

# TE TUMU KAITUNA 14 TRUST

## GENERAL MEETING OF OWNERS

### REPORTS

24<sup>TH</sup> February 2024



# DIRECTORY

## TRUSTEES

Malcolm **SHORT** (Chairman)

Anaru **BIDOIS**

Uenuku **FAIRHALL**

Waldo **HOUIA**

Geoffrey **RICE**

Emire **ROTA\_BIDOIS**

Georgina **WHATA**

## SECRETARY

Murray **PATCHELL**

## ACCOUNTANT

Alexander **WILSON**

## FACILITATOR AND LEGAL ADVISER

Leo **WATSON**

## PROJECT MANAGER

Jeff **FLETCHER**

## OFFICE AND

**C/- Deloitte**

## SHARE REGISTRY

**Chartered Accountants  
2/1176 Amohau St  
P.O.Box 12003  
ROTORUA**

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# **Tumu Kaituna 14 Trust**

**General Meeting of Owners  
at Tamatekapua Meeting House, Ohinemutu, Rotorua  
on Saturday 24<sup>th</sup> February 2024, at 10.00 a.m.**

## **AGENDA**

1. Apologies
2. Minutes 31<sup>st</sup> October 2020
3. Chairman's Report
4. Financial Report
5. Report on Owner Engagement Strategy and Trust Order Variations
6. Land Development Update
7. Review of Trustees Fees
8. General Business

Speaking rights are restricted to registered owners.

## TE TUMU KAITUNA 14 TRUST

### MINUTES OF THE GENERAL MEETING OF OWNERS HELD AT TAMATEKAPUA ON SATURDAY 31 OCTOBER 2020 AT 10.00AM.

**CHAIR:** Malcolm Short.

**SECRETARY:** Murray Patchell.

**MIHI & KARAKIA:** Monty Morrison.

**ATTENDANCE:** 183

The Chairman welcomed everyone to the meeting and after a housekeeping briefing it was:

**RESOLVED:** "That 41 apologies be received"  
(Edward Malcolm/Josie Scott) *Carried*

**MINUTES:** The minutes of the previous general meeting held on 17 June 2017 were read by the Secretary and confirmed.  
(Emily Rota-Bidois/Gavin Park) *Carried*

There were no matters arising.

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

Malcolm Short read his report and it was:

**RESOLVED:** "That the Chairman's report be received."  
(Gloria McLaughlin/Tamarapa Lloyd) *Carried*

There were no matters arising.

#### **FINANCIAL REPORT:**

Alexander Wilson presented the audited financial statements for the 3 years ended 31 March 2018, 2019 and 2020. **Matters arising:**

1. Tony Haupapa queried who Fordland Projects were and what they do. Alex Wilson explained they were the land owner of one of the neighbouring blocks in the Te Tumu Development.
2. Tarewa Rota queried why there was no mention of Tumu Kaituna Lands Company Limited. The Chairman advised this company had never been used, it remains in place in case it may be used in the future. It costs nothing to leave it there.
3. Georgina Whata queried if Fordland company was a pakeha company? And why would they give us a loan and what was the deal. The Chairman confirmed it was, and that it was in their best interest to make sure that development happens before it reaches their block. Georgina queried what the Trust was doing to support our land owners. Chair advised the Trust had been supporting other Maori land blocks. Georgina further queried the loan from the pakeha block. Chair explained that the Trust did not have any money and they were prepared to do this. Georgina queried if this was the final liability. Alex confirmed the current balance is \$556,894 and that the owners were benefiting from this interest free loan. She said it was an amazing agreement and sought commitment that there were no further arrangements with this company.

Tarewa Rota said his Trust (8B1) had not agreed to the development. Chairman advised that his Trust had been invited to all meetings. The Chair, Tamati Coffey, had not made it to meetings but their representative, Victoria Kingi, had. Georgina queried what did renegotiation mean, what was he saying? She said she had no interest in renegotiation.

Robyn Skerrett queried what was the need for the proposed development costs, given the Trust is under review and what is the purpose of the ongoing costs? She said if the Trust is poor why are we doing this if owners have to agree to a development? Alex explained that costs needed to be incurred to arrive at the time for future development.

An owner queried if Alex could provide more information on the costs. He advised this included legal costs and consultants.

Montague Curtis said this was the first hui he had attended and queried what was happening with the land other than the 50 hectares out of the 760 hectares. Alex advised that the Trust only had 260 hectares. Georgina Whata noted the Trust was in a strong position to negotiate its terms. Alex said this would be covered further in Jeff Fletcher's report. Phillip Hodge said that no one likes debt and what are the trustees proposing to reducing debt. He also queried what was position re sand mining and do they have our aspirations. He also queried who represented the Trust on Council. He had an issue with Uenuku Fairhall being dismissed at the Koutu Kura and was uncomfortable with him being a trustee. The Chairman said that the trustees need to address that, but not necessarily in public. He has been exonerated by the Courts. Alex said the trustees were focussing on development proceeding to map out the debt reduction. Puhī Patara queried if options had been looked at if the development does or does not go ahead. Alex said there was no development yet so the Trust is only working on a year to year basis. She said that trustees need to be all over the numbers. Taira Wichman queried if development didn't go ahead, who would take care of the loan and would interest be increased. Alex said this would take 2 to 3 years. Taira queried if there were any controls on increasing the debt and will the Trust continue to borrow off the Fords? Alex said this allows the Trust to participate in the processes and the Trust had no intention of borrowing more from the Fords. Taira queried when does the Trust run out of sand and what are the limits on this. Chairman advised that these were under the Regional Council requirements and under the Resource Consent this will continue. Taira queried if the Trust cares for the land. Chairman advised that engineered fill replaces the sand removed. Taira said is the Trust committed to replacing the land if development doesn't go ahead and do you keep on mining indefinitely. Chairman said there was a 10 year limitation under the consent.

The motion was put that the financial statements be received. Moved by Wally Kingi, seconded Gavin Park. The motion failed on a show of hands.

An owner commented that when there is a toll road in place, we need a free road to access the land. She noted Ford block was landlocked. She said so many people need housing, health & education. We have very good people to do this ourselves. She questioned if we need the Fords, there must be a better way forward and we can do this ourselves. A

query was raised about the breakdown in legal costs and advised that this was the detail provided by audited accounts.

Georgina Whata said she was one of the original applicants with Stowers. She said legal costs seem low and queried who was representing the Trust and what were the costs of the proceedings? The Chair advised that a breakdown of the development costs and legal costs will be posted on the website. Ira Hohua queried what if owners don't have access to the website? Chairman advised these can be collected from the Deloitte office.

### **DEVELOPMENT OPPORTUNITIES:**

Rawinia Kamau was introduced as the new Project team member focussing on engagement. Rawinia provided her background. She noted the very passionate interest from owners. She said her passion was Maori economic development and is keen to assist the Trust make progress. She had worked in Wellington mapping the Maori economy and over the last 20 years had worked towards whanau benefiting from the land to maximise their benefits. She said the challenge was to unlock the land to maximise the opportunities to make sure owners and descendants get best outcomes. The question is how to engage and answer the queries. This was a big role but she had broad shoulders. She did not have direct whakapapa to the land but she has the same purpose. She explained how she had proposed her plan to the trustees as an objective party. She felt this was a perfect opportunity to build capability of whanau and presented her slide on the opportunities that can be created post-Covid rebuilding. She queried what proposition would make people comfortable. The Trust has a controlling position and the question is how to maximise that and partner with others. Her proposal was at concept stage and she was open for questions.

An owner queried what was the plan? Rawinia said she felt the proposal has potential and therefore she is willing to put considerable effort to bring opportunities to fruition for the whanau. She would be looking to develop a Facebook page, work with breakout groups and deal with owners' queries. She will be meeting with the trustees to plan a way forward. Tarewa Rota referred to the website proposals and the Court case where beneficiaries had opposed the trustees' approach. He said beneficiaries always come last in developments and we don't get the benefits. He said there were large shareholders and he would like to see an option to partition out their shares. Rawinia said that was not part of her role. She was passionate about development of Maori lands. She planned to work the proposal up through conversations, set up a skills register and look at changes necessary to meet owners' aspirations. Tarewa said this was a generalised approach. He suggested the trustees tried to short cut getting a separate title. If that happened others may not wish to participate, and he questioned if owners shouldn't have the opportunity to exit if they want. He referred to 8B1 block which will be a papakainga and that opportunity should be available if owners don't wish to participate. He suggested there were no benefits received from the sand mining. He would like an undertaking from the trustees to partition. It couldn't be all the poor parts of the land. If beneficiaries don't agree then get together. He noted the Court had directed to come back to the owners but the trustees were going to the Court of Appeal. Chairman said there was an important legal difference with partition. Our application was for the same ownership and our application did not seek partition with separate owners. The application was to change status only with the same ownership. There is nothing to prohibit that according to the legal advice and that's why we're going to the NZ Court of Appeal. He understands where Tarewa was coming from and it could be looked at before the next hui.

Georgina Whata said she had come to the realisation there was not a lot of forward thinking. Trustees should assess what it will look like. She has no comfort that she will see anything like what she sees. How will this be funded? She had no comfort that any benefits will come and how this will pan out over time. Rawinia said this was a self-funded approach. This is not the physical build but the chance to leverage the opportunity. Using government agencies such as TPK, Toi Ohomai, if development proceeds. Today was to get a sense of owners' appetite to progress this. The strategy is to use others' money. She would like to connect with owners and seek their assistance. Turangi Flavell said this was her first meeting and looking at comments from the owners she didn't think the trustees were listening to the people. There had been no results over 3 years. Where is the project? What is happening? Do we understand what happens when they take the sand? What is left? Then we learnt there is rubbish and poison left behind. She is unhappy with the hui, not happy with the Chair. She said wake up, this is 2020. This is an outrage.

Chair advised there was no rubbish going into any holes and the sand mining was regularly inspected by Council.

Colleen Skerrett-White said she had worked with the development plan since 2004 and had read the paper notices including Smart Growth. She has been a rep on Smart Growth and objected to Council. Trustees had never listened and hadn't come back to the people. She said previous trustee Keita Emery had no idea what was happening. Trustees had not talked to people who had done the CIAs. Looking at history there is more at stake. Some have tried to talk with trustees. She thought they understood the importance of a land was more than just the economic value. She saw nothing in Rawinia's comments. Where are our needs? We are being suckered. Denis O'Callaghan said he lives in Maketu and represents Ngati Whakaue on the Runanga. He had questions about the land development. Who, how and where does finance come from. Owners should have the first choice to build. Environmental storm water, how do we address these issues? The land belongs to us and we should have first choice. Banks won't give us a loan. The Trust should make it possible for us to build. Chairman said the next presentation will answer those questions.

Jason Rapata said we need a good leader. If we don't trust our leader we can't go forward. This was his first meeting, his father has been coming for 30 years. Our people are homeless. He questioned how the Chair will lead our people in the future and maximise the opportunity for our owners. Today he saw no progress and suggested changing our leader. If we don't we won't own the land and will be begging outside the shop. Georgina Whata referred to the sand mining and said if it wasn't for her and Karen, it wouldn't have stopped. Chairman said that this was under the control of Regional Council.

Tony Haupapa said he stood by to support his cousin Malcolm. He knows what it's like to be leader. You never hear from people when things are going well, only when the wheels fall off. He said it was a hard job, you do your best, and you're damned if you do and damned if you don't. People may not agree with him but that's fine. Our tupuna gave us the mandate. He had read the reports on the Fords and they were doing us a favour. It's not nice to have to make these choices.

### **DEVELOPMENT UPDATE:**

Jeff Fletcher presented a report on the work that had been done over the last 3 years. He outlined the Te Tumu plan change which was one of the most resilient communities in Aotearoa. He referred to Malcolm Short having raised the issue of the storm water flowing on to the land and he got



neighbours to support a deal resulting in a comprehensive storm water plan being put in place. The Wairakei Stream had also been improved. Transport corridors would see a dedicated public corridor that would reduce car usage and separate bike lanes. Georgina Whata said she was not a member of the public and said it needs to be related back to the land and public roads weren't relevant to her. Jeff said that part of the development area had been identified as an Urban Growth area and processes were led by the Tauranga City Council. Nothing was guaranteed going forward. He said infrastructure planning was under way for water and waste water. Turangi Flavell queried if owners disagree would this come under the Public Works Act? Jeff said Tauranga City Council have advised they would not use the Public Works Act. She said consultation is needed with hapu and iwi. The Chair should talk with the Tauranga City Council. Jeff said the Chairman had pushed for ownership retention and for the TCC to pay for it. Turangi Flavell said how will we maintain waste management without going into the ocean or the river? Jeff said the plan was to pipe this back to the Te Maunga Waste Water Treatment Plant. An owner queried if Council could use the Public Works Act at any time. Chairman said that Tauranga City Council won't do this. Tarewa Rota said the lawyers threatened this in the Court proceedings. He questioned why Maori Land is always used to develop infrastructure. He noted that Carrus Hickson land was purchased by Council and that won't benefit the Trust. Jeff said that the land was not currently zoned for development. Cultural impact assessments need to be done and the next step would be a possible notification next year. He said the land must stay owned by the Trust and Council have been looking at options that could be explored. The Trust will come back to owners on that.

Jeff also commented that Malcolm had contacted Kainga Ora to discuss a possible opportunity with the key message that the land remains with the Trust and that there are opportunities for owners' housing. He said Kainga Ora see this as a good opportunity and would be the funder and developer. It is a unique opportunity and they are looking to set up a project team next year to investigate this. He said potentially 1500 houses could be built on the land, they would look at a BOOT (build, own, operate, turnover) model, over 25 years. He said this as an exciting opportunity. He added there were limitations on the height of the housing. An owner queried if Jeff could guarantee 50% of employment are Maori. He said he couldn't guarantee that, but would take those aspirations to the table. He said discussions were just beginning. Tarewa Rota said we seem to have come to an impasse with the owners, between those who wish to develop and those who do not. He put it to the trustees that options be given to owners to withdraw if they wish. He said 8B1 block had considerable trouble with Mr Ford over storm water flowing on to their land.

Verna Gate queried if the Kainga Ora option required general land? Jeff said that land status had not been discussed with Kainga Ora, only that it can't be sold. He said Kainga Ora had no problem with leasehold options. Rawiri Kingi said there was no provision for a cemetery on the land. He suggested some may want to lay here. Another owner queried if there would be a Marae on the land? Jeff said there was a planned cultural centre and a holiday park near the seafront. Charlene Grant queried regarding the housing opportunities if owners want to have a house there, why they have to buy a section when they own the land? Chairman said these would be leasehold options only. Taira Wichman queried if this was a really important process for the Tauranga City Council. He said they were one of the most racist Councils. If this was going ahead the Trust should leverage the development to change Council attitude for all of the area. He said there should be equal representation for Maori. Change is occurring locally. He encouraged the trustees to engage with the owners. Maori land is complex. He said take the money and sort out our problems before the Council problems.

The meeting then closed for lunch at 12.45pm with karakia from Monty Morrison.

Signed as a correct record

\_\_\_\_\_ **CHAIRMAN**

# CHAIRMAN'S REPORT

Kia ora tatou

I welcome you all to our hui today where we will update progress since our last hui in 2020. Although this seems quite some time ago we have been in regular contact through the series of engagement hui, panui and website updates.

I would like to introduce you to our 7 Trustees. In 2022 we held a postal vote election for two Trustee positions being the positions previously held by Keita Emery and Pirihiira Fenwick who sadly both passed away. 11 Candidates stood in the election and the two highest polling candidates were Renee Kiriona and Georgina Whata. Renee subsequently decided not to accept appointment due to her other commitments and the next highest polling candidate Geoffrey Rice was put forward along with Georgina to the Maori Land Court for appointment. In July 2023 the Court appointed them both. The delays in this process are of real concern and with the pending introduction of a rotational election process for Trustees going forward but we have come up with a solution that was set out in our December Owners panui.

Also in 2022 following on from a very successful series of owners engagement hui including a site visit to our property we held a postal vote on the three resolutions developed with owners feedback at the hui. To recap those resolutions were:

1. To amend the Trust order to provide for a Trustee Rotation election system *(passed 165 for and 5 against)*
2. To include 3 Hapu endorsed trustee seats *(passed 133 for and 36 against)*
3. To negotiate with the Tauranga City Council the granting of Access and use rights for the Infrastructure corridors and Active Reserve *(passed 135 for and 33 against)*

As I indicated we have developed a rotational election system that appoints a Company as our Trustee and you the owners appoint the 7 Directors of the company on a rotational basis. More like how Maori Incorporations operate. There are a number of benefits of this, not least is that the Directors take office immediately the votes from you the owners are counted and we don't have to wait months for the MLC to get around to making the appointments. We have lodged this application with the Court and as expected the Court is working at its usual pedestrian pace to hear this.

In terms of the third resolution we do not yet have a proposed agreement with the Tauranga City Council for you to consider. Our team have been working tirelessly to resolve issues around valuation principles and terms of compensation. However in November we received a bombshell that due to their financial constraints they are proposing in the long term plan to defer development at Te Tumu until 2040. This announcement resulted in the landowners joining together to meet with the TCC Commissioners and staff to express their concerns and seek a change of mind to give Te Tumu priority for development. The landowners have also engaged with the new local Members of Parliament to seek their support of Government to look at ways to assist Te Tumu development to get underway sooner rather than later. Although the new Government has lot on its plate there are encouraging signs that Government is

listening and they will make the changes in policies and processes and hopefully provide infrastructure funding that can make Te Tumu happen. There are a whole range of complex matters that need to be considered and discussions are ongoing. More details will be provided by other presenters today. We remain committed and focused on pursuing the development of our lands at the earliest opportunity.

An area that TCC has not progressed satisfactorily to date is Tangata Whenua engagement and we have resolved to give our support to assist the council to consult with iwi to ensure information is clearly provided and any concerns in developing Te Tumu are addressed. We are confident that we can identify a strong team to lead that engagement.

Along with our neighbouring landowners we are asking the council to give priority to a zoning change for Te Tumu as the next step that will unlock the opportunity for development at Te Tumu and allow us to develop detailed plans of what we would like Tumu Kaituna 14 land to look like and how we can include our owners in employment, housing and recreational opportunities.

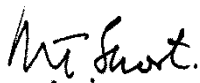
As always once we have news to share with owners we will do so via our panui or website.

Our sole source of income continues to be from sand mining and work continues to replace the sand removed with quality landfill that is improving our land. Cashflow has been strong in recent times and the financial report will show we are currently in a good position to meet our obligations.

I take this opportunity of thanking my fellow Trustees for their support and contributions to the business of the Trust and to our hard working team of advisors for their efforts in trying to secure the best outcomes for Tumu Kaituna Trust.

I thank everyone for attending our hui today and your interest and support as we work through these matters to achieve our aspirations.

Nga mihi nui

A handwritten signature in black ink, appearing to read 'M. T. Short'.

Malcolm T Short, ONZM  
CHAIRMAN

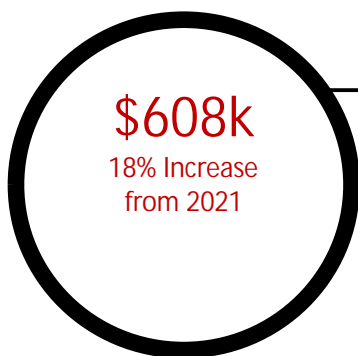
# Financial Report

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We are pleased to present the financial results and position for Te Tumu Kaituna 14 Trust for the 3 years ended 31 March 2023 which covers the Financial Reports since the last General Meeting.

The Financial Statements for Te Tumu Kaituna have been independently audited by McMillan Accountants for year ending 31 March 2021. For the years ending 31 March 2022 and 31 March 2023 the Financial Statements these are presented as Draft Financial Statements and currently being audited by Silks Chartered Accountants.

What follows is a summary overview for the year - in the context of the previous 3 years - The following details have been extracted from the audited and draft financial statements.



## Total Revenue

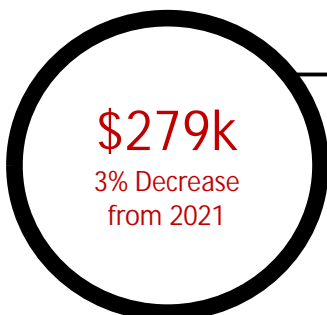
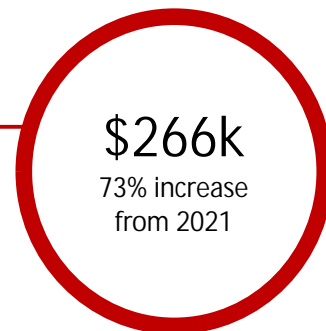
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Revenue comprises mainly of Sand Mining Royalties which are received from Stevenson's Aggregates. A small amount of interest and dividend income is also received.

## Total Expenses

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Expenses have increased by 73% over the 3 years mainly due to the Rehabilitation Costs for the Sand Mining operations on the Block



## Net Profit

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Net Profit was \$288k in 2021 and has decreased slightly to \$260k in 2023.

**TE TUMU KAITUNA 14 TRUST**  
**STATEMENT OF FINANCIAL PERFORMANCE**  
**FOR THE THREE YEARS ENDING 31 MARCH 2023**

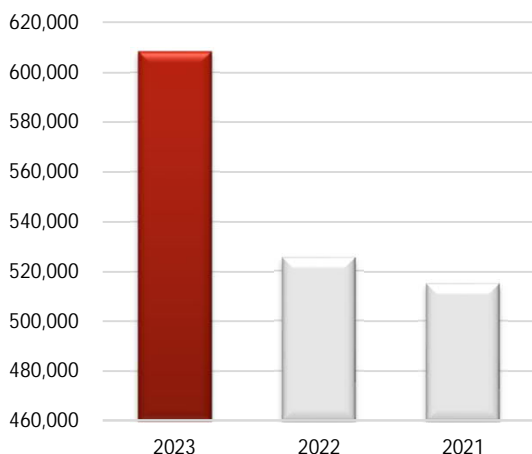
	2023	2022	2021
<b>INCOME</b>			
Royalties	601,922	522,366	513,779
Other Income	6,413	2,898	1,230
<i>Total Income</i>	<u>608,335</u>	<u>525,264</u>	<u>515,009</u>
<b>LESS EXPENSES</b>			
General Operating Expenses	25,228	19,034	18,132
Administration	158,123	92,919	148,486
Finance Charges	91	65	93
Depreciation	77	88	103
Bell Road Rehabilitation Expenses	82,346	6,814	-
Fair Value Movements In Investments	4,160	1,616	10,936
Development Costs	-	313,777	-
<i>Total Expenses</i>	<u>270,025</u>	<u>434,313</u>	<u>155,878</u>
Provision for Tax	59,782	75,928	70,784
<b>NET PROFIT</b>	<u>278,528</u>	<u>15,023</u>	<u>288,347</u>

**TE TUMU KAITUNA 14 TRUST**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR THE THREE YEARS ENDING 31 MARCH 2023**

	2023	2022	2021
<b>Current Assets</b>			
Cash at Bank	552,042	439,945	311,385
Account Receivable	125,884	151,505	70,370
	<u>677,926</u>	<u>591,451</u>	<u>381,756</u>
<b>Investments</b>			
Shares - Farmlands	1,428	1,428	1,428
Shares (1600) - Pisa Obligor Co 1 Pty Ltd	-	-	12,112
Shares (2000) - Manawa Energy Ltd	9,940	14,100	16,460
	<u>11,368</u>	<u>15,528</u>	<u>30,000</u>
<b>Fixed Assets</b>			
Property, Plant and Equipment	11,539,950	11,540,027	17,982,775
	<u>11,539,950</u>	<u>11,540,027</u>	<u>17,982,775</u>
<b>Intangible Assets</b>			
Project Development Costs	2,347,075	2,232,227	2,403,940
<b>Total Assets</b>	<u>14,576,319</u>	<u>14,379,233</u>	<u>20,798,471</u>
<b>LESS CURRENT LIABILITIES</b>			
Account Payable	44,205	41,915	8,369
Tax Provisions	18,113	45,083	47,493
Ford Land Company PTY Ltd	475,992	532,755	554,151
<b>Total Liabilities</b>	<u>538,310</u>	<u>619,753</u>	<u>610,013</u>
<b>NET ASSETS/EQUITY</b>	<u>14,038,009</u>	<u>13,759,480</u>	<u>20,188,458</u>

# Profit & Loss 2023 - 2021

## Income from 2023 - 2021

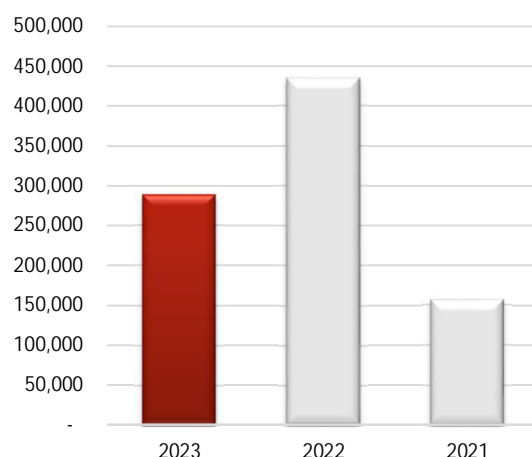


### Income Highlights

Sandmining Quantities extracted have remained steady increasing from 76,000 tonnes in 2021 to 81,000 tonnes in 2023.

From June 2022 the royalty rate increased from \$6.75 per tonne to \$7.55 per Tonne.

## Expenses from 2023 - 2021

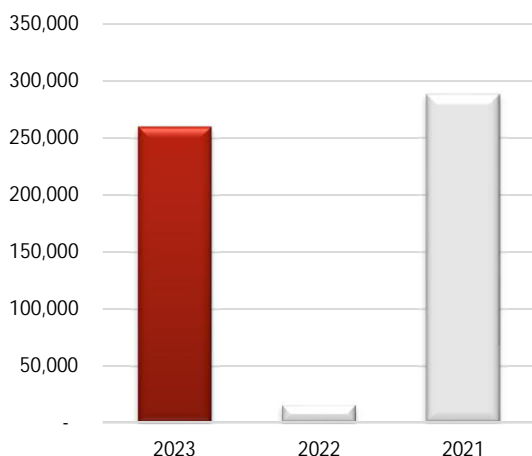


### Expense Highlights

Expenses have remained relatively consistent over the past 3 years, points to highlight are;

- For 2022 – A large number of Development Expenses were written off as part of the decision by the Maori Land Court.
- There has been an increase in Owners Engagement and Trustee Elections resulting in additional meeting costs.
- Legal Expenses have decreased significantly.

## Net Profit from 2023 - 2021



### Net Profit Highlights

As a result of an increase in the Royalty rate from 1 June 2022 the Net Profit for 2023 is back in line with 2021.

# Financial Position

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## Financial Position Highlights

The Trust is in a strong financial position, which is highlighted by the increasing closing cash balances year on year.

The Trade Receivables are collected in a timely manner by the Trust and the closing balance at each year would represent a maximum of 2 months outstanding sand minning royalties.

Land and Improvements continue to be valued using the latest rating valuation and it can be seen in 2022 that the rating valuation decreased increased by approx. \$6.4m.

The Trust continues to capitalise Project Development Costs which relate to the Te Tumu Development. These comprise of Consultancy Costs, Legal Costs and other costs associated with continuing the work to move the land development forward.

The loan from Ford Land Company has decreased over the period reviewed. Some development costs that are incurred are split between the Trust and Ford Land Company which has resulted in the reduction of this loan balance. The Loan is currently interest free.



**Leo Watson**  
**Barrister and Solicitor**

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February 2024

**Report to AGM – Tumū Kaituna 14 Ahu Whenua Trust**

1. Please find below my report to landowners in the Tumū Kaituna 14 Ahu Whenua Trust for the upcoming AGM on 24 February 2024.

*Landowner resolutions from 2022*

2. I have been part of a team of advisors assisting the trustees with implementing the landowner resolutions passed in 2022. Firstly, there was landowner approval for the Trust to continue with its due diligence on the proposal by the Tauranga City Council (TCC) to acquire interests in TK14 land by way of an easement and/or long lease for the purpose of constructing infrastructure corridors (main access routes and utility corridors) and an Active Reserve (public park/sports fields etc). It was agreed that after due diligence was undertaken, any agreement for TCC to acquire interests in your lands would be taken back to landowners for approval.
3. The due diligence aspects have been extensive and varied, and I note some of the work that I have been involved with:
  - (a) Negotiations with TCC as to the valuation principles to be applied so that the Trust can ensure that the land interests sought to be acquired are highest and best value.
  - (b) Engaging and instructing independent valuers with expertise in public works acquisition of land, and in valuing land interests that are less than the transfer of full ownership;
  - (c) Advice on the Plan Change processes under the RMA and positioning TK14 with the best leverage to ensure that landowner aspirations regarding cultural and environmental values are foremost;
  - (d) Assessing the different types of legal instrument that might be used for the acquisition of land interests, and how these options can ensure the Trust acts consistently with the landowner principles agreed at the 2022 hui;
  - (e) Assessing the options for exchange of land (particularly at the Papamoa Interchange).
4. Progress has been steady, but slower than anticipated. The issues are complex and the acquisition of land interests which are less than full transfer of ownership are

novel. Valuation reports are expected over the next few weeks, and from there, the Trust will receive advice as to the options for an acquisition agreement.

#### *Trustee elections*

5. The Trust successfully conducted trustee elections for two vacant positions, and the Māori Land Court approved the election process, and then formally appointed Georgina Whata and Geoffrey Rice as the new trustees.

#### *Amended Trust Order*

6. As the landowners had approved in 2022, a series of amendments to the Trust Order were drafted to reflect the fact that trustees would now be elected, not appointed for life. The election process will include trustee seats that are “general” and those that also have a particular set of requirements to receive hapū endorsement. The text of the amendments are available to owners to peruse. The process is currently with the Māori Land Court for a hearing to vary the Trust Order. Significant delays have been experienced in the Court (the application filed in June 2023) and a hearing has not yet been set.
7. The Trust has proposed that the structure should best be that of a ‘corporate trustee’, with the trustees being the directors. This has many advantages, meaning that when there are resignations or changes in trustees, the Trust does not have to wait for Māori Land Court hearings to appoint the new trustees (which can take many many months, during which the Trust is impacted). Instead, the directors can be changed by way of registration in the companies register. Yet the same level of scrutiny and accountability from the landowners and the Court remains the same, because the directors are still in a position of acting in the best interests of the landowners, and landowners have the same access to the Court to raise concerns.
8. I will provide a “FAQ” sheet on the corporate trustee model for the TK14 website, to assist landowners understand the structure.

Noho ora mai



**Leo Watson**



# Tumu Kaituna 14 Trust

## Land Development Update

### Introduction

The land development activities over the last three years have been focussed on:

- A. Assisting the Trustees and Leo Watson with the:
  - a) Te Tumu Infrastructure Corridors and Active Reserve options to enable these areas of land to remain in TK14 Ownership and be used for the Te Tumu Urban Growth Area.
  - b) Negotiations with Tauranga City Council (TTC) on the valuation principles for valuing TCC's acquisition of interests in the Infrastructure Corridors and Active Reserve.
  - c) Owner Engagement process and hui that were held in 2022.These items are well covered in Leo Watson's Report.
  
- B. Representing and advising the Trust with regard Structure Planning works for the Te Tumu Urban Growth Area for the planning and design work being carried out for the two Te Tumu Infrastructure Corridors being The Boulevard and Te Okuroa Drive (the names for these to roading / infrastructure corridors within Te Tumu have not been determined).
  
- C. Submissions on the following regulatory and planning processes:
  - a) Bay of Plenty Regional Policy Statement (RPS) Change 5 – Kaituna River.
  - b) Bay of Plenty Regional Policy Statement (RPS) Change 6 – National Policy Statement on Urban Development.
  - c) Bay of Plenty Regional Land Transport Plan (RLTP) 2021-31.
  - d) TCC Long Term Plan (LTP) 2021-31.
  - e) TCC Long Term Plan (LTP) 2024-34.
  - f) SmartGrowth Strategy 2023-73 and accompanying Future Development Strategy.
  
- D. The proposed Te Tumu Urban Growth Area Plan Change with regard to planning and timelines for completing and notifying the proposed Plan Change.

### A. Structure Planning

The main Structure Planning activity has been the preparation of a Single Stage Business Case (SSBC) by TCC for the two Infrastructure / Transport Corridors being, The Boulevard and Te Okuroa Drive, as they are currently referred to.

### Background

- The Single Stage Business Case (SSBC) commenced in 2021 with the objective of identifying a preferred Infrastructure / Transport Corridors design (incl cross sections) and a Business Case that can go to the NZTA Waka Kotahi Board to have a NZTA Waka Kotahi Funding Assistance Rate (FAR Subsidy) applied (in principle only). This can be up to a maximum of 51% of the corridors' costs.
- The partners in the SSBC are:
  - a) TCC;
  - b) BoPRC;
  - c) NZTA Waka Kotahi; and
  - d) The Te Tumu Landowners.
- The SSBC process included establishing a Long List of options which was reduced to a Short List of four options and then a preferred option.
- The SSBC included the Public Transport Hub in the adjacent Sands Town Centre that is being developed by Bluehaven.

### Preferred Option

The preferred option resulted in the following Infrastructure / Transport Corridors design cross sections through TK14:

- The Boulevard (northern corridor): 35.2m wide; x2 dedicated bus lanes; x2 private vehicle lanes; cycle paths and footpaths on both sides of the corridor; 3.6m wide berms on both sides of the corridor for services, stormwater and bus shelters.
- Te Okuroa Drive (southern corridor): 35.1m wide; x4 private vehicle lanes; a dedicated cycle path and footpath on the north side of the corridor; a shared cycle path and footpath on the south side of the corridor; and a 3.6 wide berm on the south side with a 4.6m wide berm on the north side.

### Next Steps

The next steps are for budgets to be prepared for the Infrastructure / Transport Corridors and a final SSBC Report to be prepared, for review by the SSBC partners and then submission to NZTA Waka Kotahi for approval before going to the NZTA Waka Kotahi Board.

## **B. Proposed Te Tumu Plan Change**

Further to the Trustees meeting with the TCC Commissioners in late 2023 to express their concern that Te Tumu was being pushed back from 2025 to 2040 in the 2024-34 LTP they have since received a commitment from the Commissioners to progress the Plan Change finalisation work so it can be notified in 2025/2026.

Plan Change meetings have recommenced this year and the Trustees are working with TCC and the other main landowner interests, Carrus and Ford Land to prepare a Plan Change for notification by the end of 2025.

The notification of the Plan Change will enable infrastructure financing and funding discussions to be progressed with Government with greater certainty.

The key Plan Change Workstreams to be finalised are:

- i. Tangata Whenua Engagement.
- ii. National Policy Statement for Freshwater Management (NPSFM) wetland assessments.
- iii. National Policy Statement for Indigenous Biodiversity (NPSIB) assessments.
- iv. Kaituna Stormwater Overflow design and consenting pathway assessment.
- v. Stormwater Management Strategy finalisation.
- vi. Planning Rules.
- vii. Regulatory Assessment Reports.

The Trustees have agreed with TCC to jointly lead and carry out the Tangata Whenua Engagement for the Plan Change and this engagement process is due to commence within the next six weeks.

The Trustees are working towards owner engagement, hui and voting on the Infrastructure Corridors & Active Reserve Agreement to be completed by the end of 2024 prior to the Te Tumu Plan Change notification.

The Te Tumu Plan Change Tangata Whenua Engagement process is expected to be completed in the third quarter of 2025 prior to the Te Tumu Plan Change notification.

**Jeff Fletcher**  
**Project Manager**

# Tumu Kaituna 14 Trust | Te Tumu 2024 Update

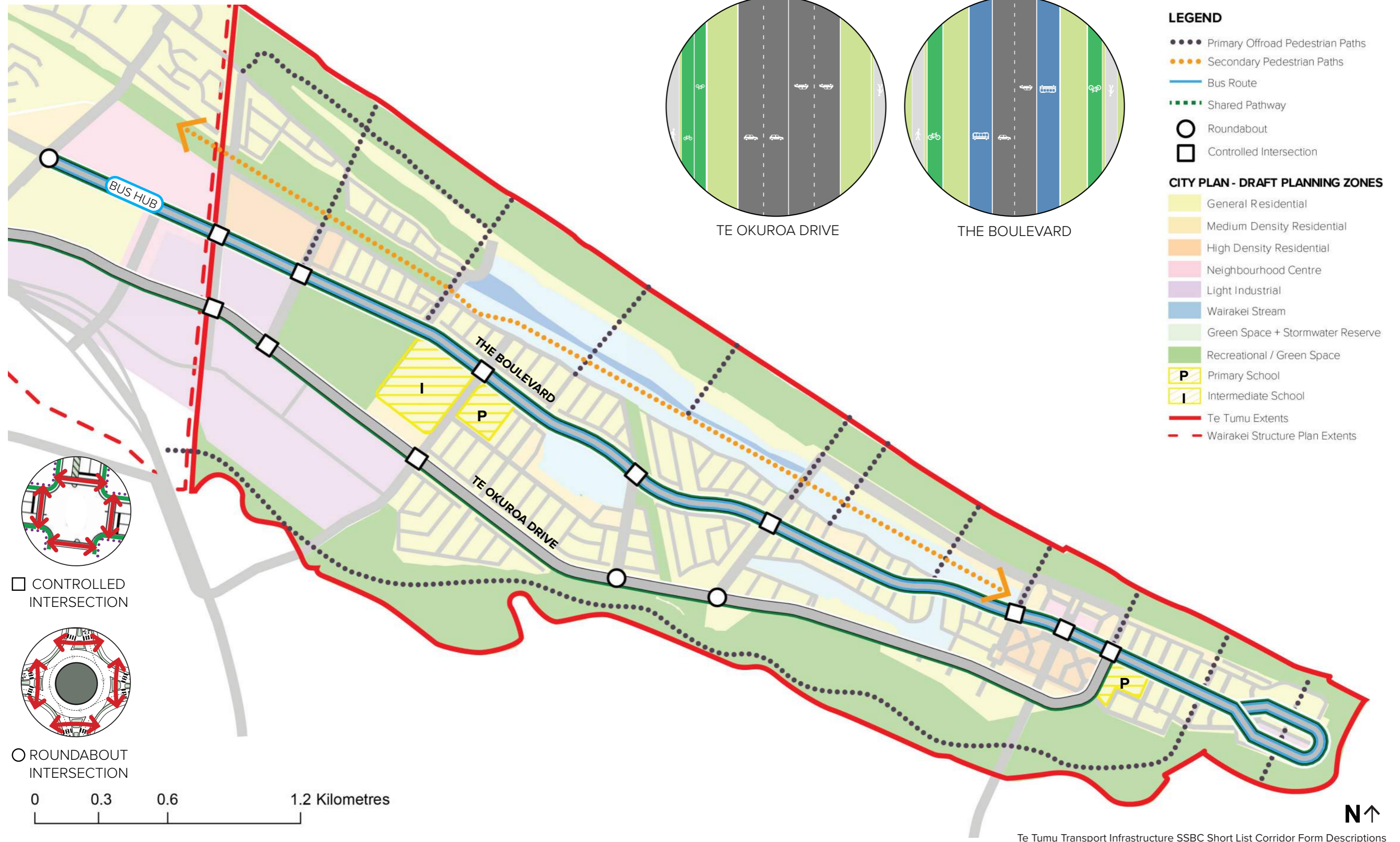


# Tumu Kaituna 14 Location



# Short List Option 3 - Urban Connector (Long List Stage 'Option 4')

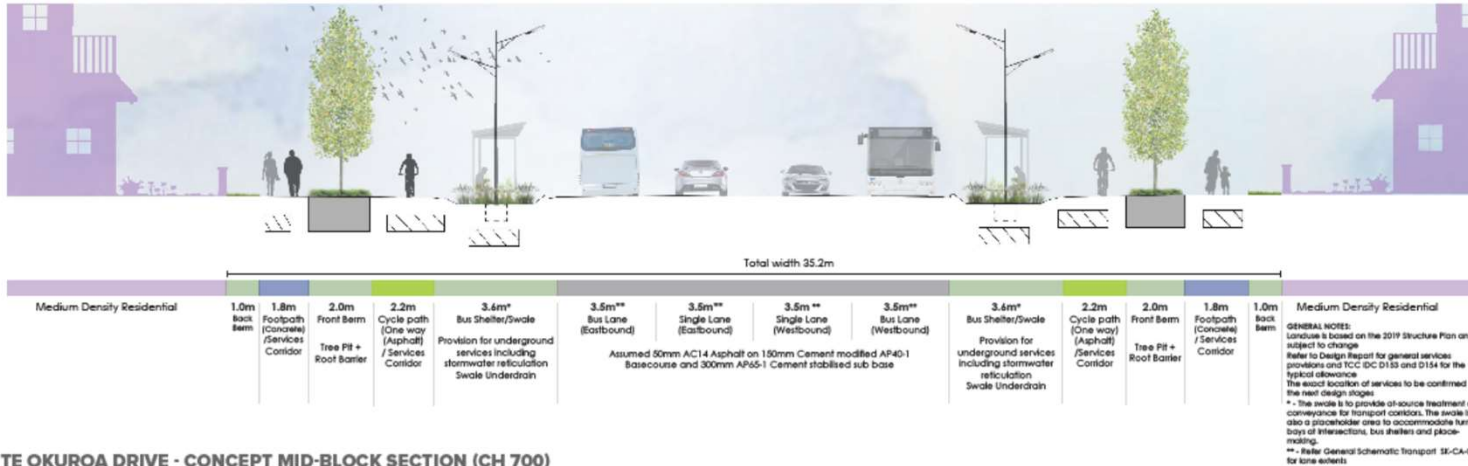
## Overview Plan



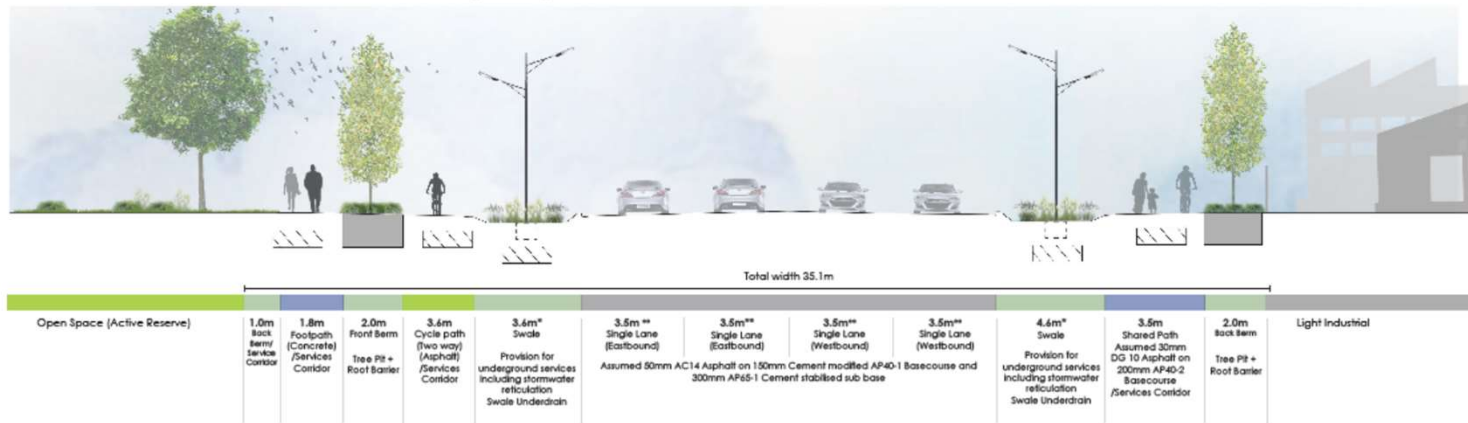


# Infrastructure & Transport Corridors

THE BOULEVARD - CONCEPT MID-BLOCK SECTION (CH-3200)



TE OKUROA DRIVE - CONCEPT MID-BLOCK SECTION (CH 700)



09.08.2023

Sheet CA - SK001 Revision B

Concept Cross Sections 1 of 2  
 Tauranga Eastern Corridor Growth - Te Tumu | 3814352

BECA

Proposed Transport / Infrastructure Corridors cross sections from Te Tumu Single Stage Business Case for Waka Kotahi and TCC

## **Tumu Kaituna 14 Trust Order Proposed Variation**

Replace clause 7(e) with this clause:

Clause 7(e): There shall be one Trustee being the company **Te Tumu Kaituna 14 Trustee Company Limited** with seven (7) Directors. Upon approval of this variation the current Trustees shall be appointed Directors of the Trustee company. Thereafter Directors shall be elected by the Trust Beneficial owners by way of election rules as set out in this clause.

1. Each nominee for the position of Director shall sign a statutory declaration prepared by the Trust that the nominee declares that they:
  - a. Are a beneficial owner or descended from a beneficial owner of Tumu Kaituna 14 Trust;
  - b. Are over 18 years of age;
  - c. Have a proven track-record that they can act in good faith and in an honest and diligent manner;
  - d. Will provide such information as required by the Trust in the declaration as to the nominee's skills, knowledge, experience and qualifications suitable for the role of Director;
  - e. Are not disqualified because they are any of the following:
    - i. An undischarged bankrupt;
    - ii. Subject to a Compulsory Treatment Order under Part 11 of the Mental Health Act 1992;
    - iii. Convicted of any offence punishable by imprisonment for a term of 6 months or more, unless that sentence has been served;
    - iv. Removed as a trustee or Committee member by any order of the Māori Land Court under section 240 of Te Ture Whenua Māori Act 1993;
  - f. Have supplied a hapū written endorsement if the nominee is standing for a Hapū Endorsed Seat.
  - g. Have had the nomination form witnessed by a current registered beneficial owner;
  - h. Consent under the Privacy Act to the Returning Officer making such reasonable inquiries as may be necessary to determine the nomination is valid.
2. The Directors shall appoint a Returning Officer for each election, who shall advertise and call for nominations and determine whether any nomination is valid. If the Returning Officer considers that a nomination is not valid, the Returning Officer shall provide the nominee with an opportunity to respond, and at their sole discretion obtain legal advice before making a final determination. The Returning Officer shall not be either a past Trustee or Director or a nominee for Directorship, nor an immediate family member (spouse/civil union or de facto partner, parent or child) of a Trustee, Director or a nominee for Director.
3. If there are not more nominations for any particular Director seat, the Returning Officer shall declare the nominee to be the Director-elect. If there are more valid nominations for any particular Director seat, then an election shall be conducted by the Returning Officer by way of a postal vote of Beneficial Owners who are registered with the Trust on a date nominated by the Returning Officer, where such postal vote may include provision for voting to be conducted using electronic means. The election shall be conducted on the basis of one owner-one vote. For the avoidance of doubt, a whānau trust or kaitiaki trust is treated as "one owner" for the purposes

of voting, and such vote shall be cast by one trustee of a Trust, as nominated by that Trust.

4. Prior to the election, the Trust may arrange for the nominees to be available either in person or online to meet with Beneficial Owners and speak to their skills and experience and/or request profiles of nominees for publishing on the Trust website.
5. Following the counting of votes, the Returning Officer shall declare the successful nominees to be Directors-elect. In the event of a tie, the nominees shall be contacted and invited to reach agreement between them as to the Director-elect, but if no agreement can be reached, then the successful nominee shall be determined by the Returning Officer drawing names from a hat.
6. The Director(s) shall hold office from the date of certification of the election results by the Returning Officer until the next 4 yearly election cycle and subsequent Returning Officer certification at which they will either be re-elected or cease to hold office.
7. To achieve a staggered election cycle, the following timetable shall be applied:

<b>General Director Seats</b> (4 in total)	<b>2022</b>	<b>2024</b>
	The 2 Trustees appointed following the 2022 election hold office as Directors until the 2027 election.	In 2024, 2 Current Trustees, now Directors, who hold office under the previous Trust Order, will volunteer to stand down or otherwise as drawn by lot, and be eligible for re-election. An Election for these two positions will be held, and those appointed hold office until the 2028 election.
<b>Hapū Endorsed Seats</b> (3 in total)		<b>2025</b>
<ol style="list-style-type: none"> <li>1. Ngāti Rangiwewehi</li> <li>2. Ngāti Rangiteaorere</li> <li>3. Ngāti Uenukūpako</li> </ol>		In 2025, the other three (3) Trustees, now Directors who hold office under the previous Trust Order shall stand down (and be eligible for re-election). An election will be held for 3 Hapū Endorsed Seats who will hold office as Directors until the 2029 election.

Thereafter elections will be held on four yearly cycles. In the year of an election the process must be completed and Returning Officer election results certification issued

no later than 15 December annually.

8. The reference to Hapū Endorsed Seats means an election based on the following:
  - a. Before the nominees stand for election, the nominees for the first of these three seats must demonstrate that they have obtained the written endorsement of the hapū of Ngāti Rangiwewehi and/or the written endorsement of a recognised kaumatua of Ngāti Rangiwewehi, in a manner consistent with the tikanga of that hapū;
  - b. The nominees for the second of these three seats will have to demonstrate that they have obtained the written endorsement of the hapū of Ngāti Rangiteaorere and/or the written endorsement of a recognised kaumatua of Ngāti Rangiteaorere, in a manner consistent with the tikanga of that hapū;
  - c. The nominees for the third of these three seats will have to demonstrate that they have obtained the written endorsement of the hapū of Ngāti Uenukukōpako and/or the written endorsement of a recognised kaumatua of Ngāti Uenukukōpako, in a manner consistent with the tikanga of that hapū;
  - d. A nominee may raise a dispute about the endorsement process with the Trust, who shall seek to resolve the dispute with the relevant hapū representatives, but the Returning Officer shall have the final decision as to validation of the nomination, after seeking appropriate advice.
  - e. For the avoidance of doubt, a Director holding a Hapū Endorsed Seat on the Trust shall act on behalf of all beneficiaries of the Trust in an impartial manner and independent of any expectations of their endorsing hapū, but must ensure that the relevant hapū relating to that Director seat is kept reasonably informed by that Director.
9. In the event that any Director does not complete a full term, then:
  - a. if the term remaining is less than one year, the remaining Directors shall be entitled to co-opt a replacement Director if the Directors consider that to be appropriate; or
  - b. if the term remaining is more than one year, the Trust shall convene an election for that Director position, and the Director elected by way of that election shall serve for the remainder of the term as if he or she were the Director that they had replaced with all other provisions applying accordingly.
10. For the avoidance of doubt, the Trust remains subject to Part 12 of Te Ture Whenua Māori Act 1993 and the Court's inherent jurisdiction in relation to Trusts. The Directors shall promptly comply with any requirement of the Court to account for their actions as Directors and to ensure the proper administration of the Trust.
11. A Director may be removed from holding office on the same basis as a Trustee can be removed under section 240 of the Act, and the Director agrees to submit to the jurisdiction of the Court such that a reference to "Trustee" under section 240 shall be read as "Director".
12. In their capacity as directors of the Trustee Company the Directors may be paid Directors fees on the basis expected to be paid to directors in commercial enterprises in similar businesses which the Directors are involved provided independent advice on the level of Directors fees is obtained and they shall ensure that the details of such fees are included in the annual financial statements of the Trust.
13. In the event of any interpretation conflict arising under this Trust Order this clause shall take precedence.