

## **TE TUMU KAITUNA 14 TRUST**

### **MINUTES OF A MEETING OF A GENERAL MEETING OF OWNERS HELD AT TAMATEKAPUA, OHINEMUTU, ROTORUA ON SATURDAY 4<sup>TH</sup> MARCH 2017 AT 10.00AM.**

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**CHAIRMAN:** Malcolm Short.

**SECRETARY:** Murray Patchell.

**MIHI & KARAKIA:** Pihopa Kingi.

**ATTENDANCE:** 157.

**APOLOGIES:** 48.

*(Josie Scott/Manu Pene) Carried*

Chairman welcomed everyone to the reconvened meeting from 4<sup>th</sup> December 2016, which did not proceed for health and safety reasons.

**MINUTES:** Of the previous general meeting of owners held on 17 December 2011 were read by the Secretary and confirmed.

*(Maxine Rennie/Blanche Hohepa-Kiriona) Carried*

#### **MATTERS ARISING:**

1. Blanche Hohepa-Kiriona referred to the previous request from her whanau for the opportunity to administer their own lands. She noted the Trust Order had a provision for occupation orders, rather than partition and she would like this to be looked at. In the meantime she is happy to hear the trustees' presentation.
2. Hayden Henry said the key issue for him is what is the future for the lands. There were bigger issues than inunga to resolve, and the term of trusteeship. He queried where was the mana of the people into the appointment of trustees?
3. Arthur Flintoff noted the comments that the Trust's land would always remain in ownership and took from this the land would not be sold. Chairman advised that was the position at that time. Arthur added that the appointment of trustees was in the sense of the role, not the individuals and sought clarification on trustee changes. Chairman advised that resolution would be required from the meeting to make any changes.

Rangikaheke Bidois added that the owners need to put a motion from the floor to provide for rotation of trustees. Manu Pene said he would be happy to second that motion if it was put. He also queried if there would be replacement trustees for deceased trustees. The Chairman advised there

was no requirement to replace under the Trust Order as there are 7 trustees.

A motion was then put

“That rotation of trustees be implemented.”

*(Hariata Kohinui/Manu Pene)* Carried

Chairman advised the trustees will bring back a proposal for rotation. Blanche Hohepa-Kiriona whether trustees will be nominated through hapu or otherwise. Anaru Bidois said he was appointed to represent his whanaunga. He was appointed a trustee by his korua in 1998. 3 representatives were appointed for Ngati Rangiwewehi. He outlined the formation of the Trust. Emily Rota-Bidois said she was appointed as a trustee in 1988. She was saddened that people were picking on the trustees. She said we are all one people and should support each other with humility and working together as a whanau.

4. Jonathon Mason said that in his early days he regularly went over Te Tumu Kaituna collecting kai and dropping this off to whanau on the way home. He knew who everyone was. He said that we need to be thinking about why our children can't do what we used to do when we were children. Iris Thomas said she also regularly visited the land in her childhood. Her father was responsible for getting it away from the Maori Trustee. She supports the resolution for rotation of trustees, also acknowledging the history and thanked the trustees for their work.
5. Hayden Henry said as it had been 5 years since the last meeting, he queried who were the trustees? He was also concerned at accessibility to the land. Sand mining has restricted access to the land and he has an issue with this. The Chairman then formally introduced the trustees, with apologies for Waldo Houia and Uenuku Fairhall who were overseas. Trustee Pirihiro Fenwick noted that everyone had given their history. She said everyone was related. Trustees started with no money. They had a vision of development and hoped that everyone will be a part of the overall plan. There are 3 separate hapu all wanting ocean views. When it comes to the future, we need the best people. She is very much for rotation. The matter of representation is for the owners to decide. The future needs good minds, practicality and what works.
6. Jonathon Mason queried if there will be 3 yearly general meetings and the Chairman confirmed that.
7. Rangikaheke Bidois said there were a lot of options around the rotation process. The Trust doesn't need a clean sweep and lose the experienced trustees. She acknowledged the owners connection to the land and said she was sure the

Chairman and trustees will do a good job in working out the rotation options.

### **CHAIRMAN'S REPORT:**

Malcolm Short read his report contained in the report booklet.

**RESOLVED:** "That the Chairman's report be received."  
(Jonathon Mason/Emily Rota-Bidois) Carried

### **MATTERS ARISING:**

1. An owner queried the 120 year lease. The Chairman said this was an old proposal that never happened.
2. Hayden Henry said there were also economic and cultural issues that needed to be addressed. His concern was the loss of access to the land to gather kaimoana and stressed the importance to have a relationship to the land. The Chairman said these issues will be covered in the reports. The trustees wish to ensure that owners are not disenfranchised. Matira Duncan spoke in support of Hayden. Geoffrey Rice acknowledged the issues of access but noted there were a lot of issues to resolve. Tikanga is important but we need the putea to proceed. He queried the comment regarding replacement of sand. Chairman explained that Fulton Hogan replace the sand removed with overburden from the Poplar Lane quarry, who regularly report to the Trust.
3. Robin Skerrett had a range of issues which she hoped would be covered in the presentation including pine trees, infrastructure costs, economic benefits, social benefits, housing prioritisation, what are the trade-offs, alienation and employment benefits. She also noted a variation of the Trust Order will be required for rotation of trustees. Other speakers spoke with concerns regarding accessibility to the lands and the legislative restrictions under health and safety. There was concern at owners' rights being taken away to get kai, and they don't want to lose their rights.
4. Ruby Rondon said she was an owner in Te Tumu Kaituna 7B1 and involved in the project, and queried why she was not permitted to speak at the meeting. Chairman said there was no restriction on her speaking at the meeting.

### **FINANCIAL REPORT:**

Alex Wilson presented the summarised financial results for the 5 years ended 31 March 2016. **Matters arising:**

1. Geoff Rice raised a number of queries regarding costs and in reply, Alex responded:

- i. Increased audit fees and accounting fees came about due to changes in the financial reporting standards.
  - ii. Insurances for trustees' liability insurance.
  - iii. Additional management costs were incurred due to the development activity.
  - iv. The tax rate is 17.5%.
  - v. GST registration is compulsory as the Trust is over the \$60,000 threshold.
  - vi. Fordlands have assisted the Trust with development costs in the early stages as the Trust had no money.
  - vii. Council rates are rebated by 50%.
2. Patty Sutton queried the land rental of \$600/ha and the \$45,224 write off of the subsidiary company loan, as well as fixed asset increase. Alex responded that the subsidiary company loan was written off under instruction of the auditors. The subsidiary company was the initial development vehicle, but as that had not proceeded the costs incurred were written off. Land value was based on rating valuation which had increased significantly in 2016. Farm rental obtainable is restricted by the farm uses.

Len Sergeant queried if the subsidiary company was still in existence and what happened to the money? Alex advised the company still exists but is not being used. It may or may not be used in the future. The costs incurred were development costs. Geoff Rice queried if there was a tax gain on the costs incurred and Alex confirmed there was.

3. Rangikaheke noted the trustees' fees totalled only \$6,000 over 5 years and she queried if the trustees had been meeting regularly or doing this for love. Chairman said that trustees had been at a very modest subsistence level, hence the request to increase trustees' fees.
4. Pihopa Kingi noted that the Trust was on the verge of a very large development. He felt that the hui should agree to stay together and felt there is enough detail in the reports on how the development will be done and the benefits. He felt if the concept was put on the market other organisations would be interested in supporting the development, such as Pukeroa Oruawhata Trust.

**RESOLVED:** "That the financial reports be received."

(Geoff Rice/John Fenwick) Carried

### **LAND DEVELOPMENT UPDATE:**

Independent consultant Jeff Fletcher then made an onscreen presentation of the development update. **Matters arising:**

1. Hayden Henry queried how Council obtained neighbouring land. Pirihiira Fenwick said that the Maori owners had sold

their land. Te Tumu Kaituna 14 Trust was asked if they wanted to buy it, but we had no money to do that.

2. Arthur Flintoff noted that Councils also designate land through Public Works Act.
3. Hayden Henry said he had a lot of questions including iwi management plans, cultural values, purity of the water, and partnerships. He reiterated the owners' need for access and getting planning people involved. He stressed the importance and tikanga and kawa and said it was important to see what the lands will look like for tamariki.

Chairman said that provision is being made for owners' accessibility in the development.

Chairman then proceeded to make a presentation on the development opportunity. **Matters rising:**

1. Jonathon Mason said it was a great presentation and the intentions are clear. He said it was important to consult with other whanau members and he proposed that the meeting be adjourned for 6 months to allow further discussion. He also requested the presentation be made available to whanau for open and frank discussion. The Chairman said this can be posted out to owners, and the trustees also have in mind a postal vote to get everyone fully informed and involved.
2. Iris Thomas said there was an overload of information and it was too quick to make a decision. She requested more consultation with owners. She was opposed to postal voting. She wanted more korero. She was opposed to general title and felt there should be more time to consider. Tarewa Rota said that alienation is a slippery slope. Larger shareholders should be consulted. He noted the previous company did not perform and it also includes other Maori land blocks that should be consulted as well. He concurs with the adjournment, and bring in others so that these matters can be seriously considered.

Chairman advised that the trustees of other blocks had been included in the presentation, but only 11B2 and 8B1 was interested. He said the Court was there as the backstop to protect owners' interests. Matira Duncan suggested that a hui be held in Tauranga with the presentation and discussion. Chairman acknowledged that could be arranged. Vicky Bhana said she was from Ohinemutu. She said the whenua is not Whakaue, it was 3 separate hapu. She noted that the development entity had not yet been decided. She said if Pukeroa Oruawhata Trust was the model, they vote on shareholdings and her preference is one person, one vote. Maria Horne requested that the Variation of the Trust Order be dealt with clause by clause.

3. Geoff Rice agreed with many of the comments made. He said it was a big take and it's about the legacy for children and mokopuna. He was concerned what would happen if the Trust does nothing. He felt pakeha will continue developing their lands. He said if someone comes up with a better solution then he is happy to look at that. There are 2 sides to every story.

Blanche Hohepa-Kiriona said a lot of owners weren't able to attend. There was no proxy voting and she queried if that could be discussed by the trustees.

Agnes Morrison concurred there were 2 sides to the story and she acknowledged the meeting was only a small representation of the owners. She felt an opinion poll of the wider owners' views should be obtained and bring back to the next hui. This will give a better perspective of owners' views. She said it was a full on presentation and some of the discussion was getting emotional. It is important to look at the future outcomes. An opinion poll will get a wider view.

4. Peter Edwards queried what would happen if the development did not go ahead. He felt the land could be at risk if developments didn't proceed.

**RESOLVED:** "That the meeting be adjourned for 3 months for further consultation and that presentations be made available to owners."

*(Jonathon Mason/Manu Pene)*     Carried

5. Heather Mason said owners should hui with their whanau in the meantime. She was opposed to a postal vote and that no decisions should be made on this kaupapa prior to the next hui. Te Moana Blake queried which area of 50 hectares was proposed to be freeholded and requested more detail on that. Hayden Henry said he had attended two meetings on this, and now there will be a third. There was a lot of travelling involved, long distance, and suggested the question of compensation for costs be looked at.

Meeting closed at 1.00pm with karakia from Anaru Bidois.

Signed as correct meeting

**CHAIRMAN**