

1. (c.) The said groynes as at present constructed and placed are not necessary for the effective discharge of flood-waters, but rather, from evidence supplied, have a retarding effect.

*Reference—Clause 2.—Siltng Effects.*

The groynes as now placed have caused silting up at the back of them, which will extend down-stream if the groynes are kept in repair, and must eventually affect the mouths of the Akaaka Drainage Board's drains. So far the mouths have not been seriously affected, but silting-up is visibly increasing over the area adjacent to the mouth of the eastern drain.

*Reference—Clause 3.—Navigation.*

The navigation of the channel known as the Akaaka or northern channel, which gives access to the Akaaka Stream, has been already affected by the action of the groynes silting up the channel, and as the mouth of the proposed Waikato-Manukau Canal, as already laid out, will be in this vicinity it must also suffer accordingly. In this connection the Commission would like to point out that a diversion of the canal might be made whereby its junction with the Waikato River would be in the vicinity of the Mangawhero Creek (near the 'Devil's Elbow'). If this were done the silting trouble caused by the groynes would not affect it, but its length and consequently its cost would be increased, and such increased cost would appear rather a charge against the river than against the canal.

*Reference—Clause 4.—Damage to Lands.*

Up to the present the banks caused by the said groynes have not seriously affected the egress of water from the said drains, but it is merely a matter of time. They will increase, and do so if the groynes are retained and kept in proper repair. Any interference with the drains must necessarily reflect adversely on the lands.

*Reference—Clause 5.—Remedial Measures.*

Substantial damage has not yet occurred: it is likely, but can be avoided by constructing a new outlet sufficiently far down-stream to be beyond the adverse influences, or possibly by periodical dredging when such is found necessary.

*Reference—Clause 6.—Alternative Remedial Measures.*

The removal of the groynes would cause no damage to the river or to the land bordering on it. As far as the evidence goes, they have not improved the navigation to any extent up to the present. Owing to the hard shoal at Pakau Stream (known locally as "the sheep-paddock") not having materially scoured, the expected action of the rest of the scheme has not appreciably taken place.

*Reference—Clause 7.—Legislation.*

While clause 84 of the River Boards Act forbids the carrying-out of any work which interferes with the operations of another local body already in existence, the question of what constitutes interference is not adequately defined, nor is any provision made whereby the cost of alterations, which may prove necessary to the works of the prior constituted local body, should be charged to the body carrying out the later works. We are of opinion that the erection of works in a river which cause silting at the outlets of existing drains is interference within the meaning of this Act, and that therefore the Waikato River Board should have obtained the consent of the Akaaka Drainage Board to their works, or have entered into an amicable agreement with them as to the apportionment of costs of future maintenance; whereas, on the other hand, they not only did not do so, but they refused to even meet the Akaaka Board in open conference, though repeatedly approached for that purpose. Had the conference referred to and pressed for by the Akaaka Drainage Board been held, and an amicable settlement then arrived at, none of this present trouble need have arisen.

In the event of it being impossible for two such local bodies to agree, we are of opinion that the law should make a provision that the dispute should be referred to