

MINUTES OF A MEETING OF THE HOROWHENUA LAKE DOMAIN BOARD HELD IN THE HOROWHENUA DISTRICT COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN, ON MONDAY, 10 SEPTEMBER 2018, COMMENCING AT 10.00 AM

PRESENT

Mr R Kemper	(Chair, Department of Conservation)
Mr M Wiremu-Matakatea	(Board Member, Iwi Representative)
Mr R Warrington	(Board Member, Iwi Representative)
Mayor M Feyen	(Board Member, Horowhenua District Council)
Cr V Kaye-Simmons	(Board Member, Horowhenua District Council)
Cr P Tukapua	(Board Member, Horowhenua District Council)

IN ATTENDANCE

Ms C Visser	(Department of Conservation)
Mr J Paulin	(HDC, Financial Accountant)
Mrs K J Corkill	(Meeting Secretary)

PUBLIC IN ATTENDANCE

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

1. WELCOME AND KARAKIA

Mr Kemper introduced himself to the meeting outlining his DOC role and responsibilities. He explained that given recent events and because DOC was required to chair the Domain Board, he had decided to undertake the Chair's role himself as an interim option with a view to understanding in detail the role and workings of the Horowhenua Lake Domain Board.

Karakia (Mr Wiremu-Matakatea).

2. APOLOGIES

An apology was recorded for Dr Procter.

NOTED

PUBLIC FORUM

Mrs Anne Hunt commented on the Taueki Trespass Proceedings which she noted was no longer included on the Monitoring Report; the Board representation, maintaining that the Board was inquorate because the iwi representatives' term had expired; and the legitimacy of the current Lake Trustees. She also brought to the Board's attention that a complaint had been made and was being investigated by the UN OHRC.

Responding to a query as to why the Minister, having received nominations, had not made a decision in relation to the Board's iwi representation, Mr Kemper said his role was to seek to identify and understand the critical issues and endeavour to address them, with the iwi representation being such an issue. He further responded to a query in relation to the tenure and resignation of the previous Chair, Jenny Rowan, noting that after a range of events, Ms Rowan said her position was untenable and had tendered her resignation.

In terms of moving forward with the various issues (which he described as a labyrinth), Mr Kemper said he would initially focus on the Domain Board and its administrative role and the outcomes that the Board wanted to achieve. He also wanted the Board to go about its business in a manner that was professional, constructive, and focussed.

Noting the fact that the Lake was privately owned, Mr Bryan Ben Have commented that something was lacking in the behaviour of the Domain Board as the Lake's owners suffered for their forced generosity in having to share their land and buildings with the public, citing as examples: Mr Philip Taueki and the current Domain access issue; stormwater and the unlawful earthworks undertaken by the Lake Trustees.

Mr Charles Rudd canvassed a number of matters in his comments. In terms of MTA, he said their role was different to that of the Lake Trust. MTA's role was social, not whenua or awa issues. Also the name of the Lake was Waipunahau. Mr Rudd said the length of time taken to replace the iwi representation on the Board was not acceptable, with Nyleen Ford having resigned in September 2013. He said this was in breach of the ROLD Act 1956 18(8)(a). He also suggested that anything that happened in relation to the Lake or the Hokio Stream, including any resource consents, must go through a public meeting of the Domain Board in accordance with the ROLD Act. Any other avenue, such as at a Lake Accord meeting, was illegal.

Mr Rudd concluded by commenting that the landfill was leaching into the Hokio Stream. He said he was holding up the mana of the Stream and the Lake Domain Board should be helping with that.

Responding to Mr Rudd's comments, Mr Wiremu-Matakatea said while he understood how Mr Rudd felt, when it came to talking about owners, there were those who agreed with what some were doing, and there were those who did not. It was the same as happened in government and other organisations; some were for and some were against what was done. When it came to kawa and mana, Mr Wiremu-Matakatea stressed the need to be passing on the knowledge to the next generation.

Before concluding the Public Forum segment, Mr Kemper noted the following:

- he believed from the advice he had received that the Board was operating legally but made a commitment to confirm the Board's ability to carry on meeting; and the constitution of the Board going forward and how to progress that.
- he would also check out the issues of access to the Domain for Philip Taueki now that the gate was being locked;
- he would investigate the points raised by Charles Rudd and the role of the Board when it came to consents.

These were the matters he had taken from the Public Forum and it may take some time to provide feedback.

3. CONFIRMATION OF MINUTES – 7 MAY 2018

Moved: Kaye-Simmons Seconded: Warrington

"THAT the Minutes of the Horowhenua Lake Domain Board meeting held on 7 May 2018 be confirmed as a true and correct record."

CARRIED

4. MATTERS ARISING

It was confirmed that the request for HDC to increase its funding to the Domain Board from \$2,000 to \$5,000 per annum had been approved.

In relation to the warning signage that Crs Kaye-Simmons and Tukapua had been progressing, Cr Tukapua showed an example of what they proposed, which was based on the fire season signage. This was discussed with the only suggested change being as to the type of bird used, with a kotuku rather than a kiwi proposed.

Moved: Kemper Seconded: Warrington

“THAT the design for the signs for Muaūpoko Park indicating the status of Lake Horowhenua for recreational use, as presented to the meeting with the amendment suggested, be adopted.”

CARRIED

Mr Kemper undertook to check with Horizons Regional Council as to who had the responsibility for signage and where the costs might lie.

Noting the Chairperson's Report from the May 2018 meeting and the comment about the bigger picture, much of which was being played out in the Courts, Mayor Feyen stressed that the Board needed to know the status of the various issues and a synopsis of Court matters could assist.

Responding that it was not that simple, Mr Kemper said he was not aware of the Domain Board being in Court. There were Treaty issues going on and he could make enquiries, but he understood that a settlement was not imminent. A lot of the issues were outside the scope of the Board's role, as were matters in Court that may affect the Board. It was also not reasonable at this juncture to go into all matters that may affect the Board in the future. Mr Kemper referred to the three matters he had initially raised as the ones he would be working on in the near future.

The response to a query from Cr Kaye-Simmons in relation to the buildings at the Domain and insurance was that this had not, as yet, been progressed.

5. MONITORING REPORT

Item 42 Lake Trust Update

To avoid confusion between the roles of Board Iwi Members who were also Lake Trustees, Mr Warrington suggested that an invitation be extended to the Lake Trust for the provision of an update.

Item 47 Draft Pest Management Plan

An explanation was provided as to the health and safety concerns, (which involved past experience in relation to the possible behaviour of other people in the vicinity of the Domain at the time of a cull) that had led to the proposed geese cull not being undertaken. Board Members would be advised when the geese cull would be progressed.

6. FINANCE

Mr Paulin tabled a draft Statement of Financial Performance for the Domain Board for the year ended 30 June 2018, advising that it had not yet been audited. He noted that the Board had made a small surplus largely due to the fact that the proposed pest control had not been undertaken.

Also tabled was a budget for the year ended 30 June 2019 for the Board's consideration and, if approved, adoption.

The proposed 2019 budget was discussed with the following raised:

- looking at the revenue stream, should the Board be seeking additional revenue?
- the amount of \$515.00 for the use of the buildings, which involved two groups who were at the Domain officially, and two buildings which were vacant, was poor.
- when were the leases due for review?
- it would be helpful to know how much the Defence Force contributed to the Sea Cadets.

- even less rent was paid to the owners of the Lake, with it noted that when an organisation such as the Board was using indigenous people's land then fair rent should be paid. That was something the Board should review going forward.

Moved: Kemper Seconded: Kaye-Simmons

“THAT the Budget for the year ended 30 June 2019 be approved on the understanding that it could be reviewed throughout the year.”

CARRIED

7. GENERAL

(i) Domain Gate – Overnight Closure

Having been down to view the damage on 23 August, Mayor Feyen expressed his concern that such damage should be occurring. It was not a new issue, and following his visit he had had a discussion with Council's Chief Executive about closing the gate to the Domain at night to restrict vehicle access. Part of that discussion was the understanding that Philip Taueki would be furnished with a key, as would the various other people who used the Domain. That arrangement had been changed without any discussion with himself so that Philip Taueki was not provided with a key and there was another arrangement in place for opening and closing the gate.

Mr Warrington said he had heard that the damage was done during the day time. Perhaps locking the gate at night was not the answer and the installation of security cameras should be considered.

Mr Kemper said the critical issue was finding the best long-term solution to stop the damage occurring, with closing the gate being an interim measure. In terms of the key, he said he believed it should be held by the administering authority and Council was the agent at the direction of the Board. That did raise the issue of Mr Taueki having on-going access; however the issue for the Board was what was the best mechanism for controlling particularly vehicle access.

With the issue raised being nothing new, and with many of the grassed areas at the Domain having bollards around them, Mr Wiremu-Matakatea queried why the bollards could not be extended to the areas receiving vehicle damage.

Cr Kaye-Simmons noted that this was something that had been discussed by the Board a few years ago and she agreed that bollards could be a solution.

Mr Kemper undertook to investigate the matter, which would include checking out whether installing bollards was a viable option and he would report back to the Board.

Whether or not Mr Taueki should be provided with a key to the gate was discussed, with Cr Kaye-Simmons noting that Board Members had already indicated their views on that via email, with the overall response being that a key should not be provided. She also commented that since that decision had been made she had been singled out for objectionable emails, which she said was not acceptable as it was a collective Board decision. It was also a concern that that email traffic had been shared outside the Board forum.

To resolve the issue prior to the Chair investigating the installation of bollards in areas to prevent boy racers causing damage, it was:

Moved: Feyen

Seconded: Tukapua

That in the interim Philip Taueki be provided with a key to the Horowhenua Lake Domain gate until the issue is resolved in its entirety.

On being put there were two for and three against the motion. The motion was, therefore, LOST.

Board Members, however, reiterated their support for the Chair's undertaking to investigate the matter and report back as the desire was to move positively forward.

(ii) Sailing and Rowing Club Buildings – Current and Future Use

Mayor Feyen suggested that visiting the buildings to see what sort of potential, or otherwise, they had would be helpful.

As both buildings were located on Lake Trust land, Mr Warrington said any decisions made should be made in consultation with the legal owners. Responding to a query from Mr Kemper as to what he would like to see happen to the buildings, Mr Warrington said it was not necessarily in relation to the buildings, but he would like to see the relationship between the Board and the Lake Trust enhanced.

Mr Kemper said he would arrange to meet with the Trustees and would be happy to include anyone else who would like to be involved in that discussion. He noted he had been down to the Domain that morning and he did wonder whether the buildings would be considered safe and sanitary under the Building Act.

(iii) Board Membership

Mr Kemper noted that this had been raised earlier in the Public Forum. There were two critical issues: one was the ability of the Board to function until such time as replacement iwi appointments were made; and the second was the mechanism to be used to make those appointments. He needed to understand and work through those two steps. Whilst there was a view that the current operation of the Board was ultra vires, there was another point of view that the Reserves Act provided for the Board to continue until replacement appointments were made. Mr Kemper said he would seek legal clarification.

With there being four seats for iwi representatives, who did not necessarily have to be Lake Trustees, Cr Tukapua queried why the Minister had not selected from the names that had been provided from two forums that had recommended candidates.

Mr Kemper said from his recollection from the previous Minister, having received more nominations than seats she was required to fill, did not feel she was in a position to choose. The Minister's role was to appoint, not choose people.

Cr Tukapua further noted that the previous Chair had investigated having an election process with an indicative cost of about \$20,000.

Mr Kemper said he had heard that; however he wanted to investigate if appointments could be made without an election as he felt the money could be better spent. With the change of government he had been asked to do some work on this, which he proposed to do.

At a suggestion that the Tribe or affected people be asked to run their own election, Mr Kemper said that there were no defined boundaries for the various parties. MTA was one entity and there were a number of other factions within the Tribe. He could not think

of a way to get a tribal response. Discussions had been held with TPK with the initial response not being encouraging, but Mr Kemper said he would look at all avenues to progress this.

It was noted that the Board did have \$40,000 in the bank and it was queried if Board Members would be prepared to expend some of that to run an election process? It was also suggested that funding could be sought from other agencies.

This was discussed, with the Board agreeing in principle to the Chair investigating the running of an election process if someone could be identified to run it and if third party funding could be sourced.

Moved: Kemper Seconded: Warrington

THAT the Horowhenua Lake Domain Board agrees in principle to seeking third party funding to support an election process to replace the Board's iwi members

AND FURTHER

THAT the Board agrees in principle to providing funding to support the process if required, with any proposal to be brought to the Board for final approval.

CARRIED

Mayor Feyen ABSTAINED from voting.

(iv) Waitangi Day 2019 – Approval Sought

On behalf of the Waitangi Day Committee, Cr Kaye-Simmons sought permission to hold the 2019 Waitangi Day commemoration at Lake Horowhenua. This would take place on Wednesday, 6 February 2019 from 10.00 am to 3.00 pm. The Committee would require the Park/Domain from 7.00 am to 5.00 pm. The Committee was working in partnership with HDC and Iwi to implement this community event.

Moved: Kaye-Simmons Seconded: Tukapua

THAT the Horowhenua Lake Domain Board approves the use of Muaūpoko Park for the 2019 Waitangi Day commemoration from 7.00 am to 5.00 pm on 6 February 2019.

CARRIED

- (v) Raising the issue of the various views in the community in relation to Lake Horowhenua, Mayor Feyen suggested that with the Board having a new Chair, it might be a good time to hold a hui of all those with an interest in the Lake to find out what those views were to provide a platform to move forward positively. This was something the Chair might consider as he looked into the various matters he had undertaken to investigate.

Mr Kemper said he was not yet knowledgeable enough as to how that might look. Whilst he was of the view there needed to be a lot more coming together, at the moment he was not sure how that could be progressed but he would keep it in mind..

(vii) Urban Stormwater

Cr Tukapua raised the fact that Council, through its Long Term Plan, was conducting a feasibility study of the catchment and the stormwater going into the Lake. She said this should be of interest to the Board because it was about water quality and she proposed a motion to request Council to report back to the Board on its findings when the feasibility study was available.

Moved: Tukapua

Seconded: Warrington

THAT Horowhenua District Council be requested to report to the Horowhenua Lake Domain Board on the findings of the feasibility study into urban stormwater.

CARRIED

Mr Kemper stressed that the Board needed to be clear about its accountabilities and about working on the things it was accountable for, rather than endeavouring to solve every problem.

8. MEETING CLOSURE

The meeting closed at 12.13 pm with a karakia (Mr Wiremu-Matakatea).

CONFIRMED this

day of

2018

Chairperson