

MINUTES OF A MEETING OF THE HOROWHENUA LAKE DOMAIN BOARD HELD IN THE HOROWHENUA DISTRICT COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN, ON MONDAY, 4 FEBRUARY 2019, COMMENCING AT 10.10 AM

PRESENT

Mr R Kemper	(Chair, Department of Conservation)
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)
Mr M Wiremu-Matakatea	(Board Member, Iwi Representative) (from 10.40 am)

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 seventeen members of the public in attendance at the commencement of the meeting.

1. WELCOME AND KARAKIA

The meeting commenced with a karakia (Cr Tukapua).

2. APOLOGIES

There were no apologies.

PUBLIC FORUM

Anne Hunt covered a variety of topics in her comments including a contribution from her being received by the UN; Monitoring Report items; provision of keys for access to the Domain; the Domain Board not having the authority to grant building leases; matters in the Māori Appellate Court with regard to the Lake Trust and possible ramifications following Judge Doogan recusing himself; the Domain Board not being legally constituted under the ROLD Act with regard to its iwi membership,

With a number of her comments being in relation to legal matters, Mr Kemper queried if Mrs Hunt was a lawyer. Mrs Hunt responded in the negative, but did explain her experience with the law saying that she was a very astute author on legal issues.

Mrs Hunt then read a declaration from Philip Taueki in which he noted that he was a direct descendent of Taueki who had signed the Treaty of Waitangi in 1840 and that Lake Horowhenua was privately-owned and its environs were ancestral ground which had been owned in fee simple since 1898. Mr Taueki then challenged the legality of the constitution of the Domain Board and covered other issues with regard to the Lake and activities there.

With Mr Taueki having asserted that there would be no geese cull as the owners had already agreed that the Lake was a bird sanctuary, Cr Kaye-Simmons queried if Mrs Hunt could provide any documentation to support that comment.

Tania Naika introduced herself to the meeting. Advising that she a friend of the Taueki family Ms Naika outlined her dream of setting up a Māori arts and weaving centre at the Lake, though

it need not specifically be for Māori but could include other cultures as well. The Lake also had the resources such as harakeke. She was currently residing in the Rowing Club building and cleaning it up so it could be used for art classes.

Vivienne Taueki confirmed that Ms Naika had been invited to use the building, which had been sitting empty, and noted there was a lot of women interested in weaving.

Charles Rudd addressed a number of items in his comments, including:

- with the previous Minutes referencing the Board's constitution, he queried what the objective of the constitution was and where did the ROLD Act fit in;
- with regard to Muaūpoko Park sign design resolution which mentioned recreational use, recreational fishing rights belonged to Muaūpoko;
- in terms of matters before the Courts, these did have an effect on the Domain Board whether the Board realised it or not;
- Judge Harvey had ruled that the boat club buildings belonged to the owners and access and use should not be left to the Board;
- the overnight closure of the gate and Philip Taueki's occupation;
- with regard to the Board's iwi membership, he tabled a letter from the Office of the Minister of Lands dating back to October 1980 approving the appointment of Mr Warren as a Māori member of the Domain Board, which stated that the iwi representatives' tenure was three years. He and Mayor Feyen had intended to go and see the Minister but that had not yet occurred;
- his offer of a 'tiki tour' with the Chair had also not yet been taken up.

In terms of visiting the Minister, Mayor Feyen said he had not been able to get an appointment. Mr Kemper said he would speak to his diary manager about scheduling the offered tiki tour.

Vivienne Taueki said she supported previous speakers in terms of the gate and key access, and the appointment of new iwi members had been going on far too long. She said her main focus, however, was the decision of the Environment Court in 2017 with regard to Horizons Regional Council (HRC) and resource consents issued which were unlawful and in contravention of the Act. HRC was ignoring certain matters under Rule 14 of the One Plan which meant consents were not being processed properly. That had a lot to do with meeting targets for the Lake and as the Regional Council was an Accord Partner, as was the Board, the Board should be taking more interest in consents administration.

Mr Wiremu-Matakatea joined the meeting (11.40 am).

Ms Taueki tabled a copy of the resource consent saying that there was not real will at the Regional Council to improve water quality here; however it did have a responsibility to comply with the One Plan. The matter had also been raised with Horowhenua District Council and she said one of the statutory groups needed to stand up and do something about it as the Regional Council was issuing consents illegally.

Saying that while some of the issues raised were directly out of the scope of the Board, with his DOC hat on he would check on whether DOC had been advised of the resource consent matter.

3. CONFIRMATION OF MINUTES – 10 SEPTEMBER 2018

Moved: Feyen Seconded: Wiremu-Matakatea

"THAT the Minutes of the Horowhenua Lake Domain Board meeting held on 10 September 2018 be confirmed as a true and correct record."

CARRIED

4. MATTERS ARISING

Noting the number of items that the Chair had said he was going to follow up, the Mayor sought an assurance there would be a report back on these. He also queried what the Chair meant when he had described the various issues facing the Board as a labyrinth and said he would like some documentation confirming the advice that Mr Kemper had received that the Board was operating legally.

With regard to legal advice received, Mr Kemper said he would check if this could be released.

Referencing the mention of the United Nations Declaration on the Rights on Indigenous Peoples, Mr Warrington suggested that the Board should try to determine the role of that decision with regard to the Domain Board.

In relation to the closure of the Domain gate, Mayor Feyen requested that it be noted that when he originally had had a discussion with the CE about this, Mr Clapperton had agreed that a key would be provided to Philip Taueki.

It was pointed out that this was not either the CE's or Mayor's decision to make; it was a decision for the Domain Board.

With Cr Kaye-Simmons having advised that she had been singled out for objectionable emails following the Domain Board's decision re the gate key, Mayor Feyen requested that she provide a copy of those emails to the Chair, which she agreed to do.

Responding to a query from the Mayor about a proposed meeting with Lake Trustees and his desire to be involved in that, the Chair advised that this had not yet occurred because of the current situation with the Trust.

In relation to (vii) Urban Stormwater, Cr Tukapua requested that the words "and its recreational use of surface waters" be added.

Cr Kaye-Simmons advised that she had made an error with regard to the time when requesting approval for the Waitangi Day Celebrations at Muaūpoko Park: it would be 10.00 am to 4.00 pm (not 3.00 pm).

Mayor Feyen queried if there would be a report on progressing the iwi members' appointment, with the Chair responding that there had been some progress but not in relation to the third party funding.

Mayor Feyen also sought assurance that his suggestion that a hui be held for all parties with an interest in Lake Horowhenua would be actioned as he wanted a forum where personalities were taken out of the equation.

Mayor Feyen also requested that livestreaming of Domain Board meetings be explored.

5. MONITORING REPORT

Item 35 Resignation of Board Member and Appointment of a Replacement

Mr Kemper said he had followed up to see if there was a way that seeking nominations could be simplified and also the definition in the Act of "Muaūpoko Māori Tribe". He had spoken to the Office of Treaty Settlements (OTS) as to if and how it could assist. Whilst the OTS could have a role to play, it had a busy portfolio and this was not on the top of its list. It was therefore unlikely the appointment of iwi members could be simplified.

It was estimated that the cost of running an election would be in the vicinity of \$30,000.00. Agreement had also been reached at the last meeting that third party funding would be sought. The communication with the OTS had clarified that that

avenue had been closed off. The matter was now on the table for the Board to decide what action should come next.

Getting a letter from the OTS as to its position was suggested, with Mr Kemper saying he personally did not think a letter was required. The OTS was currently focussed on national issues, not the Horowhenua, and was working on a set of established priorities.

Item 47 Draft Pest Management Plan

While it appeared that those residing at the Lake did not want a geese or chicken cull, Mayor Feyen spoke particularly in support of a geese cull.

Mr Kemper noted that there was as yet no update of a proposed timeframe for a cull.

Item 42 Lake Trust Update

When the results of the recent election for the Lake Trust were available, Mr Kemper said he would be in contact to arrange for regular updates from the Trust to occur.

Item 49 For follow up by Chair from Public Forum – checking role of the Board in relation to resource consent process

Cr Tukapua noted that in terms of the resource consent process, the decision on who was an affected party rested with the Regional Council, with consideration being given on a case by case basis. The Domain Board could seek to be an affected party but the Regional Council would make the decision.

Item 50 Lake Signage

Cr Tukapua said the art work had been updated to reflect what had been decided and was ready to be installed, but she queried if there had been a follow up with the Regional Council as to who had the responsibility for signage and where the costs might lie.

Mr Kemper said he had spoken to Jon Roygard who had indicated that there could be funding available from the Regional Council. He would follow this up.

Mr Warrington requested that a further item (Item 53) be added to the Monitoring Report to follow up on the United Nations Declaration on the Rights of Indigenous Peoples.

The meeting adjourned briefly (11.20-11.25 am).

6. APPROVAL GRANTED

Community Group Clean Up – Muaūpoko

Moved: Tukapua Seconded: Procter

“THAT the approval granted for the clean-up at Muaūpoko Park on 19 January 2019 be confirmed.

CARRIED

7. FINANCE

Mr Paulin tabled the Statement of Financial Performance for the year ended 30 June 2018 and a letter from Audit New Zealand dated 31 January 2019 confirming the information as provided.

Moved: Tukapua Seconded: Kaye-Simmons

“THAT the Statement of Financial Performance for the year ended 30 June 2018 and the letter from Audit New Zealand be received.

CARRIED

7. GENERAL

(i) Horowhenua Obedience Dog Training Club

Moved: Kaye-Simmons Seconded: Wiremu-Matakatea

“THAT the Horowhenua Lake Domain Board approves the Horowhenua Obedience Dog Training Club Term Dates and Calendar Events for 2019:

Term Dates for 2019

<u>Enrolment</u>	<u>Start</u>	<u>Graduation</u>
January 16	January 23	March 13
March 20	March 27	May 15
May 22	May 29	July 17
July 31	August 7	September 25
October 2	October 9	November 27
Break Up: December 4		

Tuesdays – Agility
Thursday – Young Handlers class
Sunday am – Introductory class

Event Dates

January 19, 20, 21
February 23, 24
March 10
March 30, 31
April 6, 7
July 27
August 18
September 7, 8

CARRIED

(ii) Scheduling Regular Clean Ups at Muaūpoko Park/Providing a Walkway through the Shrubbery

Cr Kaye-Simmons gave a report on the clean-up done by ten members of a community group at Muaūpoko Park on 19 January. 115 kgs of rubbish had been collected in less than three hours. There was a lot of plastic, broken glass and cans (mostly alcohol) in the rubbish collected, as well as other out of the ordinary items. This had led to an expressed desire to have more regular clean-ups at the Domain to support the local contractor in terms of rubbish collection. Of the community group doing the clean-up, only two or three were not iwi members. The desire was expressed to spread the word and create an event page to have regular clean ups – and also to get younger ones involved. If permission was granted, the next clean-up day would be 23 March.

With regard to providing a walkway through the trees, Cr Kaye-Simmons said it was extremely congested particularly in the centre, and making it easier to access had been discussed. It was appreciated that as this was a DOC Reserve permission would be needed to create a track and also perhaps raising the trees to deter people from dumping rubbish in there.

Mr Kemper confirmed that there would be a process involved and Cr Kaye-Simmons said she would follow that up with Ms Visser.

Moved: Kaye-Simmons Seconded: Procter

THAT the Horowhenua Lake Domain Board grants permission for 4-6 weekly clean-ups at Muaūpoko Park, commencing 23 March 2019, for interested members of the public and iwi members.

CARRIED

(iii) Domain Gate – Overnight Closure

With it agreed that this matter would be reviewed, the Chair sought views from around the table.

Mayor Feyen reiterated his view that although he supported the gate being closed at night to preclude inappropriate activity, he thought that a key should be made available to the person who lived there and he would move a motion to that effect, with the Chair noting that technically nobody should be living at the Domain.

With the gate still being locked, the Chair queried if Members wanted that reviewed.

The Mayor proposed a motion that “The gates to Muaūpoko Park remain open at night, with this to be reviewed at the next Lake Domain Board meeting”. The motion lapsed for want of a seconder.

Dr Procter said he was happy for the status quo to remain until the Lake Trustees were in place and it could be discussed with them.

Saying that she thought there were cameras at Foxton Beach that monitored comings and goings and assumed these had been placed there by the Regional Council, Cr Tukapua suggested installing cameras would be a way of assisting with security, amongst other things, at the Lake Domain. This could be something that could be considered and pursued through the Horizons’ Annual Plan process, particularly as after hearing from Ms Naika it was not just a matter of providing one extra key.

Mr Kemper noted that DOC did use that technology in reserves. However, at present the status quo would prevail with regard to the Domain gate with the possibility of cameras being installed to be explored in relation to security.

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

Mr Kemper said the advice he had received was that as the buildings were on Lake Trust land and while the Domain Board did have an administrative role, as the owners it was appropriate for the Trust to be the decision-makers with regard to building use. He suggested it would not be possible to make progress until the Lake Trust was settled.

(v) Chair’s Report

Mr Kemper said the primary objective for the last meeting was for him as the new Chair to get an understanding of the Board’s role and the issues faced. Most of the matters he had looked into had been raised during today’s meeting; however, in terms of the interdependency between the Board, the Council and the Lake Trust, some of the boundaries were still not clear. He reiterated that he did not think much progress would be made with OTS but the matter of the election did need to be pursued. He had spoken with Di Rump from MTA in terms of the Muaūpoko Māori Tribe and would catch up with her in the near future.

Mayor Feyen stressed the importance of the new Lake Trustees in terms of moving forward and said he thought it would be a positive step for the Domain Board to meet with them as soon as possible.

Whilst agreeing in principle, Mr Kemper said nothing could be done in that regard until the new Trustees were confirmed. He said he did think that one of the challenges the Board faced was focusing on what it wanted to achieve rather than what had happened in the past. Also people in the public forum had brought a range of issues to the Board in which it did not have a statutory role. He reiterated that he had followed up on the items he had agreed to, his understanding was going up significantly and he was committed to moving forward including engaging with other parties when and where possible.

Mayor Feyen reiterated his suggestion of having Domain Board meeting live-streamed and Cr Tukapua expressed her dissatisfaction, with the last meeting having been in September last year, at the slow progress being made.

Reminding those present of the Waitangi Day Celebration at Muaūpoko Park on 6 February, Cr Kaye-Simmons said it was the seventh year the event had been run and it would be one of the biggest yet. All were encouraged to attend.

8. MEETING CLOSURE

The meeting closed at 11.56 pm.

CONFIRMED this day of 2019

Chairperson