



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, 13 February 2017, commencing at 10.00 am

AGENDA

Public Forum

1. **Welcome and Karakia**
2. **Apologies**
3. **Public Speaking Rights**
4. **Confirmation of Minutes – 1 August 2016**
5. **Matters Arising**
6. **Monitoring Report (copy attached)**

Item 9 The Community Group Licenses
Meeting with Trustees arranged for late February.

Item 16 Media Release
It may be timely for the Board to consider whether media releases should be done in conjunction with its Accord partners.

Item 35 Resignation of Board Member and Appointment of Replacement
A response from the Minister on the appointment of the replacement iwi member is still awaited. The Council appointees following the 2016 local body elections have been submitted to the Minister for approval and gazetting.

Item 39 Lake Horowhenua Clean Up Projects – Resource Consent Applications
These applications had been appealed, but the Environment Court upheld the approach of the Lake Accord partners to restore water quality in Lake Horowhenua and the Court's decision enables the consents/Clean-up projects to go ahead. There has been a further appeal lodged, the decision on which is awaited.

Item 43 Tree Planting at the Domain
Tree planting at the Domain was suspended in September 2016 when a charcoal deposit was uncovered. This was reported to Heritage New Zealand and the site was investigated, following which Heritage NZ advised that it could not find anything to suggest that there was an archaeological site in that location and planting could continue.

Item 44 Taueki Proceedings
This item is addressed under General Business.

7. Approvals Granted

- New Zealand Defence Force – Trade Training School – 24 March 2017 (Consent Form **attached**)
- Waitangi Day Committee – use of Muaupoko Park on Waitangi Day (6 February) from 7.30 am to 5.00 pm.

8. Finance

Mr Paulin will give a finance update.

9. General

- (a) Horowhenua Obedience Dog Training Club – Term Dates and Calendar of Events for 2017 (**attached**) for approval.

- (b) Taueki Proceedings

Further to the proceedings taken by the Domain Board trespassing Philip Taueki from the buildings at the Domain, which charge had been dismissed by Judge Moss in the District Court, the Police sought and were granted leave to appeal the judgment.

The High Court overturned the decision of the District Court on the following grounds:

1. Was the District Court correct in law to hold that the Domain Board could not issue a trespass notice as it was not an 'occupier' for the purposes of the Trespass Act?
In short, the High Court found that, while the Domain Board's control of the land is not exclusive, the Domain Board qualifies as an 'occupier' by virtue of its control it is required to exercise over it.
2. Was the District Court correct in law to hold that the Mr Taueki could not be the subject of a valid trespass notice because of the rights reserved to beneficial owners under the ROLD Act?
In short, while the ROLD Act reserved to the beneficial owners 'free and unrestricted access' that right is qualified by the ROLD Act so as 'to not interfere with the reasonable rights of the public, as may be determined by the Domain Board.' As such, the High Court determined that the Domain Board is not precluded by the rights issued to the Maori owners. Whether such a trespass notice is contestable will be determined by the circumstances – in the case of Lake Horowhenua it must be reasonably necessary to protect the reasonable use rights of the public (for example).
3. Was the District Court correct in law to hold that the prosecution must be dismissed because [of evidential reasons concerning the issuing of the trespass notice]
The High Court determined that there was no basis for determining the process to have been flawed.

And a 4th question raised by Mr Taueki – does the answer to the first 3 questions effectively nullify the Treaty of Waitangi upon which the jurisdiction of this Court is founded?

The High Court determined that jurisdiction of the High Court is not derived from the Treaty and that the matters he raises are more appropriately dealt with in the Waitangi Tribunal.

MINUTES OF A MEETING OF THE HOROWHENUA LAKE DOMAIN BOARD HELD IN THE HOROWHENUA DISTRICT COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN, ON MONDAY, 1 AUGUST 2016, COMMENCING AT 10.00 AM

PRESENT

Mr A McKenzie	(Chair, Department of Conservation)
Dr J Procter	(Board Member, Iwi Representative)
Mr R Warrington	(Board Member, Iwi Representative)
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)

IN ATTENDANCE

Mrs K J Corkill (Meeting Secretary)

PUBLIC IN ATTENDANCE

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

1. WELCOME

The meeting commenced with the Chair welcoming everyone acknowledging the building, and acknowledging the place. He hoped that today's deliberations would be well founded and would have a good result.

2. APOLOGIES

There were no apologies.

3. PUBLIC SPEAKING RIGHTS

Mrs Rosemary Cleator, Horowhenua Obedience Dog Training Club.

4. CONFIRMATION OF MINUTES – 2 MAY 2016

Moved: Duffy Seconded: Rush

"THAT the Minutes of the Horowhenua Lake Domain Board meeting held on 2 May 2016 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

Now that the Lake Trustees had been confirmed and were meeting, a get-together with the Trust to be arranged as soon as possible, perhaps to align with the next Trust hui.

Item 15 Vision Statement/Management Plan

With it noted that the Lake Accord would encompass some of the Board's vision, it also had a statutory obligation to ensure the Domain was accessible for public access and use and that also needed to be considered.

Item 35 Resignation of Board Member and Appointment of a Replacement

A response was awaited from the Minister with regard to the iwi appointees.

Item 39 Horowhenua Clean Up Projects - Resource Consent Applications

A decision was still awaited from the Judge.

Item 40 Bird Management

Who was ultimately responsible for pest management, particularly in relation to Canada Geese, and why it fell to the Lake Domain Board to engage HDC to undertake the activity, which should perhaps be the responsibility of the Department of Conservation and Horizons was raised and discussed.

The Chair advised that the Board had made a submission to HRC on its Pest Management Strategy, and it was suggested by one or two Councillors that the Board should submit to Horizons Annual Plan on the issue, which he did not think had occurred. He suggested that perhaps in tandem with HDC, the Board should apply through the Annual Plan process for funding for pest control.

With the great work done by Arthur Nelson and Council's Parks & Property team noted and the need to keep them in the loop, it was:

Moved: Duffy Seconded: Procter

"THAT the Horowhenua Lake Domain Board writes to Horizons Regional Council requesting that it fund through its Annual Plan process, and lead a programme to control Canada Geese at Muaūpoko Park in consultation with such interested parties as the Lake Trust, Horowhenua Lake Domain Board, Horowhenua District Council, Department of Conservation and local farmers."

CARRIED

The scheduling of a date for a cull in 2017 to also be requested.

Item 42 Lake Trust Update

Dr Procter advised that the Trust had had its second meeting with the new Trustees on board. They had basically been bombarded with Court cases, were dealing with requests from Judges and finding it difficult to get on with work they wanted to get on with. The Chair of the Trust was Matt Sword; he was Deputy Chair, Rob Warrington was Treasurer and Kelly Tahiwai was the Secretary.

Item 41 Storm Tree Damage

Cr Kaye-Simmons advised that due to inclement weather the proposed planting had not yet happened. This would not be undertaken in the spring, when KLB would be working with Arthur Nelson and his team.

Dr Procter noted that Te Mana o Te Wai would be running a planting day on 28 August for those who were interested to be involved.

7. FINANCE

This would be reported on at the next Board meeting.

8. GENERAL

(a) Horowhenua Obedience Dog Training Club

On behalf of the Horowhenua Obedience Dog Training Club, Mrs Cleator spoke to the Club's request to add a veranda to the front of the clubrooms at Muaūpoko Park. It would be a basic structure, with concrete floor, posts and a room. At the same time some maintenance and improvements would be undertaken to the existing gear shed. The veranda was to provide shelter for members when events were held.

Moved: Warrington Seconded: Procter

"THAT the Horowhenua Lake Domain Board supports the addition of a veranda to the Horowhenua Obedience Dog Training Club Inc's clubrooms at Muaūpoko Park, and maintenance and improvements to the existing gear shed, subject to the agreement of the Department of Conservation and the Club going through the appropriate building consent process."

CARRIED

Mr McKenzie said the Board would communicate with DOC (as the Club's lease was with DOC not the Domain Board).

(b) He Hokioi Rerenga Tahī / Lake Accord

Mr McKenzie reported on the recent meeting of the Accord Partners, which had also been attended by some of the new Lake Trustees. Going forward there would be a little more formality in terms of process and meetings would be held more regularly to ensure that things ran smoothly and everyone, including the wider community, was kept involved. It had been a promising meeting and he was looking forward to the next one.

From HDC's perspective, Mayor Duffy said there had been a significant amount of time and money invested over the last few years in support of the Lake Trustees and the Accord. Council was very supportive of recent initiatives and also of Te Mana o Te Wai. He had asked the Chief Executive to quantify the amount that Council had contributed as he did not believe that Council's support was understood or acknowledged. He hoped that litigation was at an end as he believed that the money should be spent towards improving the Lake rather than on lawyers.

(c) Paki Proceedings

A hui had been held with the litigants which had been a reasonably constructive exercise and a Notice of Discontinuance had been received following the lawyers exchanging letters.

(d) Taueki Proceedings

As an additional item under General Business, Mr McKenzie reported that the judgment of Judge Moss in relation to the Taueki trespass proceedings was being appealed by the Police and Crown Law. This was to be heard in Wellington tomorrow and he would report back on the outcome.

9. NEXT MEETING DATE

7 November 2016.

10 MEETING CLOSURE

There being no further business, the meeting closed at 10.25 am

CONFIRMED this

day of

2016

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Chairperson

Item	Item Description	Meeting Date		Responsible person	Date to Action by	Date Completed	Comment
15	Vision Statement/Management Plan	4 July 2011 8 April 2013 3 February 2014 1 August 2016	To be prepared				To be progressed in partnership with Horizons RC Lake Accord would encompass some of the Board's vision, but statutory obligations also needed to be considered.
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 1 February 2016 2 May 2016 1 August 2016		Chair			Advice to be sought on the Board's role with regard to next steps. Nominees received from the Lake Trust have been forwarded to the Minister for her determination. The Minister's response still awaited. Until replacements confirmed the current iwi members remain/ Response from Minister still awaited.
39.	Lake Horowhenua Clean Up Projects – Resource Consent Applications	1 February 2016					The consents had been approved but there had been an appeal so the process

Item	Item Description	Meeting Date		Responsible person	Date to Action by	Date Completed	Comment
40.	Bird Management	1 August 2016	<i>"THAT the Horowhenua Lake Domain Board writes to Horizons Regional Council requesting that it fund through its Annual Plan process, and lead a programme to control Canada Geese at Muaūpoko Park in consultation with such interested parties as the Lake Trust, Horowhenua Lake Domain Board, Horowhenua District Council, Department of Conservation and local farmers."</i>	Chair			was continuing.
42.	Lake Trust Update	2 May 2016	Update from the Lake Trust to be regular Agenda item		On-going		
43.	Tree Planting at the Domain	2 May 2016 1 August 2016	<i>"THAT Keep Levin Beautiful be requested to organise a planting day at Muaūpoko Park to coincide with Arbour Week (3-10 June 2016)".</i>	Cr Kaye-Simmons	10 June 2016		Delayed due to storm damage..
44.	Taueki Proceedings	1 August 2016	Judgment of Judge Moss in relation to the Taueki Trespass proceedings.appealed.	Chair			



**NEW ZEALAND DEFENCE FORCE
CONSENT AS TO THE USE OF PROPERTY**

I, **Alan McKenzie, Chairperson of the Horowhenua Lake Domain Board**
the Controlling Authority of the property situated at **Horowhenua Lake Domain, Levin**
and known as **Horowhenua Lake Domain/Muaupoko Park**
hereby authorise personnel of **Trade Training School**
(unit)

of the New Zealand Army (members of the Defence Force) with or without vehicles of any description to enter onto the property and carry out any or all of the activities specified below (see notes) and/or to land aircraft on the property for the purpose of conducting military manoeuvres during the period 24 Mar AM to 24 Mar PM 2017 subject to the following conditions:

- (a) The members of the Defence Force will exercise reasonable care while on the property.
- (b) That members of the Defence Force will immediately on passing through, close all gates opened by them so as to prevent the escape of stock.
- (c) Any damage caused as a result of the failure of members of the Defence Force to take reasonable care while on the property is to be made good or repaired to my reasonable satisfaction or the reasonable cost of making good or repairing the damage will be paid by the New Zealand Defence Force.
- (d) The New Zealand Defence Force is not to be held liable to pay rent for use of said property.
- (e) Any further special conditions applicable and approved by Army General Staff, Defence Headquarters, Wellington.
- (f) That the New Zealand Defence Force has acknowledged the restrictions imposed by the Controlling Authority of the property caused by: top dressing, lambing, sowing or other farm activity or earthworks.
- (g) Use of said property is subject to the restrictions to the following areas:

Muaupoko Park, Levin

Description of activities: (Use separate sheet if necessary)

1. Conduct of tactical logistics activity, including the refueling of vehicles.
2. No firing of ammunition or pyrotechnics will occur during the hours of darkness.
3. Accommodation will be military tentage.
4. Security patrolling by armed personnel.
5. Vehicle numbers: 20 prime movers, up to 8 trailers medium and light.
6. Personnel numbers: Up to 60 pers

Dated this 12 day of Dec 2016

Signature of Controlling Authority

NOTES

Following is a list of points that may be included in the description of the activities and backup services:

1. The scope of activity including:
 - (a) The number of troops, vehicles and weapons.
 - (b) Area and timings of movement or other significant activity.
 - (c) Live firing, the use of ammunition, explosives and pyrotechnics; and
 - (d) Planned flying activities including low flying, landings, dropping of personnel or cargo.
2. The use of buildings and facilities.
3. The building of huts and facilities.

HOROWHENUA OBEDIENCE DOG TRAINING CLUB.

2017 EVENT DATES.

22nd January

23rd January

25th February

26th February

5th March

22nd April

23rd April

29th July

30th July

20th August

16th September

17th September

TRAINING CLASS DATES.

18th January to 15th March

22nd March to 17th May

24th May to 19th July

2nd August to 27th September

4th October to 29th November

Tuesdays when fine – Agility classes