

MINUTES OF A MEETING OF THE HOROWHENUA LAKE DOMAIN BOARD HELD IN THE HOROWHENUA DISTRICT COUNCIL CHAMBERS, 126-148 OXFORD STREET, LEVIN, ON MONDAY, 6 MAY 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) (to 12.55 pm)
Mr M Wiremu-Matakatea (Board Member, Iwi Representative) (from 10.20 am)

IN ATTENDANCE

Mr B Wood (HDC, Parks & Property Officer)
Mrs K J Corkill (Meeting Secretary)

PUBLIC IN ATTENDANCE

There were thirteen 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.

3. CONFIRMATION OF MINUTES – 4 FEBRUARY 2019

Moved: Feyen Seconded: Kaye-Simmons

“THAT the Minutes of the Horowhenua Lake Domain Board meeting held on 4 February 2019 be confirmed as a true and correct record.”

CARRIED

4. MATTERS ARISING

Mayor Feyen queried if the objectionable emails mentioned by Cr Kaye-Simmons had been provided as requested, with Cr Kaye-Simmons confirming they had been forwarded to the Chair and cc'd to Domain Board members.

With the Lake Trustees not yet confirmed, it was noted that the proposed meeting with the Lake Trust had not yet occurred.

Whether the Mayor's suggestion for the meeting to be live-streamed had progressed was raised, with it noted that as this was not a Council-initiated meeting that was unlikely.

A request for a member of the public to record the meeting was discussed, with the Chair saying he would take a democratic approach with the decision to be made by the majority. A show of hands for and against was called for. With there being two for and two against, Chair exercised his deciding vote and recording of the meeting was approved.

Cr Tukapua referred to her comments in relation to the cameras at Foxton Beach saying she had forwarded a link to the website and had followed it up.

PUBLIC FORUM

Prefacing her remarks with further comments on her legal acumen and the high regard she was held in legal circles, Anne Hunt spoke on behalf of Philip Taueki and herself saying she had combined the two submissions to make it easier. Covered in her comments and responses to questions:

- the validity of the Domain Board meetings;
- Cr Kaye-Simmons had been provided with the requested information with regard to the Lake being a bird sanctuary;
- boy racers were still an issue with there being an incident the previous evening, with Philip Taueki having been assaulted when confronting those who were breaching the Bylaw;
- the Bylaw was also being breached as Philip and other owners were not being provided with a key for access;
- in terms of the Horizons report, HRC Councillors had been responded to directly about the misconceptions in the documentation;
- the Lake Trust's Independent Trustee was still in place;
- MTA did not represent the tribe in total when it came to addressing the Board's Iwi membership;
- Mr Taueki's previous history when it came to infringements with the majority having been withdrawn;
- work done at the Lake which had no consent, but which had been done as a permitted activity.

Charles Rudd expressed his dissatisfaction that items he had spoken about at previous meetings had not been addressed, such as his offer to the Chair of a 'tiki tour' not as yet having been taken up. With regard to UNDRIP, Mr Rudd said he had used that a number of times in the past when objecting to resource consents and he suggested that Board Members did not understand the Treaty of Waitangi and it was something that everyone should learn so they understood what the Treaty was actually about. He queried if Philip Taueki had been given a key to Muaūpoko Park, and if not, why not?

Referencing Monitoring Report item 35, Resignation of Board Member and Appointment of a Replacement, Mr Rudd queried what the Office of Treaty Settlements had to do with the matter and also called in to question the \$30,000 suggested as the cost for an election. With regard to signage, Mr Rudd said there was already signage at the Lake. He further commented that the Horizons Regional Council report was total rubbish; with regard to the current and future use of the Sailing and Rowing Club buildings, nothing had been achieved and he expressed the view that the Domain Board was useless.

Mr Kemper apologised for not as yet having organised the tiki tour with Mr Rudd.

Responding to Mr Rudd's suggestion that training on the Treaty of Waitangi would be beneficial, Cr Tukapua queried if this would be possible, perhaps as a workshop. Mr Kemper to explore running Treaty training for Board Members.

Mr Wiremu-Matakatea joined the meeting (10.20 am)

In his comments, Bill Taueki referred to information he had provided to the previous Domain Board Chair in relation to the Muaūpoko Priority Report and he suggested that what was contained in that Report was the way forward should the recommendations therein concerning the Lake be supported by the Court. He further commented on the proceedings in the Māori Land Court in relation to the process currently being undertaken to appoint Trustees to the Lake Trust after the previous Trustees' appointment had been voided due to a conflict of interest in relation to Judge Doogan. The decision of the Court was still awaited. He suggested the best way forward not only for Muaūpoko but also for the community, without dwelling on historical grievances, was a body set up whereby the role of the Crown was simplified to being a mediator between the parties, rather than it being left to the Domain Board to sort out.

Mr Taueki also raised a Takutai Claim which he said the Board should be aware of. He suggested it was something that should be discussed at both the Council and Conservation level because of overlapping areas and he said he would like an opportunity to address Council itself on the issue.

Expressing a concern about some issues raised by speakers being described as not within the scope of the Domain Board, Vivienne Bold expressed her concerns about leachate entering the stream as what went in and out of the Lake affected the available kai, and tuna could not come back from the sea if the tributaries to the Lake were poisonous to them. Her further comments included:

- a concern that the Board's financial accounts were not available to the public;
- dogs were not allowed at the Park, but the Horowhenua Obedience Dog Training Club was there and why could the Club not move to the dog park;
- the three Māori representatives on the Board needed replacing.

Introducing herself as a resident from Hokio Beach, as she had done in the past Christine Moriarty placed a container on the table with water taken from the Lake. Firstly Mrs Moriarty raised the issue of signage saying it was the third year she had asked for warning signs about water quality to be put up at the Lake and at the end of Hokio Beach Road. She handed around photographs she had taken yesterday of dead fish (sharks) in the Hokio stream and she queried who would take responsibility if members of the public were also affected.

Mrs Moriarty raised the fact that over \$7m had been spent with there having been no change in the water quality in the Lake and queried whether this was money well spent and whether the Domain Board should continue to be involved, requesting that the Board withdraw from the Accord. She said what was needed was a plan to stop what was entering the Lake as the other initiatives undertaken, such as the sediment trap and the fish pass, had not worked. She also said she supported Mr Rudd's recommendation about Treaty of Waitangi training and it should be made available to the whole community.

Responding to Mrs Moriarty's comments about dead fish, Mr Wiremu-Matakatea queried if she had taken any food out of the Lake recently and eaten it, as he had.

The meeting took a brief adjournment (11.20-11.25 am)

With Board Member's agreement, item 7 (i) Domain Gate – Overnight Closure / Options for the Installation of Bollards, was the next item addressed.

7. GENERAL

(i) Domain Gate – Overnight Closure / Options for the Installation of Bollards

Advising that he had earlier done a quick drive through the Domain and there had been some damage overnight, Council's Parks & Property Officer, Ben Wood, reported on his investigation into the installation of bollards on the open grass areas to combat the vandalism from vehicles. To install bollards consistent with what was already in the Domain, Mr Wood said the cost (based on 2018 prices, and not including chains) for the main, larger area, would be in the vicinity of \$15,000, with an additional \$2,500 required for installation. To do the area closest to the Lake would cost approximately \$12,000, with an additional \$2,000 for installation.

Mr Wood then covered the following points:

- obviously installing bollards was a long term solution;
- if bollards were installed there would be maintenance costs and there would be more difficulty with mowing and spraying around them; however the costs were minimal and would be absorbed into the operational budget;
- bollards were an effective method of keeping people off the grass, though in more remote areas people who were really keen did rip them out, but it would be unlikely at Muaūpoko Park;
- there were minimal issues with the area closest to the Lake and that cost would be more difficult to justify; however some money could be invested in barrier planting

with low lying species which would stop people from driving there. It would also assist with addressing the proliferation of Canada Geese as the geese were uncomfortable coming off the Lake if there was foliage and their vision was impeded. This planting to mitigate the Geese issue was being written into the Reserve Management Plan;

- encouraging more usage at the Domain itself so there were more eyes there would assist in promoting good behaviour and offsetting bad behaviour.

Commenting on signage in relation to the Lake's water quality and health, Mr Wood said last year some signs had been erected but they had been very quickly vandalised. He could easily have more erected. He was also not aware of the public access at Hokio Beach Road and requested more information.

With regard to signage, Cr Kaye-Simmons advised that there was something underway, with Mr Wood asking to be kept informed.

Responding to a query in relation to where Geese may go if not the Lake, Mr Wood said they would move on and become someone else's problem. When the cull was being considered last year, farmers were spoken to and a longer term solution was to be considered, which could include working with Huha for Pilgrim Geese. Feedback on the issue from the Board and the community would be helpful.

Installing a camera was discussed, with Mr Wood advising that the main cost would be the webcam as it needed to have a power supply and it could become quite expensive. Seeking some information on cost from the Crime Prevention Camera Trust was suggested.

When queried, Mr Wood said he would recommend bollarding the main area and looking at suitable planting in the area by the Lake which could be done without much additional cost. Horizons Regional Council was keen to do riparian planting and the Government had the Trees Programme from which funding could be sought. Community planting days could also be considered and in terms of selection of plant species for the area by the Lake, there were specialists who could assist.

The installation of bollards was discussed in more detail, with the Chair noting the following action points:

- (i) if the proposal to put in bollards was supported, that would be exclusive of the Lake front;
- (ii) the funding of the installation needed to be decided, with the Chair saying he would be happy to speak to Council to see if there was any appetite for cost sharing as what was proposed would use a significant portion of the Board's financial resources.

It was noted that the land that was being discussed was not vested in the Domain, with the Chair concurring and saying that if the Board agreed to it there would need to be a discussion with the land owners.

Mayor Feyen spoke in support of cameras rather than bollards saying at a recent Community Board Conference the use of cameras in a variety of locations had been covered and he thought that would be a better option and should be further explored. However, it was suggested that the administrative cost of cameras would be a lot more in the long term than installing bollards.

Moved: Tukapua

Seconded: Warrington

“THAT the Horowhenua Lake Domain Board approves bollards being installed in the main grassed area at the Horowhenua Lake Domain (Muaūpoko Park) following discussion and with the approval of the Lake Horowhenua Trust.

CARRIED

With regard to the installation of cameras, Mr Wood said he would consult with the Neighbourhood Policing Team and the Crime Prevention Camera Trust to get some perspective on how effective they were.

Mayor Feyen abstained from voting as he said he thought cameras would be more effective and cheaper than installing bollards.

The Chair reiterated that he would explore cost sharing options, see if there were alternative funding sources and would also speak with Council.

5. MONITORING REPORT

Item 35 Resignation of Board Member and Appointment of a Replacement

Mr Kemper gave an update on this item, having communicated with the Lake Trust and the Muaūpoko Tribal Authority (MTA) in terms of the process for replacing the Board's Iwi Members. The Interim Lake Trustee had requested that any discussions be deferred until Trust matters were determined and Mr Kemper said he had agreed to that in principle and he was still waiting to hear from Di Rump. It was queried if there was anything to stop the Board co-opting additional members, with the Chair undertaking to find that out. With the Chair talking with MTA, it was further queried if MTA encompassed the definition of Muaūpoko Maori Tribe, as the Māori Land Court had also included the Muaūpoko Cooperative Society in that definition.

Item 42 Lake Trust Update

In relation to the current status of the Lake Trust, it was clarified that a decision was awaited from the Court. However, there had been an Independent Trustee appointed and the previous Trustees were assisting as Advisory Trustees.

Item 47 Draft Pest Management Plan

Mr Wood gave some background to the proposed Geese Cull not occurring for health and safety reasons. He explained what had been done historically and the comprehensive health and safety plan that had been formulated for the most recently planned cull. Taking into account such things as firing lines and shot distances, Council's Health & Safety Rep was not comfortable with the cull being undertaken unless it was able to be guaranteed that the Domain had no one in it when the cull occurred and cooperation was available from all parties, such as Philip Taueki. Other options for removal of the geese that did not involve firearms, such as approaching Huha, had also been explored. One of the reasons firearms were preferred, rather than such options as treated grain, was that it was more selective about what was culled. Another option that had been considered was using bird scarers to drive the geese off the Domain and culling on private property.

Item 50 Lake Signage

The Chair said he had spoken to Jon Roygard, HRC, in relation to signage and Dr Roygard had advised that Horizons was prepared to go 50/50 with cost. Cr Tukapua said the signs would be available within the next few months. The signs were about water quality in relation to recreational use and looked like a fire sign (red, orange yellow, green), with the Kiwi changed to a White Heron / Kotuku. The size and location would be determined by HRC; however Hokio would be included. The Chair thanked Crs Tukapua and Kaye-Simmons for their work in progressing the signs.

Item 51 Gate Closure

This was discussed in some detail with the continuing need to have the gate locked at night to assist with controlling activity at the Domain supported by Members, particularly until such time as the bollards were installed. Also raised was the fact that there appeared to be people working on the Sailing Club rooms.

Dr Procter moved and the Mayor seconded a motion "That the gate should be locked at night", with Members indicating support for such a motion.

However, when it came to the provision of keys to various parties for access and egress, and who should be engaged to open and close the gate, there were differing options expressed.

The issue of who should and should not be provided with keys was discussed, with it suggested that this should be held over to the next Domain Board meeting.

The Chair said that when the issue of keys had been previously raised he had done some investigating and had ascertained that Philip Taueki did not live on the Domain; he was a beneficial owner residing on land owned by the Trust. It was noted that there was alternative access to the area where Philip Taueki resided. The Chair said that when it came to access there were those who legitimately needed access and for some, such as the Lake Trust, it was up to the Trust to determine who should have access on their behalf.

Mr Wiremu-Matakatea noted that this was an issue that kept coming up. Where Philip Taueki was residing was not a matter for the Domain Board, but for the Lake Trust or the Māori Land Court.

Speaking on behalf of Council Parks & Property staff, Mr Wood said locking the gate at night was beneficial when it came to keeping the Park neat and tidy and dealing with vandalism and misbehaviour, particularly now the gate had been fixed. From his perspective, while the matter of access was being decided, it would assist to provide a key to the various parties, with Armourguard locking the gate from sunset to sunrise until a longer term solution was decided, particularly as it would be a while before anything happened in terms of bollards or cameras.

The Chair expressed the view that the making a decision on the provision of keys and the access issue would be premature and proposed it be an Agenda item for the next Lake Domain Board meeting.

Moved: Procter Seconded: Wiremu-Matakatea

THAT the matter of provision of keys and general access be left for details discussion at the next HLDB meeting.

There were four for and one (Mayor Feyen) against. The motion was, therefore, CARRIED.

In relation to when it would be possible to have the bollards installed, Mr Wood said that would not occur until the next financial year. Shutting the gate could occur after a discussion with Armourguard. It was suggested that the bollards installation should occur now, funded by the Board, and co-funding could be sought later.

Expressing her concern that the vision for unity and for moving forward was not happening, Cr Tukapua said she found it very frustrating and, being visibly distressed, withdrew from the meeting (12.55 pm).

With regard to access, it was:

Moved: Feyen Seconded: Kaye-Simmons

That Philip Taueki be provided with a key to the Horowhenua Lake Domain.

On being put there were one for and four against the motion which was, therefore LOST.

Item 53 United Nations Declaration on the Rights of Indigenous Peoples

Having made some enquires, the Chair advised that this was a matter for Treaty Settlements and not a matter for the Domain Board per se. DOC did not have a policy and thought it was outside its gambit.

The Mayor proposed a motion of no confidence in the governance of the Domain Board after what he had heard during the meeting.

6. FINANCE

A Financial statement was tabled and taken as read.

7. GENERAL

(III) Regular Clean-ups at Muaūpoko Park/Providing a Walkway through the Shrubbery

Cr Kaye-Simmons reported on the clean-up day held on 6 April. There had been 30 volunteers and 290 kilograms of rubbish was removed. Together with the last clean up, so far 405 kgs of litter had been removed. Most of the litter was glass and it was not possible to recycle any of it as it was too contaminated. The next clean-up was scheduled for 1 June and there were already 27 people who had signed up to assist. The contractor parked up his truck at the Domain, it was filled and the waste was weighed and then disposed of.

Cr Kaye-Simmons said this coincided with what Cr Tukapua just shared about moving forward. There were a lot of young people identifying as Muaūpoko who were thankful to have the opportunity to be involved in the clean ups whereas they struggled with the other interchanges that occurred in terms of the Lake.

Talking about the actual tree area, Cr Kaye-Simmons said she did remember when it was possible to see through the trees to the Lake and spoke in support of lifting some of the shrubbery up off the ground to make it easier to remove or discourage the dumping of rubbish. There also used to be a walkway through the trees and she spoke in support of that being reinstated which could be done as the area was administered by the Domain Board.

Mr Kemper expressed his thanks to all those involved in the work done to date and confirmed it was in the Board's scope to decide on reinstating a walkway.

Cr Kaye-Simmons said she was seeking permission to go ahead and start some of the work. She had briefly spoken to Parks & Property, but a more detailed conversation would be needed on how what was proposed might be implemented. If the Board agreed, a plan could be put in place that fitted in with the Reserve Management Plan.

Mr Wood said he was aware of the area of bush that was being talked about. It had been bollarded in the past. Depending on what work was required in lifting the trees, it could potentially be done by volunteers and then reinstating the pathway could be addressed. Having arborists going in and removing dead trees would need to be considered. The work could be done in cooperation with Parks and Property.

Moved: Kaye-Simmons

Seconded: Warrington

THAT the Horowhenua Lake Domain Board supports in principle the proposed work to raise the shrubbery and reinstate the walkway subject to a plan being submitted to the next meeting for consideration by the Board.

CARRIED

Referring back to the Monitoring Report, Item 52, Urban Stormwater, the Mayor raised the fact that this item was recorded as completed; however the Regional Council had

initiated an infringement notice against the Trustees in relation to significant work paid for by the Council.

(iv) Lake Horowhenua Update from Horizons Regional Council

It was requested that the items be taken as read and that it be discussed at the next Board meeting. The Chair said he would invite Dr Roygard and whoever he would like to bring with him, to the meeting to speak to the material.

The fact was raised that the Public Forum portion of the meeting had taken 1½ hours with many of the matters addressed not being part of the role of the Domain Board. It was requested that going forward the meeting revert to speakers being able to address Agenda Items only.

The Chair commented that during the meeting he had recorded three bullet points:

- matters related to this Board remained complex;
- there were a lot of overlapping interests and competing interests;
- roles and accountabilities were blurred.

One of his goals was to get the Board back to core business and he said he thought there was a genuine need to demonstrate manaaki going forward.

8. MEETING CLOSURE

The meeting closed at 1.24 pm.

CONFIRMED this day of 2019

Chairperson