



HOROWHENUA LAKE DOMAIN BOARD

NOTICE OF MEETING

A meeting of the Horowhenua Lake Domain Board will be held in the
Horowhenua District Council Chambers
126-148 Oxford Street, Levin
on Monday, 1 February 2016, commencing at 10.00 am

AGENDA

Public Forum

1. **Welcome and Karakia**
2. **Apologies**
3. **Public Speaking Rights**
4. **Confirmation of Minutes** – 2 November 2015 (copy **attached**)
5. **Matters Arising**
6. **Monitoring Report** (copy **attached**)
 35. Resignation of Board Member and Appointment of a Replacement
Letter from the Lake Trust dated 11 November 2015 advising (7) nominations received (see **attached**). The Board now needs to decide on next steps
 39. Lake Horowhenua Clean Up Projects – Resource Consent Applications
The Applications were granted, with conditions. One appeal has been received to date.
7. **Approvals Requested**

Horowhenua Obedience Dog Training Club.

Term Dates for 2016.

13 January - 9 March
16 March – 11 May
18 May – 13 July
27 July – 21 September
5 October – 30 November
Agility runs each Tuesday from 12 January

Event dates for 2016 - Obedience and Agility.

25 January
20 & 21 February (the region is using the grounds)
27 & 28 February
6 March (Central Shetland Sheepdog club is using the grounds)
23 & 24 April
16 & 17 July
30 July
17 & 18 September

Waitangi Day Celebrations – Muaūpoko Tribal Authority

8.00 am – 5.00 pm

Entertainment, stalls, food, health / wellbeing checks, ta moko, children's activities, sports games.

8. **Finance**

Mr Paulin will give a finance update.

9. **General**

(a) Bird Management

The Chair has been in discussions with Council's Property & Parks Manager, Arthur Nelson, with regard to bird management (particularly Canadian Geese) at the Domain. A verbal update will be provided.

(b) Storm Tree Damage

There was some damage to trees at the Domain during a recent weather event (19 January). Some willows were snapped beside the stream outlet between the carpark and the Sailing Club building and some of the big pines at the southern end of the Park lost branches. One of these brought the lines to the Sailing Club down, causing cladding damage to the building, and crushing the fence between the park and the neighbouring paddock. The lines have been disconnected to make the area safe and Electra removed the connection as it was not in use. The cladding damage is to be repaired.

Treescape was advised to make the pines safe and fell the willows at ground level so as not to disturb the stream banks. Contact was to be made with the neighbouring landowner with regard to keeping stock secure.

The trees have shed a lot of branches recently and a quote has been received from Treescape for deadwooding and removal of branches that are likely to fall in the near future. Due to the nature of the work it would be only slightly cheaper than removing the trees completely.

Another option would be to leave firewood on site which could either be collected by landowners or possibly a firewood company to recoup some of the cost. This option may necessitate the replanting of a shelterbelt for the neighbouring landowners to the south and the Board's directive is needed in this regard.

(c) Bylaw Complaint

Further to the formal complaint lodged by the Rowing Club in relation to the behaviour of Philip Taueki and Bryan Ten Have at the Domain on 18 November 2015, the Board needs to consider how it should pursue enforcing the Domain Bylaw if and when such complaints are received.

(d) Lake Condition

Blue-green algal bloom at the Lake (which does occur at this time of year), has caused surface scum and Amber signs are being posted warning against swimming and drinking the water.

10. **Next Meeting Date – 2 May 2016**

Note: Public Forum
Five (5) minutes allocated to each speaker

Speaking Rights
Five (5) minutes allocated to each speaker
Speakers to address Agenda items only.
Where possible, speakers to identify which item they wish to speak to prior to the meeting.

MINUTES OF A MEETING OF THE HOROWHENUA LAKE DOMAIN BOARD HELD IN THE HOROWHENUA DISTRICT COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN, ON MONDAY, 2 NOVEMBER 2015, COMMENCING AT 10.10 AM

PRESENT

Mr A McKenzie	(Chair, Department of Conservation)
Mayor B J Duffy	(Board Member, Horowhenua District Council)
Cr V Kaye-Simmons	(Board Member, Horowhenua District Council)
Cr A D Rush	(Board Member, Horowhenua District Council)
Mr R Warrington	(Board Member, Iwi Representative)
Dr J Procter	(Board Member, Iwi Representative)
Mr M Wiremu-Matakatea	(Board Member, Iwi Representative)

IN ATTENDANCE

Mr J Paulin	(Finance Manager, Horowhenua District Council)
Mrs K J Corkill	(Meeting Secretary)

PUBLIC IN ATTENDANCE

There were 9 members of the public in attendance at the commencement of the meeting.

1. WELCOME AND KARAKIA

The meeting commenced with a karakia (Mr Marokopa Wiremu-Matakatea).

Mr Alan McKenzie, the new Chair of the Horowhenua Lake Domain Board appointed by the Department of Conservation, introduced himself. He noted he had previously been Chair of the Domain Board in his role as Conservator for Wellington for DOC and he was pleased to be back as he had a great interest in Lake Horowhenua and looked forward to seeing some progress with this Board.

PUBLIC FORUM

Mrs Anne Hunt was accompanied to the table by Michelle Taueki. In her comments Mrs Hunt canvassed a number of matters in relation to the ownership and occupation of the buildings at the Lake, including threats received and other acts that had been referred to the Police, and she also commented on legal issues.

Mayor Duffy raised a point of order with regard to Mrs Hunt commenting on behalf of 'owners' as Mrs Hunt was not an owner and he was not sure she should be articulating a view on their behalf.

Mrs Hunt pointed out that Mr Taueki's right as an owner had been recognised by the Supreme Court and the status of others as owners could be checked at the Maori Land Court on line.

Dr Procter clarified that Mr Taueki was recognised as a 'beneficial' owner.

Mr Tama Ruru queried when he might expect to receive a response to matters he had raised earlier in the year particularly in relation to monitoring on the Arawhata Stream. He understood the Resource Consents currently being sought may impact on what was going to happen with that particular stream and he was keen to receive the information.

Mr Charles Rudd raised the following in relation to the Monitoring Report:

30. Lake Domain Board and Lake Trustees = Memorandum of Partnership
The Trust Chair, Matt Sword, and others had acted outside their powers because at the last Trust meeting on 16 August 2015 this matter had not been discussed or voted on;
32. Lake Bylaw
He hoped his submission on the Bylaw had been taken into account as he had not had a reply to his two submissions that had been provided. When the final Bylaw had been passed by the Minister he would be critiquing it.
35. Resignation of Board Member and Appointment of a Replacement
He was totally disgusted with the process and the advertisement. It was very confusing. He had put his name forward to go through that particular process but at the same time there was another hui being held by the people of Muaupoko. The last time this problem had arisen it had taken seven years to get Board members appointed and he could see this going to Court.

3. SPEAKING RIGHTS

Mrs Jo Mason spoke on behalf of the Horowhenua Rowing Club. She clarified that whilst she was a District Councillor, she was speaking in her personal capacity as a rowing club member.

On behalf of the Rowing Club, Mrs Mason thanked the Domain Board for its efforts to find solutions to the ongoing challenges to the right of occupy the building at the Domain. She outlined the Club's history and achievements whilst articulating the Club's current struggle to retain members due to the harassment and threats directed at them. Children were intimidated by having their photographs taken and being threatened with eviction. The building had been damaged continually and the Club's reserves had been depleted in the process of trying to keep the premises secure.

A copy of Mrs Mason's speaking rights is **attached** to the official minutes.

Personally and on behalf of the Club, Mrs Mason said she refuted the allegations of threats that had been made by Mrs Hunt. The Club came in peace; it was not violent. The members just wanted to row, to recreate, and to support children in sport. They wanted to get on and do what they were passionate about..

Dr Procter said it was disturbing, as a Domain Board Member, to learn that people were taking photographs and videos of children at the Domain. He queried if that should be made known to the Police.

Mrs Mason responded that some of the parents had expressed their grave concerns and they had been referred to the Police.

Mr Nathan Murray introduced himself and said he was here to add balance to comments around Maori land owners, owners of Maori land and those who owned shares in Maori land. Maori owners had very few rights. If a Maori owned a 10% share in a 100 acre block of Maori land in theory they owned 10 acres, but in effect they did not. They owned a 10% share of the whole. The land could not be annexed off.

Mr Murray read a statement which he said would add balance to Mrs Hunt's comments when referring to owners in a block of Maori Land:

"The owners in their shares, in the schedule of owners, have beneficial or equitable ownership, but do not have legal ownership and do not have the right to manage the land or to occupy the land. Trustees are empowered and indeed required to make decisions in relation to the land and they are often hard decisions. Their power and obligation to manage the land cannot be overridden by any owner or group of owners or even the Maori Land Court, so long as the trustees are acting within their terms of trust and the general law, and it reasonably appears that they are acting for the benefit of the beneficial owners as a whole. A meeting of owners cannot override the trustees. Decisions to be taken for the land are to be the decision of the trustees. They decide who can enter and who can reside there and how the land is managed."

That was a quote from Layne Harvey, a Judge in the Maori Land Court when speaking about beneficial owners and Dr Procter had made very good point around owners as opposed to beneficial owners.

As a local, Mr Murray said he fully supported the Lake Accord and the work of all the parties. He expressed his thanks, personally and on behalf of the community, to those around the table for their efforts, particularly those who were Lake Trustees. They had a very difficult job, which took courage and fortitude.

2. APOLOGIES

There were no apologies.

4. CONFIRMATION OF MINUTES – 3 AUGUST 2015

Moved: Kaye-Simmons Seconded: Warrington

“THAT the Minutes of the Horowhenua Lake Domain Board meeting held on 3 August 2015 be confirmed as a true and correct record.”

CARRIED

5. MATTERS ARISING

There were no matters arising.

6. MONITORING REPORT

Item 9 The Community Group Licences

Mayor Duffy made the observation that everyone was aware that there were two groups who wished to have the opportunity to continue their activities at the Domain. That was clear and understood by everybody and there were some wider resolutions being worked on in the background that should help to solidify those opportunities.

In response to the comments around the suggestion that items had been removed from the Sailing Club building and that that had been reported to the Police, Mayor Duffy said what happened three years ago was that the building was broken into. Items were smashed; there had been no theft. Those items that had been smashed had not been replaced and would not be until the Club re-established itself.

He had had a call yesterday from another interested group, and he would go through a formal process of speaking to Trustees and the Domain Board about that activity. Currently the only focus was on the Sailing Club and Rowing Club; however at the Domain there were also the Sea Cadets and Dog Club, both of which were in great heart and doing a great job.

Item 16 Media Release

Cr Rush said he had prepared a release after the last Board meeting, and if required he would do another after today's meeting.

Item 30 MOP with the Lake Trustees

Another significant step had been taken with the MOP having been signed on 5 October 2015. This could be removed from the Monitoring Report.

Mayor Duffy acknowledged this was another significant step, done in good faith and good will, in cementing the relationship between the Lake Trustees who were the representatives for the beneficial owners and the Domain Board.

The Chair requested those in the public gallery to respect the meeting and stop making audibly disruptive comments.

Item 32 Lake Bylaw

The Bylaw, as amended, had been approved by the Minister of Conservation and this item could be removed from the Monitoring Report.

Item 35 Resignation of Board Member and Appointment of a Replacement

In updating this item, Dr Procter said that the Domain Board had approached the Lake Trust to initiate a nomination process. Nominations had been called for, with a closing date of 30 October 2015.

The Chair queried if the Domain Board should properly be involved in the process, with Cr Rush suggesting that the Domain Board did not have a direct role, but may perhaps pass on nominations to the Minister for consideration.

That stance was supported by Mayor Duffy who agreed that the Board did not have the right to identify who those representatives should be, with it being his understanding that they would be resolved by the Minister. Some guidance was required to ensure that the nominees received via the process set out by the Trustees were considered. Everyone was aware that there was a separate group seemingly going through a similar process. It may be that those names would also go through to the Minister, with the Minister needing to determine the validity of the second process.

Mr McKenzie said he was not sure if the Domain Board did have a role to play in either facilitating the process or even passing nominations on to the Minister. In the past that had been done by DOC. He would take advice and report back to the Board on progress.

Item 36 Horowhenua X1B 39A Section 1 Block – Access Issue

Remove; completed apart from the statutory process.

Item 37 High Court Application – Colin Paki

Completed, with the Chair noting that Judge Clifford had stated that he was “satisfied that the Domain Board acted lawfully when it made its decision to commit to the Accord”.

Dr Procter said the Judge had also identified that the Trustees did exist, they were the right people to talk to, they had every right to enter into the Accord, and the Judge had noted the majority of support from the beneficial owners.

Item 39 Horowhenua Clean Up Projects - Resource Consent Applications

Dr Procter noted that the hearings had been held last week and the submitters had had the chance to have their say. The applicant now had a statutory requirement to respond to any requests from the Commissioners and then a decision would be awaited.

In publicly commenting on the process, Mayor Duffy said the applications were for some fantastic Lake improvements which were supported by the Lake Trustees, as representatives of the beneficial owners, and the other signatories to the Accord. The five influencers were looking to progress improvements to the Lake in a way they had not been able to in the past. The effort by the Trustees was significant and he acknowledged those submitters who had attended in support of the applications.

7. APPROVAL'S GRANTED

Moved: Duffy

Seconded: Procter

“THAT the approval granted by the Chair to the New Zealand Defence Force Trade Training School to conduct tactical logistics activities at the Domain on 30 March 2015 be confirmed.”

CARRIED

8. FINANCE

In commenting on some of the main points in the Annual Report for the year ended 30 June 2015 (copies of which had been circulated at the August 2015 Board meeting), Mr Paulin advised that he had yet to receive the Audit Certificate from Audit New Zealand, but had had a verbal assurance that an unqualified audit opinion would be issued. He requested that the Accounts be adopted subject to receiving that Audit Certificate.

He acknowledged the support from DOC, Horowhenua District Council and staff member, Sheryl Turner, in the preparation of the accounts.

In terms of the structure of the Board (page 3), Cr Rush suggested the following amendments:

- whilst the Board officially had four iwi members, currently there were only three;
- there were three (not four) representatives appointed by HDC.

Moved: Rush Seconded: Warrington

THAT the Horowhenua Lake Domain Board, with the noted amendments and subject to receiving the Audit Certificate from Audit New Zealand, adopts the Annual Report for the year ended 30 June 2015."

CARRIED

9. GENERAL

(a) Extraordinary Domain Board Meeting 30 October 2015

The Chair gave a verbal report on the Extraordinary Domain Board meeting convened on Friday of last week to take action with regard to the continued interference with the buildings commonly referred to as the Sailing Club and Rowing Club buildings. In effect the Board determined it would issue trespass notices against three individuals (and others) and those individuals were subsequently issued with trespass notices on Friday afternoon with the Police being notified. This action was taken because the Domain Board believed that its role was to facilitate not only the interests of the beneficial owners of the Lake, but also the rights of the public who enjoyed and used the Domain.

Cr Rush particularly noted the first motion that the Board made being:

"THAT no person (whether a member of the public or a Maori owner) may access or occupy the buildings commonly known as the Horowhenua Rowing Club and Horowhenua Sailing Club buildings on the Lake Horowhenua Domain, except where the Domain Board has expressly authorised that access or occupation".

further noting that any people who did access those buildings without authorisation could be deemed to be trespassers.

Confirmation of Minutes

Moved: Procter Seconded: Wiremu-Matakatea

"THAT the Minutes of the Horowhenua Lake Domain Board Extraordinary Meeting held on 30 October 2015 be confirmed as a true and correct record."

CARRIED

Members agreed, to reinforce the resolutions that were passed at the Extraordinary Meeting, that they should be reconfirmed at today's meeting.

Moved: Rush Seconded: Kaye-Simmons

THAT the Horowhenua Lake Domain Board, at today's formally notified meeting, reconfirms the following resolutions passed at the Board's Extraordinary Meeting held on 30 October 2015:

*THAT no person (whether a member of the public or a Māori owner) may access or occupy the buildings commonly known as the Horowhenua Rowing Club and Horowhenua Sailing Club buildings on the Lake Horowhenua Domain ("**buildings**"), except where the Domain Board has expressly authorised that access or occupation;*

THAT Mr Taueki, Ms Hunt and Mr Ten Have (and other associated persons) do not have authority from the Domain Board to access or occupy the buildings;

THAT the Domain Board issues a trespass notice to Mr Taueki, Ms Hunt and Mr Ten Have (and to any other person who does not have authority from the Board and who is accessing or occupying or is likely to access and occupy, the building;

THAT the Domain Board requests that the Police enforce those trespass notices if necessary;

THAT the Domain Board delegates to MAIN Security the authority to issue those trespass notices on its behalf;

THAT the Domain Board notifies the Police that, in its view, Mr Taueki (and any other persons who do not have authority from the Board) will be committing an offence under the Reserves Act 1977 (including section 94(2)(c)) by accessing and occupying those buildings;

THAT the Domain Board requests assistance from the Police to prevent the commission of that offence under the Reserves Act 1977;

THAT in the view of the Domain Board, these resolutions and actions are necessary, in terms of section 18(5) of the ROLD Act 1956, to ensure reasonable and orderly public use of the buildings; and

THAT there has been consultation (so far as is possible) with the Lake Horowhenua Trustees and their views have been taken into account.

THAT the Domain Board delegates to Alan McKenzie and Anthony (Tony) Rush the ability to trespass others verbally from the buildings commonly known as the Horowhenua Rowing Club and Horowhenua Sailing Club buildings on the Lake Horowhenua Domain.

CARRIED

Mayor Duffy proposed a further resolution to seek support from Horowhenua District Council to effect repairs and fit new security to both buildings. He advised that the week prior to the Sailing Club building being broken into in September, he had been down and photographed it and confirmed the building was secure. There was just one small broken window which he got repaired. He would like support from the Horowhenua District Council to replace the locks and ensure that the key holders were appropriate. He had been down to the Lake again last week and photographed the locks on the buildings. A key to the Rowing Club building had been made available to him by the Club. There were now different locks on the buildings and that needed to be resolved.

Cr Rush expressed his support for the further resolution because of an oral judgment of Judge Harvey in which the Judge had stated the buildings were the property of the

HOROWHENUA LAKE DOMAIN BOARD - MONITORING REPORT
following the 2 November 2015 meeting

Item	Item Description	Meeting Date		Responsible person	Date to Action by	Date Completed	Comment
9	The Community Group Licenses	4 February 2013 8 April 2013 4 May 2015 2 November 2015	<p><i>THAT the Chair write to the Horowhenua Lake Trustees requesting to meet with them as soon as possible to discuss occupation rights for the buildings at Lake Horowhenua</i></p> <p><i>AND FURTHER</i></p> <p><i>THAT the Sailing Club, Rowing Club, and other boating clubs, are permitted to continue to store their gear in the buildings at the Domain in the meantime until the Horowhenua Lake Domain Board has had the opportunity to consult with the Horowhenua Lake Trustees, which it is contemplated will be within the next fourteen (14) days</i></p> <p><i>AND FURTHER</i></p> <p><i>THAT the Chair write to the relevant clubs asking them to submit applications for further occupation rights.</i></p> <p><i>“THAT the Horowhenua Lake Domain Board consults expeditiously with the Lake Trustees in relation to administration of the Sailing and Rowing Club buildings, with status quo as to use of the buildings to subsist until then.”</i></p>	Chair Chair Chair			<p>Following the Feb 2013 meeting the Chair had written to the relevant Clubs. A formal application was received from the Rowing Club and e-mail confirmation from Sailing Club they wished to renew.</p> <p>Rowing Club to be followed up.</p>
15	Vision Statement/Management Plan	4 July 2011 8 April 2013 3 February 2014	To be prepared	Mayor Duffy			To be progressed in partnership with Horizons RC
16	Media Release		Cr Rush to prepare media article for release by the Chair	Cr Rush			Ongoing
35	Resignation of Board Member and Appointment of a Replacement	5 November 2015		Chair			Advice to be sought on the Board's role with regard to next

Item	Item Description	Meeting Date		Responsible person	Date to Action by	Date Completed	Comment
							steps.
38	Moonlight Drumming on Muaupoko Park	4 May 2015 3 August 2015	<i>"THAT the Horowhenua Lake Domain Board supports in principle moonlight drumming at Muaūpoko Park subject to appropriate conditions being identified by the Board Chair."</i>	C Lester			This was awaiting better weather.
39.	Lake Horowhenua Clean Up Projects – Resource Consent Applications	2 November 2015					Decision awaited from Commissioners
40.	Repair and fit new security to Rowing and Sailing Club Buildings	2 November 2015	<i>"THAT the Horowhenua Lake Domain Board seeks support from the Horowhenua District Council to effect repairs and fit new security to both buildings."</i>	B Duffy		Completed	