noted that the Committees primary responsibility was to consider submissions received and as a result of such, review the Strategy.

The Chairman then invited the Committee to resume the review of Officers response to submissions received. He invited Mr Munro to address the Committee.

Mr Munro addressed submissions that were of the view that extra accretion in the Tongariro River Delta was a result of the management of lake levels. The suggested response referred to the report by Dr Hicks which observed that several factors helped explain the apparently accelerated sedimentation in recent decades. Whilst the effect of the TPD was highlighted, the report concluded that it was not possible to come to a quantitative conclusion as to the relative effects of such, and suggested further research.

He then dealt with the suggestion that the Strategy include the research into the causes of erosion. The Committee reviewed the wording of the response to alleviate concerns raised by Cr McElwee.

Mr Munro then addressed submissions that had highlighted that the technical reports by Opus and Beca had not been subject to a contestable review and therefore, it could not be assumed to be the best information to base the Strategy upon. The Chairman offered some change to wording of the response and suggested that any further reports offered could be subject to contestable review.

Mr Munro then addressed submissions that suggested a targeted programme of work to determine if the hydro dams on the Hinemaiaia River and the Kuratau River were contributing to erosion. A wording improvement to the response was suggested based on the conclusive evidence presented.

***The meeting adjourned at that time [10.45am] for a short break and resumed at 11.00am.***

Mr Munro addressed the view raised within submissions that the KCE dam on the Kuratau River had increased sediment supply to the Lake. He referred the committee to 'Paper 7' in which Officers agreed with the findings of Dr Cave but were of the opinion that the reduced sediment supply caused by the Kuratau dam could not be ignored as an important potential cause of erosion along the immediate shoreline.

Discussion ensued. Mr Munro noted the views of the Committee which he would use to base an appropriate response upon. However, Cr McElwee remained unconvinced and disagreed with the response.

During the review of the response to submissions that suggested that there were grounds for a review of the MRP consent conditions concerns were raised with the Officers response by Cr McElwee who disagreed with the response.

Similarly she disagreed with the Officers response to submissions relative to the lake level operating regime in relation to flood management.

Cr Burdett agreed that the answer could be improved, however, noted that it was not up to the Committee to review conditions of consent.

The Committee reviewed the Officers response which disagreed with a submission from Mighty River Power which proposed wording changes relative to lake inflows on page 14 of the Strategy. The response from Officers rejected the proposed wording because it suggested that Mighty River Power could only influence the lake levels when there was no change to inflows. Officers suggested that in actual fact Mighty River Power regularly manipulated the lake levels within consented regimes taking into account fluctuations in inflows.

Cr McElwee noted that evidence presented had been based on the 'natural' data collected over a short period of time prior to the installation of the control gates. She believed that Waikato Plains were at times, flood managed to the detriment of settlements and areas around Lake Taupo. She had concerns

with the existing resource consents and that as such disagreed with wording changes to the Strategy.

Cr Ormsby agreed with Cr McElwee's view that since the implementation of the control gates, the lake level had been maintained at levels for an increased period of time then that which would occur naturally. He suggested that a Plan Change exercise would allow for TDC to assess the flooding issues in detail and that risk within flood prone areas could be addressed through that process.

Discussion ensued. After considerable debate, the Chairman suggested that further discussion on the matter be deferred until the Committee carried out the review of the track changed copy of the Strategy.

In addition Cr Nealy noted that the gates had only been closed for three day during that event and requested that further information be included within the response.

Mr Munro addressed the issue raised within submissions that the Strategy did not adequately point out the contribution and responsibility of Genesis and MRP. Cr McElwee disagreed with the response.

Mr Munro then addressed the issue raised within submissions that the 1998 flood event had been exacerbated by EW's flood management.

Cr McElwee noted the conflicting views of the two authorities [TDC and EW] on the flood management objectives. She suggested that the response should be more balanced to reflect such, however, because she did not have the support of the Committee, she could only disagree with the response.

***The meeting adjourned at that stage [12.25pm] for lunch and resumed at 1.05pm.***

The Committee reviewed the response to submissions which had suggested that the Strategy disproportionately apportioned blame on electricity generation companies for flooding and erosion.

Discussion ensued. Whilst some Members indicated that they did not agree with the view of the submitters, the detail of the matter raised would be better addressed during the review of the track changed version of the Strategy. However, the response to the submitter was amended.

Mr Munro then addressed submissions dealing with the view that the Strategy portrayed erosion as being widespread. Some submitters believed that the Strategy should acknowledge that there were a number of beaches that were accreting, such as Kuratau. Cr McElwee disagreed with the response which accepted the view.

Mr Munro then addressed submissions that were of the view that the Strategy should acknowledge that the shift from forest to pasture had changed the runoff characteristics and potentially produced a flashier catchment which was more prone to flooding. The Committee generally agreed with the response that the potential effect of historical changes to land use had already been assessed within the Opus report.

Mr Munro then addressed submissions of the view that there was no scientific evidence to show that the management of lake levels was causing the backing up of the Tongariro River. Mr Munro agreed to amend the response and noted that the Hicks report had highlighted that there was a variety of causes of accretion.

During the discussion of submissions on lake levels and erosion, Cr McElwee noted her view that she did not accept the evidence presented by staff relative to lake levels and erosion. She believed that further studies were required and suggested that lake distribution levels be assessed.

The Chairman observed that other members had not expressed the same concern. He suggested that further discussion on the matter be deferred until the Committee carried out the review of the track changed copy of the Strategy.

Mr Munro then addressed submissions of the view that the Tonkin and Taylor report prepared for MRP in relation to erosion and Waitahanui established a causative link between high artificial lake levels and increased erosion energy at Waitahanui. Cr McElwee disagreed with the response and believed that the Tonkin and Taylor report required peer review.

The Committee then reviewed the response to submissions of the view that the Beca report implied that the power company had no control or influence on water levels, however, deliberate changes in water level by the hydro operators adversely influenced the wave environment and erosion effects.

The Committee reviewed the Officers response to submissions that were of the view that the tabled wave run up for the 10 wave environments was incorrect and inadequate. Cr McElwee noted her disagreement with the suggested response.

During the review of Officers response to submissions that were of the view that there was a great deal of uncertainty around the effect of wave run up which had been based on a computer model, Cr McElwee noted that she had continuously requested further investigation into the matter without support. Therefore, she disagreed with the suggested response.

Mr Munro then addressed the response to submissions that were of the view that EW should provide evidence to establish that they had a legal right to use the control gates for flood management.

The Committee agreed that EW's ability to manage the effects of flooding and the mechanisms that allowed for them to do so, needed to be clarified both within the response and the Strategy.

***The meeting adjourned at that stage [3.00pm] and resumed at 3.15pm.***

Mr Munro then addressed the response to submissions that requested an amendment to the Strategy that "*where possible, adopt management options in the first instance that address and seek to correct the human actions or inactions, which contribute to erosion.*"

The Chairman deferred further discussion until the review of the track changed version of the Strategy.

The Committee reviewed the response to submissions that suggested a number of amendments within part D of the Strategy, to refer to reduced sediment loads, acknowledge that erosion was a natural process and advocate in favour of seeking full information. Officer's response was to agree with the suggestion Cr McElwee disagreed.

During the review of the response to submissions that suggested a publicly funded group as an independent watch dog, the majority felt that unless an advisory board had some statutory decision making ability, it was only another body that could further complicate the current situation. Cr McElwee remained in disagreement with the suggested response.

The Committee reviewed the response to submissions that the Trustpower customers pay for sediment diversion around the Hinemaiaia dams and not lakeside residents.

During the review of the response to submissions that requested that the monitoring programmed for Hatepe be greatly reduced or deleted, Cr McElwee noted the concerns raised by the Omori and Kuratau Ratepayers Association. As such, she asked the Chairman to clarify when the Committee would be given the opportunity to review individual submissions.

The Chairman highlighted once again that he did not intend to revisit each submission, however, if there were particular issues within submissions that warranted closer scrutiny, they would be addressed.

That concluded business for the day.

***The meeting adjourned at that time [4.15pm] and was scheduled to resume on Monday, 3 August 2009 at 9am.  
The meeting resumed on Monday 3 August 2009 at 9am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley,

**IN ATTENDANCE**

**Taupo District Council:**  
Mayor Rick Cooper [from 9.40am to 4.35pm]  
Mr Gareth Green [Group Manager: Environmental Services]  
[from 9.55am]  
Mr Nick Carroll [Manager: Strategic Environmental Policy]  
Mr Collin Morrell [Governance & Administration Manager]  
**Waikato Regional Council:**  
Mr Adam Munro [Programme Manager Regional Hazards & Emergency Management]

**MEDIA AND PUBLIC**

3 Members of the public during the course of the day



The Chairman outlined the intended schedule for the day. He observed that he intended to firstly complete consideration of the submissions starting with submissions on page 146 with officer responses on page 152. Thereafter he intended to revisit and resolve some issues and would give consideration to all submissions and the Committee's response thereto. Following completion of the submissions he intended to deal with the amended [track changed] strategy with a recommendation to the two Councils. He noted that one issue that still needed to be dealt with was that of funding where both Council's sought recommendations on the funding issues.

Cr McElwee queried what she considered appeared to be undue urgency being given to the completion of the process. The Chairman responded that he was not treating the issues with undue urgency, but considered that he had a responsibility to chair the deliberation process efficiently and to complete the process without undue delay.

Cr McElwee raised the issue of submissions and fairness to all submitters. She observed the Local Government Act and also Taupo District Council's practice and protocol dealing with submissions. She considered that all submissions were an important part of the overall process and that all submissions needed to be treated with courtesy and that staff could only do what governance signalled. Accordingly she wished to go back over a number of matters. She also observed that the TDC had not dealt with the issue of funding in its LTCCP.

The Chairman observed that responses would be made to all submissions and that they would be treated similarly to submissions to LTCCP's.

Crs Neeley and Burdett supported that the responses to submissions should be on an issue by issue basis.

The Chairman agreed to look at any submissions the Committee considered had not been dealt with after deliberations.

### **Submissions**

122 – refer to paper 8.

123 – Mr Carroll circulated a copy of a proposed planting plan relative to Five Mile Bay reserve which had been prepared in respect of the reserve management plan. He specifically referred to two aspects thereof namely, the position of trial areas [Cheal Consultants monitoring profile] and four different trial areas.

Cr Ormsby referred to the different types of contours of land subject to erosion noting in particular that at Mission Bay there was no erosion because of the gentler slope of the land.

Cr McElwee observed that at Five Mile Bay a significant amount of lakeshore reserve had been lost and that it had a different shoreline environment and therefore different trials were necessary. She also observed that the trials evolved from the Lakeshore Reserve Management Plan and were an interim measure for long term strategy. She also noted that the trials tied in with resource consent monitoring. She emphasised that it was an interim trial but that local residents would feel something was being done.

Cr McElwee then referred to the MRP resource consent for the main hydro operation whereupon she observed that no thorough environmental impact assessment had been undertaken where there was a changed regime. However the Chairman considered that the new resource consent provided for better monitoring and measures

Members were generally happy with the Council Officer response

124 - Reference was again made to the Five Mile Bay reserve planting plan. On request Mr Carroll advised that planting had been intended to be done but the lupin re-growth had proven very good and with not a lot of new erosion prevalent in the last 12 months because of the low lake level, planting had been deferred. He further observed that planting was still planned and had been intended for late Spring however the rabbit problem had overtaken that plan and it had been decided that rabbit control had to be achieved before vegetation planting could commence. However the plan process had just about caught up.

Members were generally happy with the Council Officer response.

125 - Reference was made to Paper 8. Physical works to address erosion. Discussion centred around the lack of sediment and that if there was good sediment supply then processes to prevent erosion would work however the sediment supply at Kuratau was not good. Reference was made to the NIWA report wherein it was noted that only 30.8% of the natural sediment load had passed down the river sand and gravel had gone through since the dams had been built. Reference was made to the Kuratau and Hinemaiaia rivers whereupon it was suggested that members not confuse the two where it was noted that in the case of Kuratau there was plenty of sediment sitting there but just in the wrong place. It was agreed that care needed to be given to the response as Kuratau had lost 30-40 metres of reserve depth [as measured from the lakeshore back to the reserve boundary with residential properties]. The issue of sediment starvation was referred to however it was considered that there could be an over focus solely on starvation and instead focus should be on better use of existing sediment.

Reference was made to possible negotiation with power companies with a view to financial contributions to assist in addressing the sediment supply problem. In relation to the suggested frond mats it was agreed to thank the submitters for the idea and advise them that the suggestion would be drawn to the attention of whoever took the next step.

126 - Nature did not allow for the submitters suggestion. It was agreed to leave the response as per the Officers suggestion.

127 - Kinloch. It was considered that a better response than that suggested could be made. The response was tempered by third party involvement.

The question was raised as to where the consents process for Kinloch was at and whether their implementation could be expedited. It was noted that consents had been approved by the Taupo-Nui-a-Tia Management Board but Tuwharetoa had not given consent. It was suggested that the two Council's be advised of the situation and be asked to facilitate bringing the issue to a

conclusion. ie collaboration and cooperation. Discreet recommendation was needed.

128 – Urgency was needed on the issue. Reference to paper 8. A view was expressed that the sediment build up which was occurring was because of the low lake level and that the sediment needed to be removed.

There was discussion on the second paragraph under the Council Officer Response in which it was stated: *'...that the erosion risk is considered relatively low at most sites...and that no public assets or private property is at immediate risk'*. Cr McElwee took exception to that comment and disputed the claim relevant to private property and properties at risk noting that it was a perception that risk was low. The Chairman suggested that Cr McElwee was becoming an advocate for submitters and needed to stand back as it was the role of the Committee to hear submissions and deliberate thereon, not to advocate on their behalf. Nevertheless Cr Ormsby considered that the last paragraph was not correct and should be changed. Mr Carroll suggested that the Strategy would respond. He agreed that in respect of Kuratau physical intervention was needed whereas with Whareroa investigations into proposed works were needed. On the matter of Motutere & Tauranga-Taupo it was considered that the risk was not immediate. Mr Carroll suggested that the last paragraph could read along the lines that with the exception of Kuratau, remedial works were not considered to be urgent. However it was considered that what was stated in the response was not quite right. The chairman requested officers rewrite the sentence, having regard to the committees comments and refer it back to the Committee.

Reference was also made to Waitahanui and Taupo lakeshore.

129 – Further investigation was needed. Reference to paper 7.

At that stage Cr McElwee referred to Submission 48.1 as outlined on page 151. She observed that where a submitter was seeking relief an answer was required, she maintained that it was a matter of accountability. The Chairman commented that based on evidence that the committee had heard, lowering the lake level, as suggested, would not provide the solution as there were a number of issues affecting erosion.

130 – Mr Carroll referred to the wording of the proposed action and more particularly the wording that a proposed review of the consent conditions was required in 2013. He suggested alternative wording as it was Environment Waikato's discretion as to whether or not a review in 2013 would be undertaken. The level of information suggested that a review was required. If no information as to problems with the consents was forthcoming then a review might not occur. He further observed that the strategy targeted MRP consent review but he enquired as to whether anything needed to go into the strategy relevant to other consent holders.

At that stage Mr Munro read out the consent conditions. A copy thereof was to be given to Members. Discussion then ensued on the possible 2013 review. Cr McElwee observed that under the RMA the Minister had the power of review.

131 – Mr Munro advised that best practice guidelines should be developed.

132 – Mr Carroll observed that there were different values associated with reserves and that the lakeside reserves also had a role with respect to protecting the private property adjacent thereto.

Cr Ormsby considered that it was not acceptable for any more reserve to be lost around the Lake. Cr McElwee considered that it was unacceptable to compare one area with another. It was clear that reserves were tourism and recreational assets and were fundamental to the economy of the district.

It was generally agreed that the Officer response was ok except for the last sentence commencing '*This factor means....*' and that that sentence needed to be changed by deleting the words therein '*...in such places...*' as the loss of any reserve had severe impact anywhere in the district. The Chairman referred to the Executive Summary of the document: *Lakeshore Geomorphic Processes, Lake Taupo*. He observed that lakeshore reserves were buffer zones subjected to accretion and erosion. However Cr Ormsby noted that the Kuratau reserve was a buffer zone but 30 metres had been lost and therefore the reserve could no longer be referred to as a buffer zone and that erosion needed to be slowed down or stopped.

***The meeting adjourned at that stage for morning tea [10.35am] and resumed at 10.55am.***

133 – It was observed that the existing provision for Lake erosion control as set out in Project Watershed was interim only and that the provisions in the Draft Strategy for Lake funding had also been recommended as an interim measure only.

134 – The response to be the same as for 133 above. It was observed that a funding policy would be recommended as part of the strategy.

135 - The response to be the same as for 133 and 134 above.

136 - Reference to paper 9 – Funding. It was noted that the paper had been written as a stimulus for debate on the issue rather than with submissions in mind.

137 – Members were generally happy with the response however Cr McElwee did not agree.

138 – Agreed

The Chairman observed that hearing of submissions and officer recommendations was now practically completed. However, he invited members to raise any issues relating to the submissions that needed to be reviewed.

Cr McElwee referred to individual submissions 70 and 71 on page 87 with respect to natural water levels and wave energy. She referred to the executive summary of the MRP submission [46] and more particularly the second bottom paragraph with respect to 3 bullet points and exacerbated beneficiary principles. She also referred to a comment that lake levels did not contribute to lakeshore erosion. Cr Ormsby observed that MRP did accept that lake level management did contribute to erosion and that they would pay a fair share,

but not the lot [reading from evidence]. It was suggested that more research was needed to quantify what was happening.

Cr McElwee then turned to the High Flow Management Plan and particularly bullet point two on page 1 whereupon she considered that the line in the sand was not clear relevant to the adverse effects of a flood event. She suggested that if there was no level set in the resource consent then it was difficult to avoid, remedy or mitigate. A presumption would be adverse affects. She suggested that the lake level should be returned to the maximum level as soon as practicable but questioned the term 'practicable'. She also questioned what the acceptable level of adverse effects was on lakeshore erosion of the high flow management plan. The Chairman observed that there was no acceptable level but when dealing with extreme natural events some adverse effect was inevitable. Cr McElwee then asked if the High Flow Management Plan was an acceptable way of measuring that, to which the Chairman commented that it was better than what was in place under the old resource consent and was as good as we could get. Mr Carroll observed that the resource consent set the levels. He noted that flood levels were being better managed than under the previous consent and would get even better in future.

Cr McElwee then suggested that it was extraordinary that the whole natural regime on lake levels was based on limited information from 1906-1940 and queried where the actual outflow information came from. The Chairman observed that the information was the averaged natural versus the post 1941 outflow and he referred to various graphs with measurements having a +/- 8% allowance. Cr McElwee then asked several questions in respect of resource consents of the power generators, all specific to whether any aspects of the consents lessened flood risk or lessened erosion under natural regimes and whether they exacerbated or accelerated erosion or flood risk in and around Lake Taupo. She believed those issues should be discussed as they were big picture issues and she believed the key issues were being 'fudged'.

Cr McElwee further referred to submission 45 and more particularly clause 2.4 of that submission [Hamish Brookie]. She sought clarity of maximum control levels. She then referred to the Tonkin & Taylor [TT] report on wave energy. In that respect she observed that TT and Brookie had different views and she asked that staff undertake further analysis on wave energy effects as Brookie's views could not be discounted without such analysis and where wave energy was pertinent to erosion. The Chairman advised that the evidence of experts [TT] was preferable to that of advocates [Brookie] on technical matters. However Cr McElwee considered it wise to check the information as the Brookie group was the only group around the lake to suggest mitigation. Mr Carroll referred to paper 6 from Beca in which Beca agreed in principle with the findings of the TT conclusion.

Cr McElwee suggested that both TT and Beca should be asked to advise on the basis of their analyses. The Chairman advised that the Committee accepted their findings, but Cr McElwee advised that she would like to see the analyses. Reference was made to Appendix 6 of TT's report where an analysis was recorded showing comparisons of wave energy, however Cr McElwee stated she did not accept that and would like to see an analysis. The Chairman observed that the analytical method was set out in 4.1 of the TT report, that it was a complex equation and that he was satisfied with that. Cr Neeley

supported that, noting that the appendix showed data as entered into a model and that there was nothing else required to understand the outcome. However Cr McElwee was adamant that she wanted to have an analysis done.

The Chairman invited Cr McElwee to move a motion on the matter ie information be obtained through analysis, to overcome the impasse.

Cr McElwee declined to move a motion signifying that she considered that the Chair was trying to stop her from having her say. She then vacated her chair and left the meeting [12.04pm].

The Chairman expressed his disappointment at Cr McElwee's departure from the meeting, however he explained that he had considered very carefully various requests from Cr McElwee on information which he believed was already available. He added that he was reluctant to spend more ratepayer money on repeat analysis without a resolution from the joint Committee. He noted that he had invited her to put a motion and if she had done so and obtained a seconder then he would have put the motion to a vote. However she had chosen not to move a motion.

Cr Ormsby then raised a matter of process relevant to the presence of a quorum. The Chair supported by staff noted that the Committee was acting in a joint capacity and simply because one member Council was not present did not mean that the meeting lacked a quorum. He noted that there was at least one member from each Council present and with 4 members still in attendance a quorum existed.

Discussion then centred on format of the responses to submitters. It was agreed that responses should go out under the respective CEO's signatures with a copy of each being referred to the members of the Committee..

Various Officers papers were then referred to namely papers 10 and 11 and the paper on funding.

The Chairman then advised that he intended to take the lunch break and that after the lunch break a start would be made on the track change version of the strategy dated 24 July 2009. He suggested that separate resolutions be made on sections of the strategy and that his preference would be to discuss and if possible agree on all the issues which may be raised as they are raised and then deal with the amended strategy as a whole.

***The meeting adjourned at that stage for lunch [12.25pm] and resumed at 1.20pm.***

*Cr McElwee returned to the meeting at the resumption [1.20pm].*

**Draft Strategy 'Consultation Draft'**

In the first instance and in response to a question [Brookie submission], Mr Carroll defined the term 'Lake bed'. He observed that Council's corporate lawyer had looked into the issue and had advised that the Lake bed was defined by contour. A paper thereon 'Inland Waterways: Lakes' by Ben White of March 1998, was tabled.

The Chairman then directed the meeting to consideration of the Consultation Draft document. He suggested that the process would be that the document would be best reviewed on a page by page basis.

The review then proceeded with detail either accepted as outlined or suggestions put forward for amendment

***The meeting adjourned at that stage [3.05pm] and resumed at 3.20pm.***

The review continued on Parts C and D of the document.

At 4.45pm the Chairman adjourned the meeting for the day with a resumption on Tuesday 4 August commencing at 9am with Part E.

***The meeting then adjourned [4.45pm] to resume at 9am on Tuesday 4 August 2009.***

***The meeting resumed on Tuesday, 4 August 2009 at 9.03am***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**

**Taupo District Council:**

Mayor Rick Cooper [from 9.35am]

Mr Gareth Green [Group Manager: Environmental Services] – [from 11.38am]

Mr Nick Carroll [Manager: Strategic Environmental Policy]

Ms Cheryl Donaldson [Committee Secretary]

**Waikato Regional Council:**

Mr Bob Laing, Chief Executive Officer [11am-1.45pm]

Mr Adam Munro [Program Manager Regional Hazards and Emergency Management]

**MEDIA AND PUBLIC**

Natalie Haines [Mighty River Power] – [from 9.15am]

Laura Peddie & Kerry Watson [Trustpower] - [10.05am-2.15pm]

The Chairman suggested that in the first instances that there be a quick discussion on how boundaries around the lake were managed. He referred to the document entitled '*Inland Waterways: Lakes*' by Ben White. Mr Carroll outlined changes made to the document noting that the key issue was that eroded land could only be claimed as lake bed if the erosion which had exposed it had been gradual and imperceptible. .

The Chairman then suggested that discussion continue on the track change version of the draft Lake Taupo Erosion and Flood Strategy document commencing at Part E.

Amendments/additions suggested by the Committee were noted by the Officers who would incorporate in/delete from the document.

Some of the issues were as follows:

- The monitoring programme. Monitoring of sediment movement was a complex issue. Sediment sampling would be carried out where required and most of the surveys would be undertaken by EW. Cr McElwee queried whether the current monitoring was good enough, as people would not be happy if it did not achieve the intention for which it was undertaken. Cr Burdett advised that she had been told by experts that the monitoring was good and has a reasonable spread.
- Cr McElwee referred to question 3 on page 31 and asked whether it covered all the other perceived causes of lakeshore erosion, potentially those in questions 1 and 2. The Chairman agreed that it may be a bit light in that there was nothing specific about wave activity. The Manager: SEP suggested that the information needed to be kept relatively succinct. The Chairman noted that the information had gone out to the public and no-one has come back with concerns.
- The Manager: EPM noted that the monitoring post large storms needed to be included. What was highlighted was what the consultants saw as the absolute critical bits. Members accepted those highlighted in the draft. The Strategy would provide the prioritisation.
- Cr McElwee would like to see 'Te Moenga' added to the last box on Page 33 – Physical Works.
- Cr McElwee advised that she did not agree with Page 34 Box 6.

***The meeting adjourned at that stage [10.32am] and resumed at 10.50am.***

Part F – Funding was then discussed.

- Cr McElwee suggested that the second sentence of the statement on the first page be removed. The majority view was that it remained. Cr McElwee noted that she did not agree with leaving it there.
- Use of the words 'Beneficiaries' and 'contributors' needed to be explained in the glossary.

The Chairman then suggested that Paper 9 – Funding be discussed in which the current position regarding the actual split was set out therein. One of the things the strategy identified was that until more monitoring and investigation was carried out on sediment starvation there would not be any quantitative information to justify including others as contributors to mitigation works. He suggested that the Committee could not go much further forward until that information was to hand. He queried whether the Committee could move forward other than endorsing the current funding distribution as set out in Funding Project Watershed.

Cr Neeley advised that when Project Watershed was set up the lake component had not been specifically identified. The interim funding was provided to carry out investigation work which came out at three times the cost of what was originally funded. She noted the five organisations listed in Paper



9 and suggested that the percentages were inequitable. The people in the Taupo Zone and Environment Waikato were paying and they got hit at every layer whether they were TDC or EW ratepayers. TDC controlled land use and reserves. A lot of the Lake Taupo Zone could be handled by its budgets. More data on relativities was required.

Cr Ormsby suggested that there was some confusion regarding the Project Watershed funding principles. He asked why people in Turangi who were not owners of lakeshore properties had to pay when they did not exacerbate the problem. He noted that the Taupo contribution of 55% was excessive.

The Chairman suggested that the issue was an affordability one. There were no quantitative submissions on funding. The Committee was being charged to come up with recommendations in regard to funding. 55%/45% related only to the lake. Project Watershed Funding Policy was primarily for the river and soil conservation works. He suggested that there was a need to make some recommendations for funding for capital works.

Cr McElwee suggested that the Committee needed to come back to the principles of the funding. An enormous amount of time had been spent 'messaging' around with not enough scientific information with which to charge other contributors. She wanted to know what information was used in determining the 55%/45% split that was made. If judgments on best information available over funding of works in the Taupo Lakeshore area could be made then judgments on the new Funding Policy could also be made. The lack of sediment would not cause erosion unless there were high lake levels. If the Committee knew in the Beca Study that the lake was being held higher on average than it had been, and exacerbated erosion there had been nothing like it in the Kuratau areas in the last decade. She referred to Issue 6 in Paper 9 asking why owners of lakeshore property or Taupo District ratepayers in general were forced to pay for addressing erosion when they had done nothing to exacerbate it.

Cr Ormsby noted that the contributors in regard to sediment reduction were Trustpower and Mighty River Power. Under the control system the lake was being kept higher than natural. He had video evidence to prove that statement.

The Chairman suggested that they did not have enough information regarding sediment at the Kuratau River mouth. No study had been done on that issue.

Cr McElwee raised a funding principle that had been discussed previously and believed it needed considerable investigation. She believed that there were manmade interventions on the lake, which were causing changes to the way in which the lake was operating with adverse consequences and that of those interventions were still causing adverse effects then the Committee should go straight back to the original exacerbators and ask those contributors to take responsibility for their original actions. If in future the statutory responsibility for those schemes was less than adequate, then that also needed a contribution from Environment Waikato.

The Chairman noted the points raised had not been raised by any other party and therefore did not need to be addressed. Cr McElwee noted that the hearing was conducted under the provisions of the LGA, therefore the

Committee could consider issues that had not been raised within submissions. The Chairman advised that he had heard nothing that suggested that the Committee needed to go back to that matter.

Cr Ormsby noted that MRP was prepared to pay their fare share – but would not pay the lot. The current funding policy, Project Watershed, was split 55/45 and interim only.

Cr Neeley noted that she did have a right to make a judgment. She reiterated that Project Watershed should fund more of the total package and then within the breakdown of Watershed she would propose a greater contribution from the four power companies. The community to date had paid a tremendous price to have it all peer-reviewed. She suggested a split of 30% District and 70% regional.- her reason being that sediment was a significant contributor.

The Chairman suggested a 35%/65% split with 30% of the 65% from generators as a start.

Cr McElwee queried why Central Government was not involved noting that Government continued to benefit financially every year from the two state-owned generating companies.

The Chairman noted that the Government may have owned the generators when they first started, but they had since been set up as State Owned Enterprises (SOEs), and that as with any going concern the commercial asset and liabilities were transferred lock stock and barrel. The Government was now simply the shareholder. He believed that Government's view would be that as a shareholder, it was not responsible for the costs of running the operation, and the Councils would need to deal directly with the SOEs.

Cr Neeley advised that she would like to deliver something to Kuratau.

Cr Burdett noted there were a whole lot of contributors when you looked at structures on the lake.

The Chairman noted that there was a certain level of monitoring Council was expected to do.

Cr McElwee –Central Government was changing the RMA and strategically it was unwise to leave Central Government out. She queried why some people had to pay whilst others didn't.

Cr McElwee considered that erosion would not occur if lake levels were stable and there was no wind and whilst she did not know how much lake levels contributed to erosion she would not accept that the lake was operated similar to natural levels. It undermined the consent basis on the way the lake was operated.

The Chairman noted that the Committee had received extensive evidence setting out the way in which the lake was being managed.

Cr McElwee suggested that the Generators were responsible for manmade structures and management of the lake and should perhaps pay 50% of the

total. If they weren't there, erosion would not be occurring to the same extent that it currently was. She suggested the following split –

- Generators between them – 50%
- Central Government 25%
- The statutory authority responsible for the lake [Environment Waikato] [25%].

The Chairman suggested that the Regional Council could well end up in Court proving why they should be paying such a huge amount. He said that he could not recommend a Funding Policy until further work had been done.

Cr Ormsby advised that the Project Watershed figures for the lake needed to be amended and he suggested the following:

- EW 85% /TDC 15%
- EW made up of: Waikato Catchment – 10%  
Lake Taupo Zone - 10%  
Hydro Operators – 55%  
Roading, Urban/Industrial - 10%  
Regional component taken out.
- Out of 85%, 20% paid by Taupo ratepayers.  
35% to Taupo ratepayers in total.

Cr Neeley put forward an alternative scenario as follows:

- EW 70%/TDC 35%  
Catchment & Region - 20%  
Hydro - 30%  
Road & Zone - 20%  
Taupo Rate %.

There was extensive discussion on the alternatives.

***The meeting adjourned at that stage for lunch [12.28pm] and resumed at 1.10pm.***

The Chairman advised that while he had proposed to finish the meeting that day, further discussions were required and he noted that there would not be enough time to do so.

Cr McElwee queried why there could not be a specific Funding Policy. Cr Ormsby asked whether the interim Funding Policy for Lake Taupo had been set up for monitoring solely, or monitoring, works, etc.

The Chairman advised that it had been set up to do monitoring and any works that needed to be done.

The discussion then went back to the track-changed document commencing at Page 40. There was further discussion amongst the Committee and Officers noted the required amendments.

Cr McElwee requested that a further word 'sustainable' be inserted under 'District Community'. The Chairman noted that everyone else was happy with what was there and ruled that there would be no change. Cr McElwee wished to have it recorded that she was against that ruling.

Cr McElwee wished to have the deleted first sentence reinstated. The Chairman ruled against any change on the basis that a clear majority had already determined that it should be removed. Cr McElwee wished to have it recorded that she was against the ruling.

More discussion on the funding split then ensued. The following examples proposed for monitoring costs:

**Cr Ormsby -** Environment Waikato 85%  
Waikato Catchment – 10%  
Lake Taupo Zone – 10%  
Hydro Operators – 40%  
Roading, Urban/Industrial – 10%  
Government – 15%

**Cr Neeley -** Environment Waikato 70%  
Waikato Catchment & Regional – 30%  
Hydro Operators – 30%  
Roading, Urban/Industrial & Lake Taupo Zone – 5%  
Government – 15%

**Cr McElwee -** Generators – 50%  
Government – 25%  
Environment Waikato – 25%

The Chairman noted that whatever was adopted would be a further interim process until the next review to enable the Committee to get on with the monitoring.

He noted the majority support was for the Neeley example and should therefore be the one recommended to Council. He noted however that that decision would not be unanimous.

Debate about how capital works should be funded then ensued. The Chairman advised that he would be happy to work with staff on the Funding Policy. Capital works had to be looked at on a case-by-case basis.

He asked staff to have regards to the discussion, agreements on amendments reached and modify the document accordingly in track change format and bring it back to the committee in due course.

Cr McElwee suggested that there was a need for discussions about the basic principles of funding. Otherwise when the Turangi/Tongariro Community Board carried out the work there would be no guidance from the Strategy.

For capital works around the lake, Cr Ormsby proposed a funding split of 70% for contributors and 30% for beneficiaries [10% of the beneficiaries share from Central Government].

***The meeting adjourned [3.05pm] and resumed at 3.16pm.***



The Chairman reassessed the progress made by the Committee thus far and then outlined the intended process for the day. It was his intention to gain an agreement on the direction of the funding section of the Strategy. He suggested that the Committee make recommendations on funding principles from which, each Council would set their own funding policy.

Furthermore, the Chairman suggested that the Committee make recommendation on funding apportionments if possible. However, he noted that whilst the Council's could impose rates through the rating act, he believed that it would be difficult to use that mechanism to impose an apportionment on electricity generators or Central Government. In response staff suggested that it was not the role of the Committee to negotiate with the electricity generators or Central Government and that would be a matter for the respective Councils to determine.

The Chairman noted that once the Committee had completed the review of the funding and glossary sections, staff were to make the appropriate changes, report back with an amended strategy for reconsideration after which, the Committee would make recommendation to both Councils and confirm the minutes.

The Chairman then made reference to a number of documents that had been circulated since the last meeting. A Mr Patrick Tay, from PWC had been engaged by staff to complete a report on an approach to funding as requested and a draft of this had been circulated. A draft funding assessment paper referred to within the report by Mr David Hamilton had also been circulated.

Members noted that the funding assessment completed by Mr Hamilton had been completed at the end of February 2009, and was still a "Draft" document. Members also noted that submissions to the strategy had not been heard prior to the completion of that draft report.

Mr Munro addressed the meeting and observed that Mr Hamilton's report had been commissioned by EW as an internal advisor paper. Mr Hamilton had been provided with all of the information that was available at that time such as the Beca and Opus reports, and that was what he had based his assessment upon. Mr Hamilton had been integral in the development of the Project Watershed funding policy in 2002 and had a very good understanding of the Local Government Act. Mr Munro noted that the two EW Members had not had prior access to Mr Hamilton's report.

Mr Munro further observed that the Hamilton report had been commissioned because of the impending review of the Project Watershed Funding Policy. EW did not foresee the current process at that time. The timing of the report was not conducive to the current process and that was why it had remained an internal document. Mr Munro believed however, that the report continued to have some relevancy.

The Chairman noted the concerns relative to the status of the Hamilton report and suggested that staff could review both reports [from Hamilton and Tay] and produce a stand alone document with a balanced view which included input from the Committee. In addition, Cr Ormsby suggested that the Committee could accept or not accept the recommendations of the reports and attribute appropriate weighting to such.

The Chairman then allowed time for the Committee to read through Mr Tay's report as some had not received it electronically prior to the meeting.

***The meeting adjourned at that time [10.05am] for a short break and resumed at 10.25am.***

Mr Munro spoke to his report [Officer Report – Lake Taupo Erosion and Flood Strategy Funding Section Report] which had been tabled.

The Chairman referred to the Hamilton report which noted the shift by MRP for the management regime for the lake where it was to be held in the higher end of the lake range for longer periods and the impact of Genesis which was also considered more significant than earlier assessments. He accepted that some erosion was caused by the Generators. However, he believed that without further technical investigations, it may be difficult to apportion and collect funding through statutory mechanisms such as rating.

Mr Carroll responded that Beca's technical reports had identified that trends indicated that MRP held the lake level higher than what would occur naturally. Secondly, Central Government were currently in favour of renewable electricity which had resulted in a greater demand on hydro electricity generation.

The Committee then continued to review and make comment on the report from Mr Munro.

A comment was made relative to the Officer's suggestion that for efficiency, capital works under a threshold of \$100,000 could be funded across all parties. The Chairman agreed with concerns from members that notwithstanding the efficiency that may result, this may not be appropriate and that "fairness and equity" would probably require assessment on a case by case basis.

As an example, the Chairman noted that many residents of Kuratau would have bought properties set well back from the lake and had enjoyed a significant buffer zone of 30 to 40 meters of reserve. However, that reserve had significantly diminished since the dam, constructed in 1962, had adversely impacted on the sediment supply to the beach system. Therefore, if capital works were necessary to reinstate the reserve to a level previously enjoyed, or works carried out to protect from further erosion, it may well be unfair to expect any of the cost of so doing to be met by the property owners.

The Committee then proceeded to review Mr Tay's report. The funding policy options proposed divided the various categories of work into monitoring, maintenance and new capital works.

***The meeting adjourned at that time [12.15pm] for lunch and resumed at 12.55pm.***

The Committee reviewed the maintenance component of funding. The report observed that some existing lakeshore structures were exacerbating erosion and may need to be removed or modified.

Mr Munro noted that each Council would need to decide how they would address such lakeshore structures that were having adverse impacts. He

agreed to seek further clarification from finance staff whether the maintenance of those existing structures was considered to be a 'capital' or 'asset' based expenditure.

The Committee then reviewed the capital works component of funding. The report observed that a number of sites had been identified for possible future capital works and each site had its own specific drivers. Therefore it was not expected that a single funding policy could be applied to all sites but rather that a set of principles be put in place to guide site specific funding.

It was proposed that there should be some fixed elements in funding policy for capital works where benefits were primarily lake-wide which reflected contributory and beneficiary principles.

The Committee reviewed the table which outlined a suggested funding split.

Mr Tay's report noted that the Committee would need to consider an alternative solution if Central Government would not cover the percentage apportioned to 'roading and central government'.

It was suggested that it be up to the respective Council's to negotiate with Central Government and consider other options should that not be successful. EW may consider attributing a fair portion of that to the generators.

There was discussion on the ability to require an apportionment to both the generators and Central Government. Mr Tay's report noted that the reasoning for the recommendations of each component needed to be very clear.

It was observed that the rationale behind the request for contribution from Central Government was different to that of the generators. The justification for such was attributed to the importance of the lake being a national icon and integral contributor to the tourism industry. It was also noted that Central Governments Policy to promote renewable electricity influenced the way that MRP managed the lake levels, and that this appeared to result in effects on the lakeshore that were not sustainable.

The Chairman requested Council Officers prepare a report to outline the rationale for the apportionment to Central Government, based on discussions thus far.

*Cr Ormsby left the meeting [2.55pm].*

***The meeting adjourned at that stage [2.55pm] for a short break and resumed at 3.05pm.***

The Chairman noted that whilst Cr Ormsby had left the meeting, the Committee still had a quorum as there were still four members present and there were representatives from both Councils present.

The Chairman invited Members to discuss site specific funding. The funding option that had been discussed would apply to sites such as Kuratau and Waitahanui, but not other locations. He noted that some erosion such as that occurring at Kinloch, did not appear to have any direct link to the lake levels



and suggested that those instances should be looked into more closely and dealt with on a case by case basis.

In response to discussion relative to the Kinloch Marina, Cr Burdett noted that it may prove to be difficult to enforce regulatory action because the erosion had been caused by the groyne which has existing use rights, not the recent consent.

The Chairman believed that holders of the Kinloch Marina consents were responsible for rectifying the erosion caused as a direct effect of exercising their consent and requested Council Officers to prepare a definitive proposal to address the problem.

The Strategy proposed physical works in a number of locations. It was suggested that the work could be identified within the Strategy. However it was noted that a detailed physical works programme of site specific locations may be better addressed under a planning response by TDC.

The Committee then proceeded to review the track changed version of the Strategy and suggested further amendments.

Discussion on aspects of the managed lake levels then took place. Whilst Cr McElwee advocated inclusion of a recommendation within the planning response section that the electricity generators be encouraged to improve the sustainable management of resources, the Chairman noted that the Committee did not have delegated authority to require such and believed that it would undermine the integrity of the Strategy if included.

***The meeting adjourned at that stage [4.15pm] and was scheduled to resume at 9am on 15 October 2009.***

***The meeting resumed at 9.05am on 15 October 2009.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**

**Taupo District Council:**  
Mayor Rick Cooper [from 1.45pm]  
Cr K Uvhagen [from 1.45pm]  
Mr Gareth Green [Group Manager: Environmental Services] –  
[9.05am – 10.20am, 1.35pm – 2.15pm]  
Mr Nick Carroll [Manager: Strategic Environmental Policy]  
Ms Mali Ahipene [Committee Secretary]  
**Waikato Regional Council:**  
Mr Adam Munro [Program Manager Regional Hazards and  
Emergency Management]

**MEDIA AND PUBLIC**

8 members of the public

The Chairman recapped on the progress made by the Committee thus far and then outlined the intended process for the day. It was his intention to gain an agreement on the direction of the funding section of the Strategy. He noted

that a number of documents had been circulated during the adjournment of the meeting which he listed.

Mr Munro addressed the Committee and noted that as a result of discussions during the previous session, Council Officers had clarified a number of matters.

- **Progressing Mr Hamilton's report**

Mr Hamilton had been unavailable to progress the status of his report from "Draft" and given that he had not been privy to the current process, staff recommended that little useful purpose would result in doing so.

The Chairman noted that the report had surfaced because it had been referenced to within the report of Patrick Tay, however, the current process had progressed above and beyond the scope of the Hamilton report. The committee accepted the staff recommendation.

- **Consented Activities**

The consents for the activities carried out by KCE and Trustpower were granted in 2002. EW as consenting authority may choose to undertake a review of the conditions of consent when next scheduled or earlier in accordance with the provision of s128 of the RMA.

The Committee could recommend that a review be undertaken when scheduled.

Staff distributed supplementary information [explanation of draft funding chapter of the Lake Taupo Erosion and Flood Strategy] which they spoke to.

It was noted that the Committee had reviewed a number of reports from staff and consultants on the subject of funding. Officers advised that they had drafted the funding chapter of the strategy based on the Committee's discussions to date.

Central Government, Kinloch Marina and a number of hydro power companies had been identified as contributing to accelerated erosion and it was assumed that the best way forward with those parties was through negotiation. A negotiation process would allow a range of methods to be considered, which may include methods such as financial mitigation, direct physical works or the altering of existing activities.

Every negotiated settlement would be unique to the location and would not necessarily apply in other locations. Therefore a decision or negotiated approach in one location should not set a precedent.

The Committee reviewed the report and made comment and sought clarification on a number of matters contained therein.

***The meeting adjourned at that stage [10.20am] for a short break and resumed at 10.40am.***

The Chairman then directed the Committee to the 'Funding the Cost of Action' paper that had been circulated, which was to be inserted to form the funding section of the Strategy. The Committee considered the document section by section, sought clarification and made amendments where appropriate.

There was considerable discussion on the section '*who will benefit from physical works to address erosion*'. It was agreed that the Community should expect to enjoy the natural equilibrium that existed prior to the human intervention of the power generators activity. There was general acceptance that the Community were not gaining a benefit as such, from any works required to address the adverse environmental effects of sediment starvation of beach systems as a result of dams on rivers.

The Committee agreed that the historical component for electricity generation be included however, the tone of such was not to place blame, but to acknowledge that it had occurred.

The Committee discussed the 'Principles for funding' and it was agreed that the primary focus be environmental sustainability. Amendments and additions supported by the majority of the Committee were made to the principles.

Cr McElwee did not agree with the principle that the value of any relevant monitoring undertaken as a result of resource consent requirements should be recognised. The Chairman noted her concerns however, observed that the majority agreed that the principle was valid.

***The meeting adjourned at that time [12.25pm] for lunch and resumed at 1.10pm.***

The Strategy specified that both Council's collect money from ratepayers to meet some of the costs of erosion works, therefore Project Watershed as it currently existed was not an appropriate mechanism for funding because through it, EW collected all of the funding.

EW representatives indicated that it would continue to collect *its share* through the Project Watershed funding policy. It was proposed and agreed that if negotiation with Central Government for a contribution was not successful, then their percentage would be picked up by EW.

Having completed the review of the 'funding the cost of action' paper from staff, the Chairman then directed the Committee to review the "Draft Final" track change version of the Strategy. Further amendments were made.

Cr McElwee wished for her disagreement with the statement on page 14 to be recorded, that '*despite the fact that the Lake is managed there are times during storm events when there is more water coming into the Lake than can flow through the control gates.*'

During the review of the physical works section, Mr Carroll noted that if the negotiations with Kinloch Marina were unsuccessful, the fall back position would be for Council to intervene and to carry out physical works. The cost would then be recovered from the consent holder. Mr Carroll further noted that Council could collect a site specific rate if necessary.

Having completed the review of the "Draft Final" version of the Strategy, the Chairman requested that Council Officer's make the necessary amendments to the document and present it to the Committee the following day.

***The meeting adjourned for the day [3.20pm] and was scheduled to resume the following day at the Wairakei Resort in the Heritage Room, at 9am.***

***The meeting resumed at the Wairakei Resort in the Heritage Room, on Friday, 16 October 2009 at 9am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones  
                  **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                  **Waikato Regional Council:** Crs L Burdett, A Neeley

**IN ATTENDANCE**

**Taupo District Council:**

Mr Gareth Green [Group Manager: Environmental Services] –  
[from 10.20am]

Mr Nick Carroll [Manager: Strategic Environmental Policy]

Ms Mali Ahipene [Committee Secretary]

**Waikato Regional Council:**

Mr Adam Munro [Program Manager Regional Hazards and  
Emergency Management]

**MEDIA AND PUBLIC**

5 members of the public

The Chairman again recapped on the progress made by the Committee thus far and then outlined the intended process for the day. He noted that Council Officer's had made amendments to the Strategy overnight. He intended to seek resolution to recommend to the Councils adoption of the Strategy and then review the covering report.

The Committee requested a number of further minor amendments.

The Committee had further debate relative to the contribution to the funding of monitoring. The Chairman noted that the monitoring component of funding was not a significant amount of money. Some of the monitoring was already occurring and EW representatives had agreed to pick up the Central Government apportionment if negotiations proved to be unsuccessful.

The majority of the Committee agreed to include the pie chart indicating the contribution apportionment for the funding of monitoring, Cr McElwee recorded her disagreement.

The Committee then discussed the appendices and ask officers to amend the order and some of the contents of the appendices. Council Officer's observed that the information had been included as appendices to the Strategy to provide some background to the Strategy. It was an appropriate area to put information to clarify facts.

Having reviewed the Strategy, the Chairman noted his intention to recommend the amended Strategy, to both Council's, for adoption.

**Moved Jones seconded Neeley**

THAT THE JOINT COMMITTEE RECOMMEND THE AMENDED LAKE TAUPO EROSION AND FLOOD STRATEGY TO THE TWO COUNCILS FOR ADOPTION.

The Chairman asked if any members wished to speak to the motion.

Cr Ormsby supported the motion and made the observation that both Council's had spent a significant amount of time and resources on the Strategy. He noted that he remained uncomfortable with the Capital Works funding of the Strategy, given that the Committee had not given Council a definitive funding policy for adoption.

Cr Burdett noted the point made by Cr Ormsby, however, observed that the result of the significant amount of time and resources was that the Strategy had been completed.

Cr McElwee did not wish to hold up the project, however, because she could not support aspects within the recommended Strategy, **abstained** from the vote.

The Chairman then put the motion to a vote. The motion was **Carried**.

***The meeting adjourned at that stage [10.30am] for a break and resumed at 10.45am.***

The Chairman then referred the Committee to the covering report 'Adoption of the Strategy' which would accompany the Strategy and outline the process that the Committee had gone through.

After lengthy discussion, the Committee agreed to the addition that '*the Committee noted and endorsed the principles embedded within the resource consent by MRP to continue the improvement of the flood management high flow plan*', and that '*the Committee supported the ongoing improvement to the management of lakeshore erosion through resource consenting and reviewing processes.*'

The Chairman requested the inclusion of the point that the compliance of the Kinloch Marina would be closely scrutinised. There was discussion over the report and officers were asked to make several amendments which were noted.

**RESOLVED**

- 1 THAT THE JOINT COMMITTEE'S COVERING REPORT WITH REGARDS TO THE LAKE TAUPO EROSION AND FLOOD STRATEGY BE FORWARDED TO THE RESPECTIVE COUNCILS.
- 2 AND THAT ALL RELEVANT STAFF BE THANKED FOR THEIR INVOLVEMENT WITH THE STRATEGY.

*McElwee/Burdett*

The Chairman asked the Committee to consider whether a site visit would be necessary. The majority of the Committee did not believe that it would add to or subtract from the decision made. It was also noted that the resolutions had been passed and therefore, a site visit would not be particularly relevant at that stage.

The Chairman noted that the Committee was yet to receive and confirm the minutes which he intended to do via email distribution.

***The meeting adjourned on Friday, 16 October 2009 at 12.10pm to resume at a time and date yet to be determined.***

***The meeting resumed on Monday, 23 November 2009 at 9.30am.***

**PRESENT**      **Independent Chairman:** Dr J A Jones [by teleconference]  
                 **Taupo District Council:** Crs D R Ormsby, C C McElwee  
                 **Waikato Regional Council:**  
                 Crs L Burdett, A Neeley [by teleconference]

**IN ATTENDANCE**

**Taupo District Council:**  
                 Mr Nick Carroll [Manager: Strategic Environmental Policy]  
                 Ms Mali Ahipene [Committee Secretary]  
                 **Waikato Regional Council:**  
                 Mr Adam Munro [Program Manager Regional Hazards and  
                 Emergency Management] – by teleconference

**MEDIA AND PUBLIC**

                 Nil

**1 CONFIRMATION OF MINUTES:**

The meeting resumed by way of a teleconference. The Chairman observed that the main purpose of the meeting was to review the minutes that had been circulated previously with a view to confirming the accuracy.

Discussion ensued particularly on the extent at which the Committee could make amendments to the minutes. It was noted that a record of draft minutes had been circulated during the deliberation process and concerns were raised that quite a bit of what had originally been recorded, had been deleted from the current version of minutes.

Officers had circulated discussion papers throughout the proceedings and felt that much of the information was contained within those and therefore, did not need repetition within the minutes.

The Committee proceeded to review the minutes and amendments were made.

**Moved Ormsby seconded Neeley**

                 THAT THE MINUTES OF THE JOINT HEARINGS COMMITTEE ON  
                 15 JUNE 2009 AS CIRCULATED, AND AMENDED, BE  
                 CONFIRMED AS A TRUE AND CORRECT RECORD

The Chairman asked if any members wished to speak to the motion.

Cr McElwee noted that she had no wish to hold up the project however, given the fact that she did not agree with the huge amount of discussion that had been left out of the minutes, she would abstain from voting thereon.

The Chairman then put the motion to a vote. The motion was **Carried**.

Cr McElwee abstained from voting.

## **2 MATTERS ARISING**

- **Page 6: Amount of sediment removed from the Hinemaiaia Dam** – During the hearing of submission from TrustPower, Mr Watson had agreed to provide the Committee with evidence of the amount of sediment removed from the dam over the years. However, staff advised that TrustPower had not had the information to provide.
- **Page 7: Amount of sediment removed from the KCE Dam** – Staff advised that KCE's consent conditions did not require it to monitor the sediment removal or accumulation in the impoundment behind the dam and therefore KCE did not collect that information. Staff were asked to follow up the request from the Committee to provide that data.
- **Page 28: Tapuaeharuru Bay Lake Foreshore Reserve Management Plan** – Staff confirmed that the Management Plan had been provided to the EW representatives and Mr Abernethy's submission had been provided to the relevant TDC reserve staff, as requested.
- **Page 30: Interim measures to lessen the effects of flooding** – Staff were asked to follow up the request from the Committee to provide information.
- **Page 37: List of structures within Lake Taupo** – Staff were asked to follow up the request from the Committee to provide a list of structures within the lake.

The Chairman observed that the next step would be for each respective Council to consider the recommendations made by the joint Committee.

**The meeting closed on Monday, 23 November 2009 at 12.50pm.**

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**Dr Jeff Jones**  
**CHAIRMAN**