

IN THE DISTRICT COURT / I TE KŌTI Ā ROHE
ROTORUA / TE ROTORUA-NUI-A-KAHUMATAMOMOE

CIV-2024-063-00364

UNDER THE LOCAL GOVERNMENT ACT 2002

IN THE MATTER of an application for an injunction to restrain commission
of an offence under s 162

BETWEEN ROTORUA DISTRICT COUNCIL

Applicant

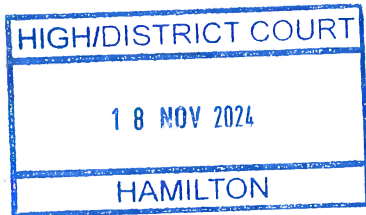
AND ROTOKĀKAHI BOARD OF CONTROL

First Respondent

AND PERSON/S UNKNOWN

Second Respondent/s

ORDER FOR AN INJUNCTION
Dated: 18 November 2024



TOMPKINS | WAKE

Kate Cornegé (kate.cornege@tompkinswake.co.nz)
Connor Gordon (connor.gordon@tompkinswake.co.nz)

233086
3456-3870-6738-V1



ORDER FOR AN INJUNCTION

To: The Respondents

1. The originating application made by Rotorua District Council on 16 May 2024, and renewed and amended on 1 October 2024, was determined by Judge Clark on 6 November 2024.
2. The determination was made following hearings held on 16 July 2024, 8 October and 5 November 2024. Representatives of the applicant and the first respondent appeared at each hearing. The applicant was represented by K E Cornegé, C M Gordon and W J Embling (16 July 2024 only) and the first respondent was represented by S Northey and A Grant.
3. The Court grants an injunction order pursuant to s 162 of the Local Government Act 2002 on the following terms.

Definitions

1. Defined terms in these orders are in bold text and defined below.

Obstruction

2. No person may stop, obstruct, or interfere with the **works** whether directly or indirectly.
3. No person may stop or obstruct personnel, vehicles, or construction machinery authorised by **Rotorua Lakes Council** from accessing the **work zone** during the **construction period**.

Access to work zone

4. No person may enter or remain in the **work zone** at any time during the **active construction period** without authorisation from **Rotorua Lakes Council**, except that:
 - (a) traffic may pass through the open traffic lane in accordance with directions from traffic management personnel; and



- (b) persons authorised by the Rotokākahi Board of Control may turn across the work zone to access the boat ramp area (shaded in yellow on attached Plan A). Authorised persons must comply with directions from traffic management personnel as they concern access to and egress from the boat ramp area.

Vehicles

5. No person may park any vehicle in **the work zone** or in any areas identified by signage as no-parking areas as part of any traffic management plan in relation to the **works** at any time during the **active construction period** without authorisation from **Rotorua Lakes Council**.
6. Any vehicle parked in breach of paragraph 5 shall be considered to be unattended in a public place so as to cause a nuisance or obstruction for the purpose of clause 18.1 of the Rotorua District Council Traffic Bylaw 2018 and may be towed by **Rotorua Lakes Council**.

Structures

7. No person may erect, place, or allow to remain any **structure** in the **work zone** without authorisation from **Rotorua Lakes Council** at any time during the **construction period**.
8. If any **structure** in breach of paragraph 7 is not removed within 24 hours of service of these orders, **Rotorua Lakes Council** is entitled to demolish and remove any **structure**. Any **structure** demolished and removed is to be the subject of an inventory and taken to Blue Lake Park to be available for collection without charge, and if not collected within seven days may be disposed of by **Rotorua Lakes Council**.

Service

9. Service of the above orders is to be effected by:



- (a) using reasonable endeavours to display a copy of the orders at either end of the **work zone** and on security fences within the **work zone**.
- (b) posting a copy of the orders on Rotorua Lakes Council's website and Facebook page.
- (c) giving public notice on at least two occasions in a newspaper circulating in the Rotorua District; and
- (d) emailing a copy of the orders to solicitors for the Rotokākahi Board of Control at the address for service provided in this proceeding.

Variation

- 10. Rotorua Lakes Council may apply to the District Court for a variation of these orders.

Defined terms

The **active construction period** is the period starting from the day that Council or its contractors re-commence the **works**, including by bringing (or attempting to bring) machinery, fencing and/or temporary traffic management equipment to the worksite and ending on the day that the **works** are completed.

The **construction period** is the period starting from the date this order is made and ending on the day that the **works** are completed.

Rotorua Lakes Council includes officers of Rotorua Lakes Council and its contractors.

Structure means any building, shed, fence or other obstacle of any kind.

The **works** are:

- (a) the installation of the pipeline along Tarawera Road as part of Stage One of the Tarawera Wastewater Reticulation Scheme



including associated works such as drilling, valve assemblies, earthworks, and site reinstatement; and

- (b) associated traffic management measures including traffic signals, cones, security fencing, and lighting.

The **work zone** means:

- (a) The section of Tarawera Road between the temporary traffic lights forming part of the traffic management plan located to the north and south, including:
 - (i) any area being used by Rotorua Lakes Council as an active work site from time to time.
 - (ii) any open traffic lane; and
 - (iii) the road reserve, to be identified by tape or otherwise at any location where the boundary of the road reserve is not the edge of Lake Rotokākahi but excluding the boat ramp area (shaded in yellow on attached Plan A).
- (b) Fulton Hogan's construction yard on Spencer Road, Rotorua.

Date: 18 NOV 2024


Deputy Registrar

J Puke
Deputy Registrar
District Court of New Zealand



Plan A



Part Section 2
Block VI Tarawera Survey
District
(Scenic Reserve)

Nail in Edge Line

18.7m

7.3m

28.4m

5.8m

Road boundary plotted
from survey plans

Nail in Edge Line

Nail in Edge Line

10.6m

5.1m

Nail in Edge Line

Road boundary plotted
from survey plans

Tarawera Road
Fence Rail

Part Section 7
Block X Tarawera Survey
District
(Scenic Reserve)

Nail in Edge Line



SurveyOne

Licensed Cadastral Surveyor
B.Surv. PMS+SNZ
Mobile: 027 478 6367
Email: surveyone.paul@gmail.com

Jetty Area
Tarawera Road

Rotorua Lakes
Council

FILE REFERENCE: 2252 COMPUTED: PJA 5 Nov 2024
PRINTED: PJA 6 Nov 2024

DRAWING No: 2252-5
SHEET 5 OF 11 SHEETS
ORIGINAL SCALE (A3): 1:250