



16 September 2024

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Kia ora [REDACTED]

### **LGOIMA 2024/42 re Water Security Initiatives**

Thank you for your request for information relating to Water Security Initiatives dated 22 August 2024.

As I have previously noted, this specific initiative was identified in [Elected Member Priorities 2022 – 2025](#) being, to *work with Water Holdings Hawke's Bay and the Heretaunga Tamatea Settlement Trust (now Tamatea Pōkai Whenua) on ownership and sponsorship opportunities for water security*. This action also aligns with Council's [Economic Development Action Plan](#), relating to water.

This work is ongoing, and we are yet to reach a point where we need to seek feedback from Council or seek a resolution of Council to progress this item. I provide an update at the end of this letter on timing for expected next steps.

I respond to your points below:

**1. In what forum have these discussions been occurring?**

The discussions have been occurring through various forums, including three meetings in person of Tamatea Pōkai Whenua Trust, Water Holdings Hawke's Bay, and the Tukituki Water Security Project, and me. Representatives and supporting advisors from other organisations such as Te Taiwhenua o Tamatea, Ngati Kahungunu Iwi Incorporated have also been involved in discussions.

Email correspondence along with telephone conversations have also been held.

**2. How often have discussions occurred, and over what period?**

Early discussions on the initiative began between the Chief Executive of Tamatea Pōkai Whenua and I in mid-February 2024. An early conversation was also held with the Chair of the Tukituki Water Security Project on the purpose of any Trust established and its potential scope in late February.

In March 2024, I authored a document scoping legal advice for Council's benefit, on the options to explore various modes of operation for a future entity. This included the pro's and con's primarily from a local government legislative perspective.

Aspects of this legal advice were discussed at a first meeting of the parties on 29 May 2024. From this meeting an agreement was reached to draft a scoping document to consider a potential Trust Deed for a community trust.

I drafted an initial Trust scope, based on the legal advice and the discussions from the meeting. Through the month of June, feedback on the draft Trust scope was provided from some parties. The initial Trust scope was presented to Council's solicitors on 4 July 2024 to draft a Trust Deed.

On 26 July the draft Trust Deed was provided to parties for feedback. Feedback was collated from the parties on the Draft Trust Deed and provided to solicitors for consideration. The parties met to consider that feedback on 4 September 2024, for the solicitors to further consider potential changes to the Trust Deed. An updated Trust Deed is expected in the coming weeks.

**3. Have the discussions been documented and if so are the minutes publicly available?**

No formal minutes have been recorded by council officers.

**4. What would a community trust entail (i.e. what would Council's role be within a trust structure)?**

A Trust is likely to be proposed to ensure clear oversight in maintaining and achieving the objective of long-term, intergenerational water security and resilience for Tamatea – Central Hawke's Bay for the benefit of its present and future communities.

Council's role may be to appoint a trustee who will represent our community's interests. This is subject to the decision making of other parties in the first instance, including Tamatea Pōkai Whenua. If the current draft Trust Deed is progressed, Council may decide to appoint a Trustee or not.

To date, Council's interactions in the development of the Trust, have been at an officer level with updates through the Organisational Performance Report which you referred to in your request. Officers are working to have a draft Trust Deed document that is suitable for Council feedback and any related decisions in the near future.

**5. Can you please provide details of the September meeting, and advise whether it will be open to the public?**

Despite the April – June 2024 report stating that there would be an update due in September, no Council paper will be prepared until the Trust Deed is developed further.

I expect this to be later this year and will provide an update once this is confirmed. This may possibly be in late October, subject to the timing and progression of the Trust Deed.

If you require any further information, please do not hesitate to contact me.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

**Publication of responses to LGOIMA requests**

Please note: Our LGOIMA responses may be proactively published on the Central Hawke's Bay District Council website after they have been responded to, with requesters' personal details withheld. If you have any concerns about this please contact the Council on [governance@chbdc.govt.nz](mailto:governance@chbdc.govt.nz).

Yours sincerely



Doug Tate  
Chief Executive