File No: 60-12-270\02



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# NGATI WHAKAUE GIFTED RESERVES PROTOCOL MEETING

Meeting between Pukeroa Oruawhata Trust and Rotorua District Council to be held in Regulatory Meeting Room, Ground Floor, Rotorua District Council on Monday 4 October 2010 at 1:00pm

Chairperson: His Worship the Mayor

Councillors and Cr Maxwell Cr Sturt Mr A Wilson Trustees: Mr S Harris Mr P Kingi Mr M Short

Mr D Tapsell Mr D Rangitauira

Quorum: 6

## **AGENDA**

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7.	CBD URBAN DESIGN FRAMEWORK UPDATE - VERBAL REPORT BY PETER GUERIN / GARRY PAGE	
8.	RCYCT BUILDING REFURBISHMENT PROJECT PHASE 2 - VERBAL REPORT BY ERIC HAYCOCK	
9.	"ACTIVITIES ON RESERVES" DRAFT POLICY CONSULTATION - VERBAL REPORT BY ERIC HAYCOCK / GARRY PAGE	

P Guerin Chief Executive



60-12-270\02

# MINUTES OF NGATI WHAKAUE GIFTED RESERVES PROTOCOL MEETING

Held on Monday 31 May 2010 at 2:00pm in Committee Room 1, Rotorua District Council

PRESENT: Cr C Sturt (Acting Chairperson),

Mr Alex Wilson; Mr Stuart Harris, Mr Bishop Kingi (from 2:05pm), Mr Malcolm Short

(from 2:05pm), and Mr Murray Patchell (from 2:05pm).

APOLOGIES: Absent: Mayor Kevin Winters and Cr Trevor Maxwell

<u>Late</u>: Mr Bishop Kingi, Mr Malcolm Short and Mr Murray Patchell

STAFF PRESENT: Charles Roberts, Director Community Services; Mauriora Kingi, Director Kaupapa

Maori; Nico Claassen, District Engineer; Garry Page, Manager Parks and Recreation; Peter Dine, Works Manager; Eric Haycock, Parks Assets Planning Manager; Joby Barham, Landscape Architect (part); Bella Tait, Policy Analyst/Maori Research (part);

Carol Peden, Committee Administrator.

Acting Chairperson Cr Sturt welcomed everyone to the meeting. A karakia was given by Mr Mauriora Kingi.

## 1. <u>APOLOGIES</u>

#### Resolved

Mr Wilson ) That the apologies from His Worship the Mayor and Cr Maxwell (for absence)

Mr Harris ) and Bishop P Kingi (for lateness) be received.

CARRIED

## 2. MINUTES OF THE PREVIOUS MEETING

## Resolved

Mr Wilson ) That the minutes of the previous meeting held on 7 December 2009 be

Cr Sturt confirmed as a true and correct record.

CARRIED

## 3. MATTERS ARISING FROM PREVIOUS MINUTES

Mr Charles Roberts clarified that new licences at the Rotorua Lakefront were being rolled over for the next 18 months, by which time there would be some idea of when construction would start. Council staff would report back to Ngati Whakaue once the construction timeframes were known.

Attendance: Messrs Bishop Kingi, Malcolm Short and Murray Patchell joined the meeting at 2:05pm.

#### ROTORUA PRIMARY SCHOOL CARPARK (CNR ARAWA AND RANOLF STREETS - LANDSCAPE 4. **CONCEPT PLAN)**

Landscape Architect, Mr Joby Barham, spoke to a powerpoint presentation (Attachment 1). The Rotorua Primary School Car Park would be finished in the next couple of weeks. Staff were requested to organise an official opening, to take place once the actual car park was finished.

#### Resolved



#### 5. VICTORIA STREET ARTERIAL: NOTICE OF REQUIREMENT

The District Engineer, Mr Nico Claassen, gave a verbal report, and showed 2 powerpoint slides (Attachment 2). Issues surrounding the Countdown car park had been addressed.

A Notice of Requirement had now been given for Option 8CB. An agreement had been reached with St Michael's Rugby Club, as access to their facility would be affected under this option. There would also be some encroachment on the Arawa Racecourse; a meeting had been held with Racecourse Managers to work through issues to ensure that racing would be able to continue. Tentative hearing dates were scheduled for 19 - 20 August, and 23 - 24 August. 2010. A draft agreement would be provided to Arawa Racing in time for their meeting on 24 June 2010.

## Resolved

Mr Short 1. That the verbal report on Victoria Street Arterial: Notice of Requirement be Cr Sturt received:

- 2. That the Gifted Reserves Protocol Committee supported in principle the Victoria Street Arterial Option 8CB; and
- That the Gifted Reserves Protocol Committee supported in principle the 3. amendments to accommodate the Arawa Racecourse.

**CARRIED** 

#### 6. ROTORUA COMMUNITY YOUTH CENTRE TRUST: YOUTH CENTRE BUILDING UPGRADE

Mr Garry Page showed a powerpoint slide showing plans for Stage 2 of the upgrade, along with photographs of the works already completed on the ground floor (Attachment 3). The Health Centre was now open and operating, and there had been a positive response to this facility. The RCYCT had drawn some concept plans for a 3 stage development:

- **Stage 1** The upgrade of the ground floor, which now housed the Health Clinic, was now complete.
- Stage 2 Upgrade of the remainder of the existing building, including the 2<sup>nd</sup> floor and the old meeting room. Funding had now been raised, and tenders were being invited to undertake the work. This area would be used as a multi-functional space for a range of functions, counselling, sports programmes, performances, and so on. All studio-type activities, youth counselling, etc were on hold until Stage 2 was completed.
- Stage 3 Concept drawings had been drawn to add on another hall facility out the front of the existing building. Pukeroa Oruawhata trustees want to be consulted on this proposal at a future meeting, after which time funding would be raised.

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## Resolved

Mr Wilson	)	That the	verbal	report	on	Rotorua	Community	Youth	Centre	Upgrade	be
Mr Harris	)	received.									
										<u>CARR</u>	<u>IED</u>

## 7. DRAFT NARRATIVE OF THE FENTON AGREEMENT ON THE AGENDA

Ms Bella Tait gave a verbal report on this item. This proposal had been in response to a request by Ngati Whakaue for a display explaining the history of the Fenton Agreement. She tabled a draft document titled 'The Fenton Agreement – the Formation of Rotorua Township' (Attachment 4). Ms Tait also provided trustees with a translation of the Fenton Agreement.

Pukeroa Oruawhata trustees would now take this draft document away for examination, make suggestions, and take responsibility for approving the final document.

Mr Mauriora Kingi explained that the idea of displaying the history of the Fenton agreement had stemmed from the time when the Customer Centre was being built. However, as space in this area was limited, it was suggested it should be displayed in the Galleria. It was also suggested that the document be enlarged and displayed prominently, to recognise the Fenton Agreement deserved the same level of respect as the Treaty of Waitangi.

Mr Roberts was asked by the trustees what recommendation had been made at a recent Ngati Whakaue hui regarding the siting of Pukaki. He informed the trustees that he understood that the recommendation was that Pukaki be re-sited to the Rotorua Museum, so that it could be protected in an air-conditioned environment. However, Mr Roberts pointed out that this recommendation had not yet been formally adopted, as a meeting of the Pukaki Trust had not been held since.

## Resolved

Cr Sturt	)	1.	That the verbal report regarding the draft Fenton Agreement be received;
Mr Kingi	)		and

2. That discussions with Pukeroa Oruawhata Trust in association with Ngati Whakaue be received.

CARRIED

#### 8. NZ HISTORIC PLACES TRUST

Mr Page reported that concerns had been raised by Council and trustees that proposals previously put forward by the NZ Historic Places Trust to classify various buildings/structures in the Government Gardens under the Historic Places Act were being 'pushed through' with undue haste. As a result, Ms Gail Henry from NZ Historic Places Trust had arranged to meet with both Pukeroa Oruawhata trustees and Council separately on 4 June 2010 for further consultation. Mr Wilson suggested that following these separate meetings with Ms Henry, a joint meeting of Council and the trustees be arranged.

## 9. RELOCATION OF SHAMBLES THEATRE

Mr Page reported that Pak N Save had been instructed to contain their operations within their own land, and the proposal to re-site Shambles Theatre had been put on hold for the time being.

#### 10. LAKEFRONT DEVELOPMENT

Mr Page gave a verbal report on this item. A Memorandum of Understanding had been signed between Council and Te Arawa Lakes Trust, and they had approved the Lakefront Development plans at concept level. Consultation over the implementation was being initiated. It was hoped that construction of the new pier, as Stage 1, would commence within 2 years.

Council was currently in discussions with Te Arawa Lakes Trust on how to work through lake bed ownership issues related to this development.

Funding of \$9m for the \$12m pier extension had been set aside in Council budgets. A lot of work was still needed on the detailed design, additional funding, and consents.

Mr Page was requested to keep the Pukeroa Oruawhata trustees informed on what was being arranged with TA Lakes Trust 'each step of the way'. A draft was being put together to be presented to Council and the Te Arawa Lakes Trust, after which time it would be presented to the Pukeroa Oruawhata trustees.

Mr Harris reminded the meeting that it was important that the significance of the Ngati Whakaue Gifted Reserves Protocol was acknowledged.

## Resolved

Mr Short	)	That the verbal report from Mr Garry Page on the Lakefront Development be
Mr Harris	)	received, and that the need for ongoing communication with all parties be
		noted.

CARRIED

#### 11 MANAGEMENT PLAN REVIEW

Mr Eric Haycock gave an update on the Management Plan Review process.

Two plans were being developed:

- a printed summary of the Management Plans, and
- an electronic detailed plan.

The first draft of the printed summary of all the Management Plans was almost ready for approval by Mr Roberts and Mr Page, after which time Mr Patchell would be contacted to seek feedback from the Pukeroa Oruawhata trustees. It was hoped that consultation with key stake holders would start during August 2010 on the printed summary.

Reference to the Fenton Agreement would be included in the Management Plan documents. Discussions would be held in terms of process and consultation.

## Resolved

Mr Wilson That the verbal report given by Mr Eric Haycock on the Management Plan Mr Harris Review be received.

CARRIED

#### 12. **GENERAL BUSINESS**

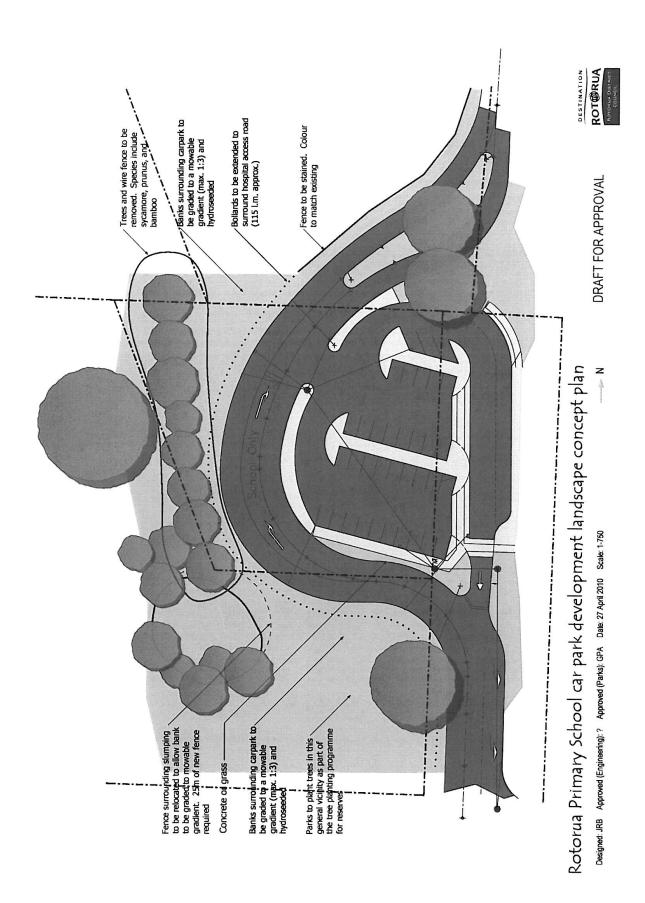
A proposal on a Performing Arts Centre was discussed.

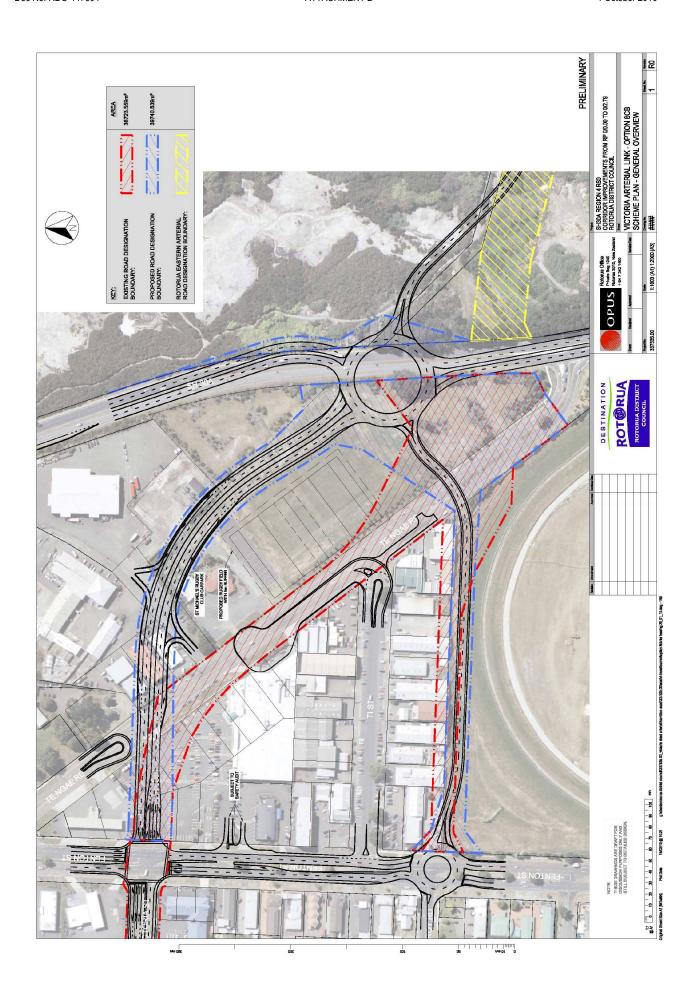
#### 13. **NEXT MEETING**

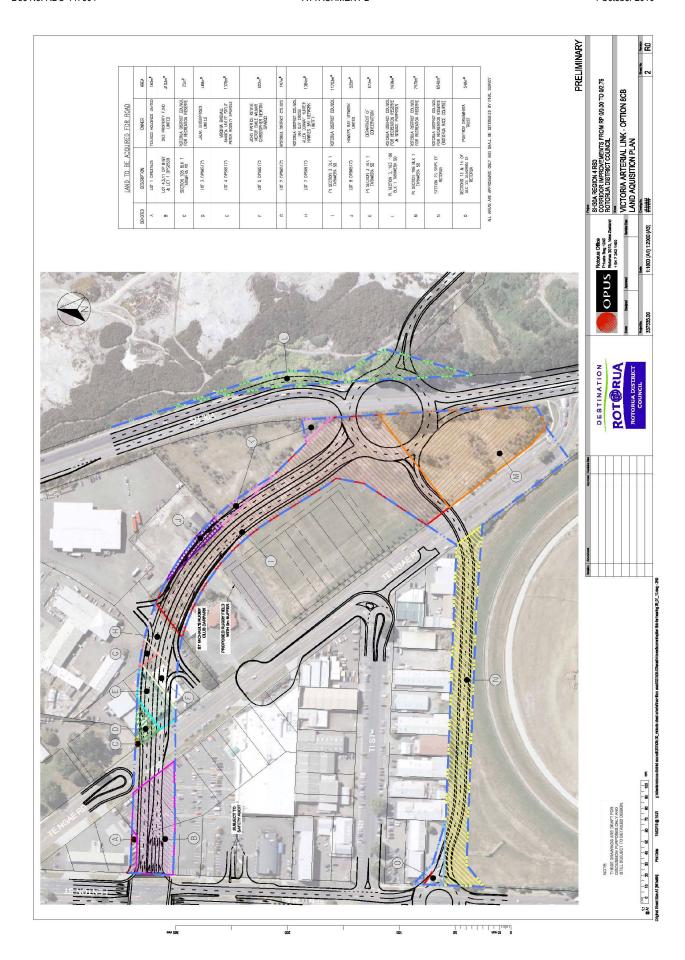
Next meeting 23 November 2010.

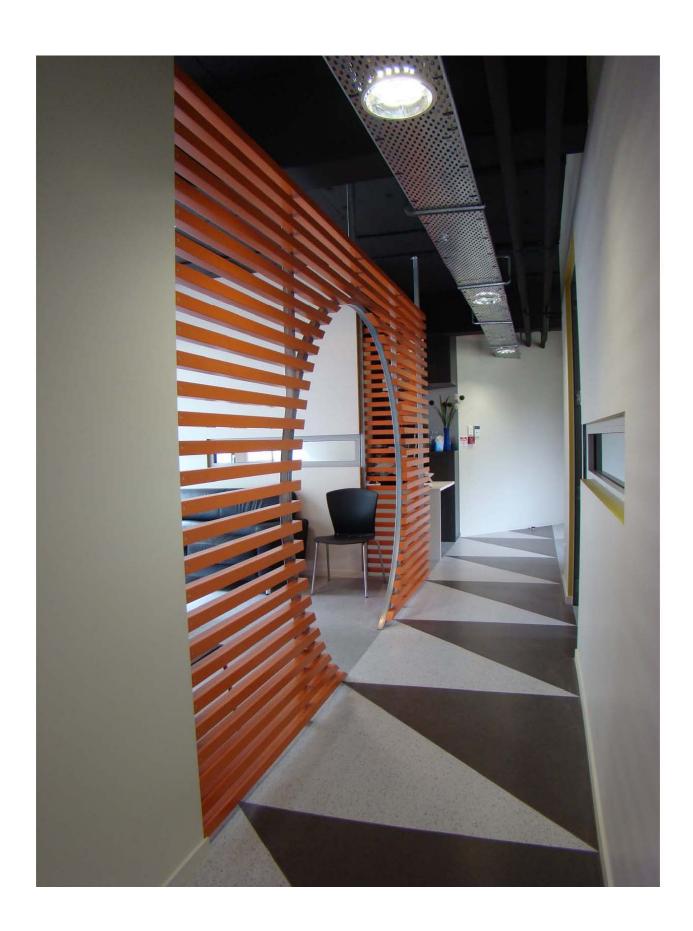
The meeting concluded at 3:30pm

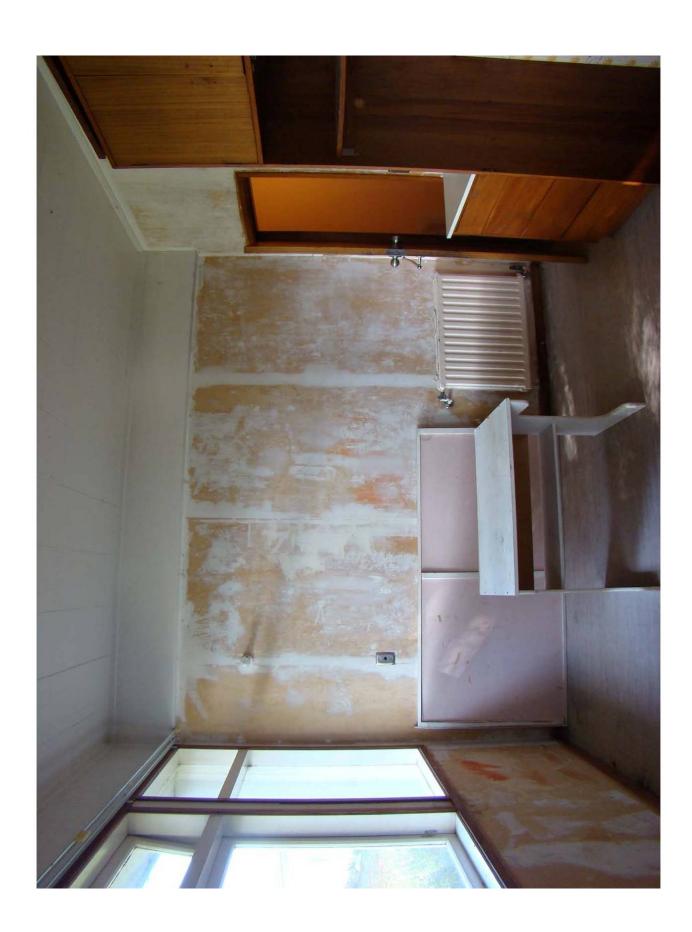
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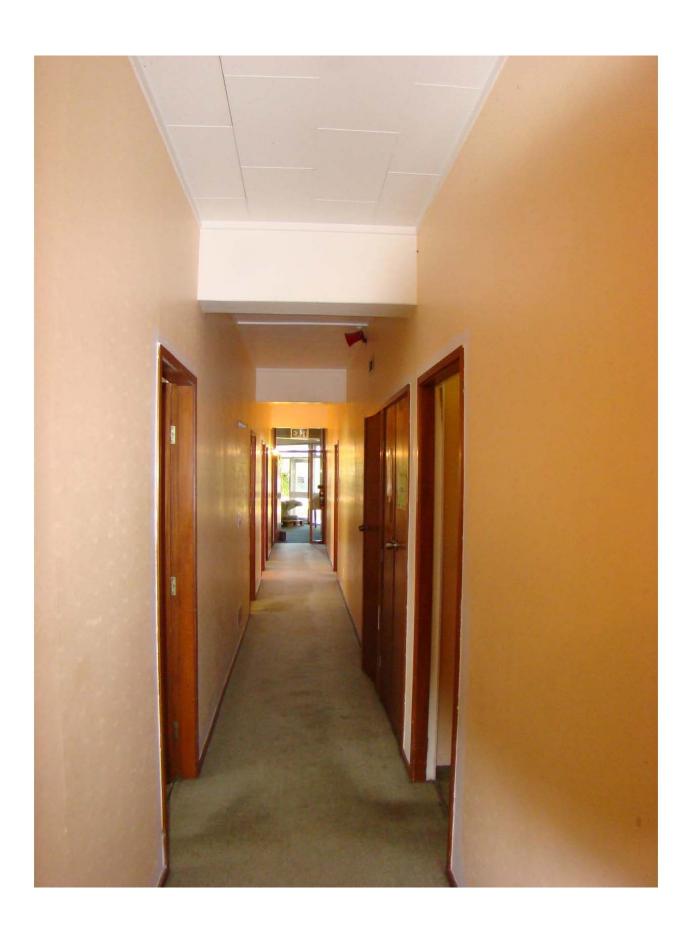


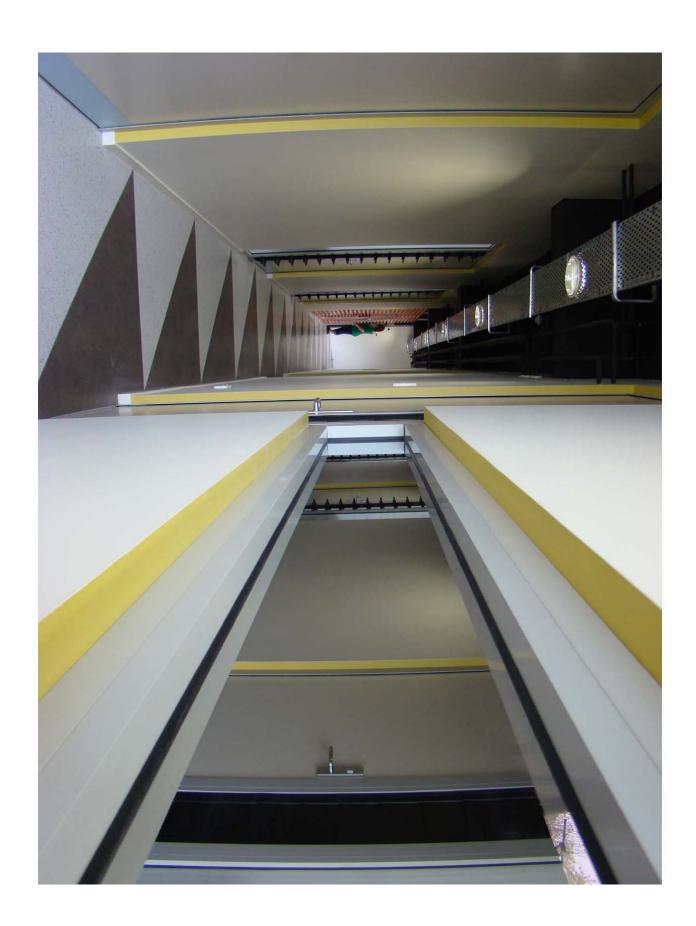


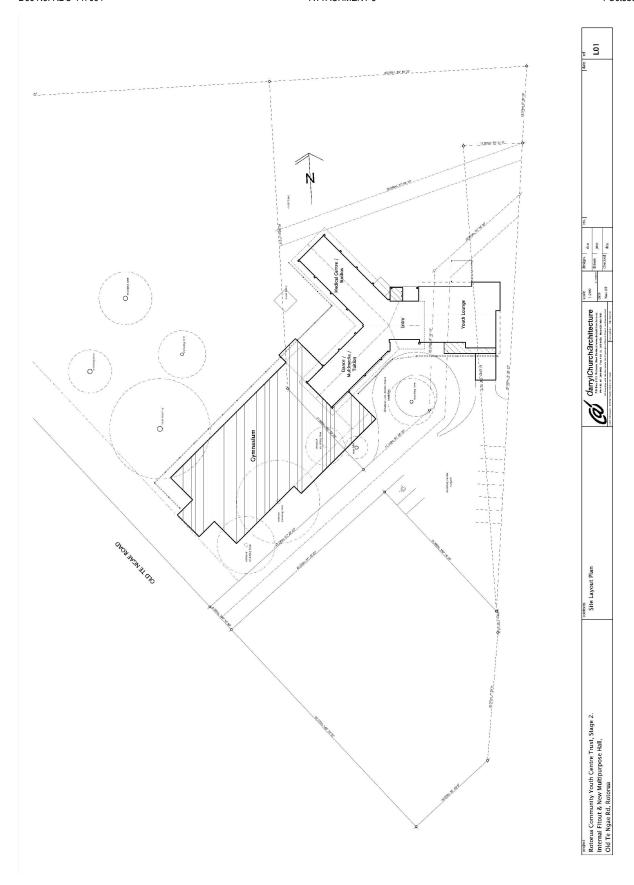


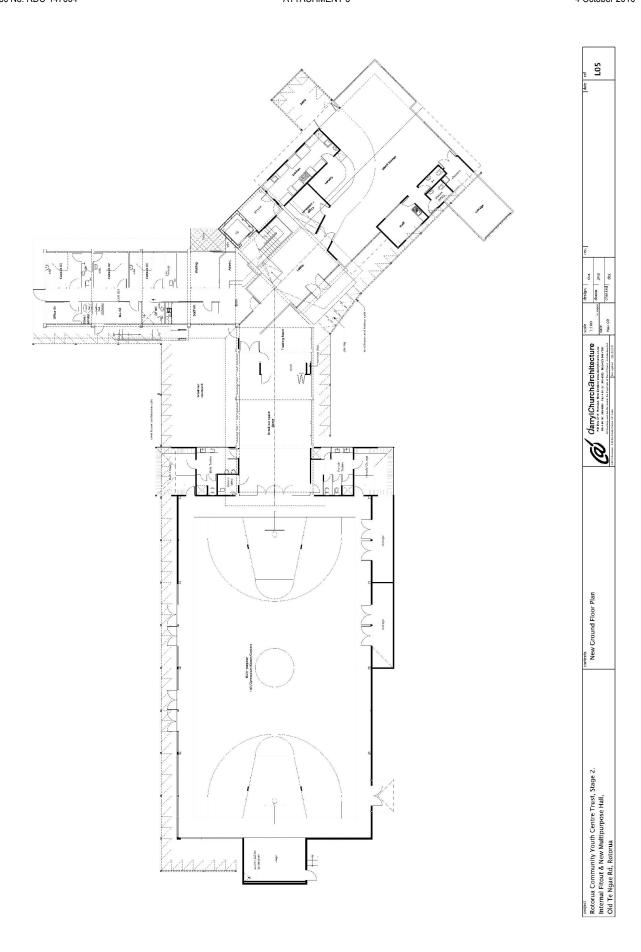


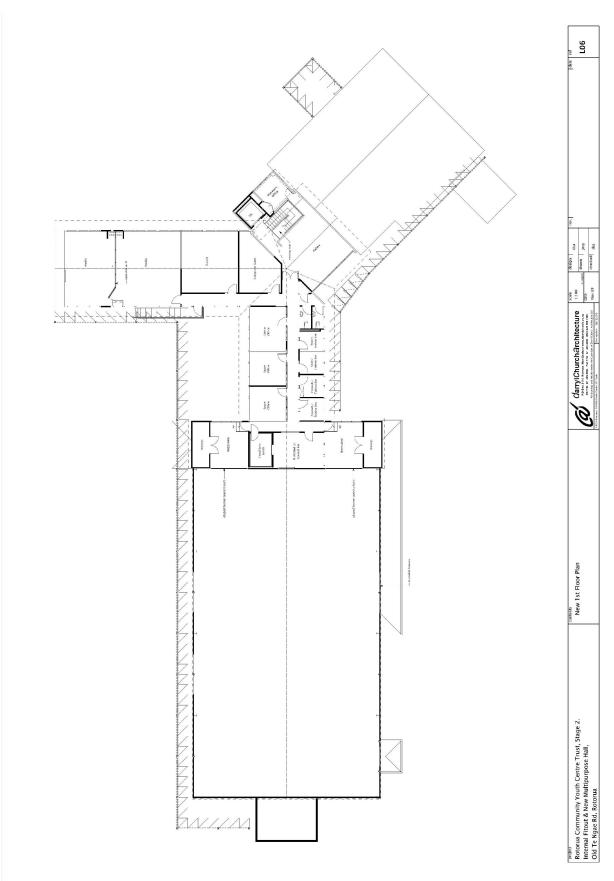


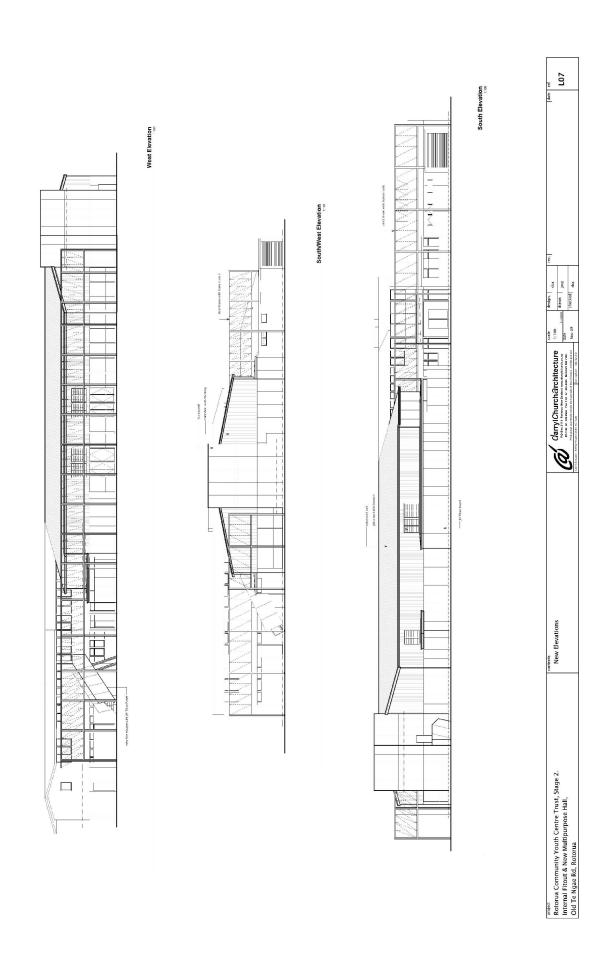


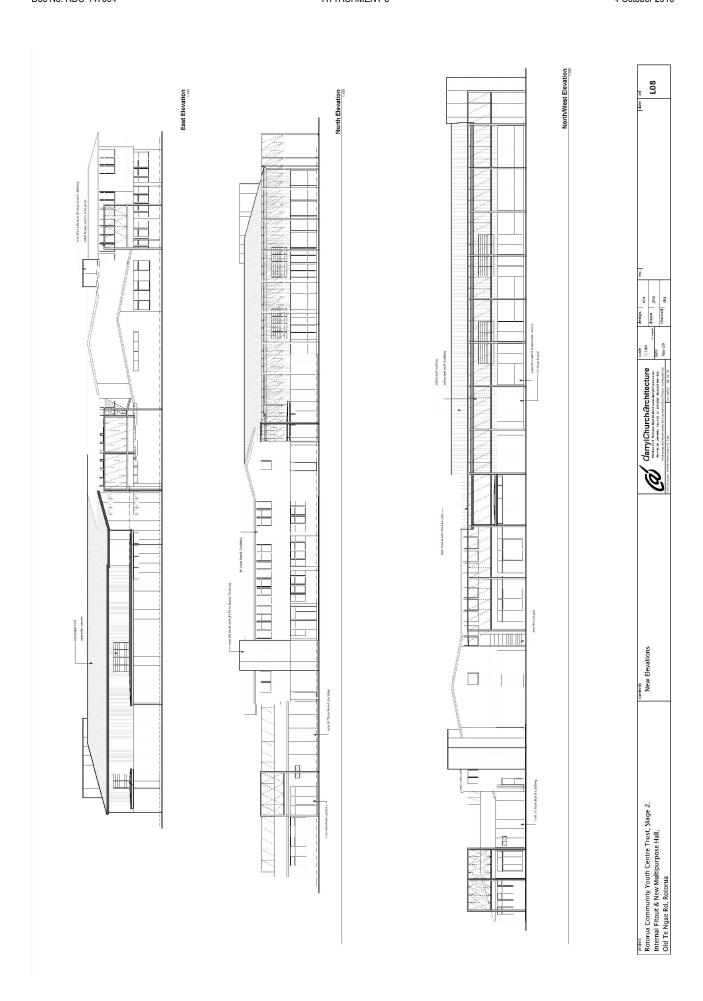












# **The Fenton Agreement The formation of Rotorua Township**

On 25 November 1880 an agreement, now known as the Fenton Agreement, was reached and signed by Judge Fenton for the government and 47 Maori representatives. The government was to act as the trustee/AgentforNgati Whakaue for the creation of the town. The main principles were

- That the land would not be sold
- That 99 year leases would be granted. During that time the Maori owners would receive substantial and perpetual income.
- That the land would return to the people after the expiration of the leases
- That Ngati Whakaue would set aside reserves for the town for recreation, sanatoriums, railways, hospitals etc
- That the Crown would control the thermal waters with the consent of Ngati Whakaue.

An approximate area of a 1000 acres was made available as public reserves with Maori retaining ownership of these lands. The Crown would collect rentals for these reserves and disperse to Maori owners.





The Fenton Agreement would be incorporated into the Thermal Springs Districts Act 1881 which continued to recognise Maori ownership of lands on which thermal springs were located, but it allowed the Governor to proclaim such lands for the purposes of protecting the resource and to allow for settlement.

Following a number of proclamations made under the Act, some 600,000 acres were surveyed by the Crown. On 12 October 1881, a proclamation defined the Pukeroa-Oruawhata Block as a district, effectively creating the township of Rotorua. The government concluded purchase of the township from its Maori owners in 1891. However, the Crown refused to pay for the reserves, as it was considered that they had been gifted as part of the original agreement.

The scale and method of land alienation together with a failure by the Crown to disperse rents collected, were among the reasons for Maori claims against the Crown. Three separate commissions of Inquiry were held in the 1920s, 1930s and 1940s into the issue of the gifting of the land. Ngati Whakaue accepted compensation in 1954 from the Crown, but the loss of this land remained a source of grievance.

From 1880 the Government had been investing in and developing reserves such as Government Gardens. In 1882 the Bath House and caretaker's residence had been constructed. A sanatorium was completed by the beginning of 1885 and during this time Pukeroa reserve was also developed for use as a public recreation ground for sporting activities.





## Ngati Whakaue Gifted Lands Protocol 30 July 1996

In recognition of Ngati Whakaue's spiritual and historical interest in the land, the Rotorua District Council signed a Protocol Agreement with the Pukeroa Oruawhata Trust on 30 July 1996. This agreement sets out the process of inclusion for Ngati Whakaue in the management planning process and any proposed change of status for township reserves.

56-04-301

## ROTORUA DISTRICT COUNCIL

His Worship the Mayor Chairperson and Members NGATI WHAKUAE PROTOCOL COMMITTEE

## ALTERATION TO DESIGNATION - ROTORUA EASTERN ARTERIAL

Report prepared by: Peter Dine, Works Manager Report approved by: Nico Claassen, District Engineer

#### 1. **PURPOSE**

To report and seek consent for an amendment to the designation for the Rotorua Eastern Arterial which affects part of the Sanatorium Reserve.

#### 2. **RECOMMENDATION:**

- THAT THE 'ALTERATION TO DESIGNATION ROTORUA EASTERN ARTERIAL' REPORT BE 2.1 RECEIVED.
- 2.2 THAT THE COMMITTEE CONSENT TO THE AMENDMENT TO THE DESIGNATION OF THE ROTORUA EASTERN ARTERIAL WITHIN THE SANITORIUM RESERVE.

#### 3. **BACKGROUND**

The amendment Notice of Requirement for the Victoria Street Arterial (resolved by Council September 2009) and supported by the Ngati Whakaue Protocol Committee (May 2010) necessitates an amendment to the Rotorua Eastern Arterial (Te Ngae to Sala Street portion) as the junction of the roads shifts to the north (see attached plan). The Requiring Authority for the REA is NZTA so it is only NZTA who can amend the designation. Recent discussions with NZTA have resulted in the outcome that it is sensible to advance this amendment to align the Victoria Street Arterial designation process. Note that the VSA project is actually dependent on this amendment.

As the land involved is all Sanatorium Reserve and part of Gifted Reserves managed by Council it is also sensible that Council prepare the amendment on behalf of NZTA. Any management decisions affecting the Gifted Reserves require the consent of this Committee.

#### 4. STRATEGIC PURPOSE

This is part of Rotorua District Council Transport Strategy of which all components require eventual implementation to be successful. The adopted Management Plan for the Sanatorium Reserve included allowance for the REA route. This is an amendment to that route.

## 5. **POLICY/LEGISLATION**

Due process under the RMA must be followed for an amendment to a designation. This necessitates Council support and in this case, the consent of the Protocol Committee.

## 6. **CONSULTATION**

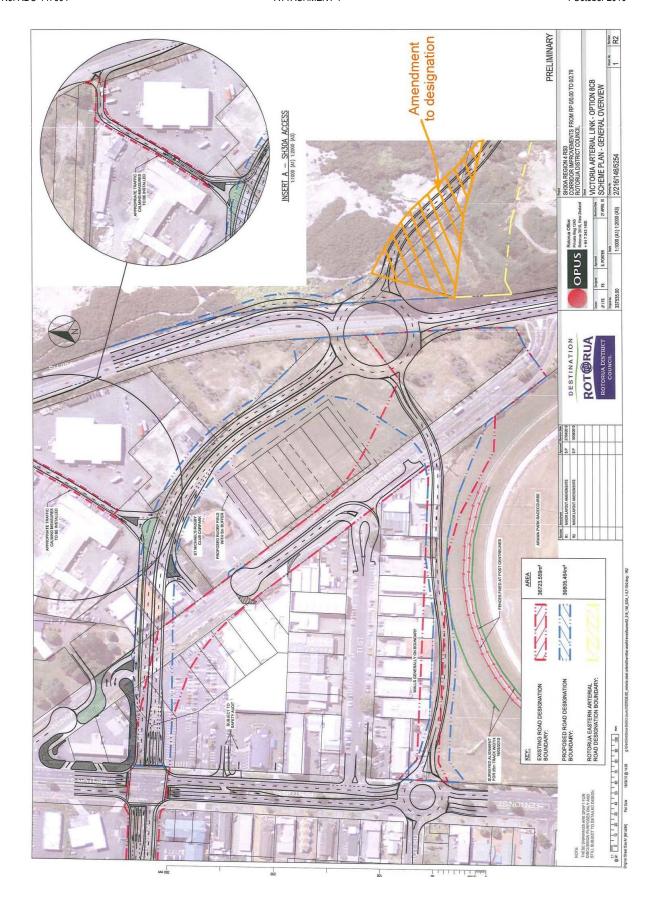
Consultation is essentially with the landowner, managers and lwi interest in the land, as required under the RMA.

## 7. **DECISION**

The decision is consistent with the mandate of this Committee

## 8. APPENDICES

Attachment 1 - Plan



10/3 Doc No. RDC-147604 Ngati Whakaue Gifted Reserves Protocol meeting 4 October 2010

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## ROTORUA DISTRICT COUNCIL

His Worship the Mayor Chairperson and Members NGATI WHAKAUE GIFTED RESERVES PROTOCOL

## PARKS AND RECREATION: POLICY ANALYSIS AND REVIEW RECOMMENDATIONS

Report prepared by: Eric Haycock, Parks Assets and Planning Manager Report approved by: Garry Page, Acting Director Community Services

#### 1. **PURPOSE**

The purpose of this report is to update the Ngati Whakaue Gifted Reserves Protocol members on the Policy Analysis and Review to be undertaken within the Parks and Recreation Department.

#### 2. **RECOMMENDATION**

- 2.1 THAT THE REPORT TITLED "PARKS AND RECREATION: POLICY ANALYSIS AND REVIEW RECOMMENDATIONS" BE RECEIVED AND CONTENTS NOTED:
- 2.2 THAT THE NGATI WHAKAUE GIFTED RESERVES PROTOCOL MEMBERS RESOLVE TO SUPPORT THE ANALYSIS AND REVIEW OF POLICIES WITHIN THE PARKS AND RECREATION DEPARTMENT; AND
- 2.3 THAT REVISED POLICIES, WHERE APPROPRIATE, BE TABLED AT NGATI WHAKAUE GIFTED RESERVES PROTOCOL MEMBERS AS AND WHEN INDIVIDUAL DRAFT POLICIES ARE READY TO BE APPROVED.

#### 3. **EXECUTIVE SUMMARY**

During Council's review of all policies in late 2009 it became clear that the Parks and Recreation policies were in many cases out-of-date and/or duplicated. At that point it was put to Council that a full review of the policies would be undertaken and as policies are updated they be put before Council for approval.

The objective of the review is to formulate a concise policy structure that:

- Provides user-friendly policy documentation that is easy to interpret and that regulates and provides clarity on permitted versus non-permitted activities on reserves; and
- Governs and guides all aspects of Parks and Recreation operations.

#### 4. **BACKGROUND**

Parks and Recreation at RDC covers the following activities:

- Open Spaces providing and managing 800 hectares of reserve land, 45 kms of walkways, 72 playgrounds with 227 individual pieces of play equipment, and 50 hectares of sportsfields.
- **Cemeteries/Crematorium** provides and manages 4 operational cemeteries and one crematorium.

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- Tokorangi Forest Park responsible for the maintenance of walking, mountain bike trails and the general health of the forest plantation.
- Urban design/policy development plays a major role in urban design being responsible for peer review of all subdivision and landscaping plans submitted to Council.
- Nursery operates an in-house nursery to provide cost effective supply of quality plants for Council's parks, gardens and displays.
- Aquatic Centre owns and operates the Aquatic Centre to promote healthy active lifestyles providing the community with low cost, diverse leisure and recreational opportunities.

There are currently 43 approved Parks and Recreation operational policies guiding operations. An analysis of the existing policies has revealed that over a number of years policies have been developed on an ad hoc basis as and when a need has arisen. This tendency has resulted in the following:

- Duplication between existing Parks and Recreation policy;
- Duplication between policies and regulatory functions to be enforced by other departments within RDC; and
- Duplication with existing Code of Conducts, bylaws and legislation.

The scope of the analysis and review will include:

- Development of a new policy structure that gives clear direction and guidance to activities within Parks and Recreation:
- Review and analysis of existing policies to eliminate duplication that will meet statutory obligations and that works towards policies that are clear and concise; and
- Rewriting and /or updating of policies where required within the context of the new policy structure.

Work to date has developed a proposed policy structure (Attachment 1), which was approved, along with a project plan, by the Council's Management Team in June 2010.

#### 5. STRATEGIC PURPOSE / POLICY / LEGISLATION

The strategic purpose is that Council holistically analyse and review all current Parks and Recreation policies related to operations and formulate a new concise policy structure to govern all aspects of Parks and Recreation operations.

#### 6. **ASSESSMENT OF SIGNIFICANCE**

The decision does not trigger consideration of Council's Policy on Significance.

#### 7. ASSESSMENT OF SUSTAINABILITY ISSUES

Council's policy on sustainability will be adhered to at this point in time there are no significant matters to address in this instance.

#### 8. **CONSULTATION**

The stakeholders for each of the anticipated policy categories have been identified within the project plan to ensure that the appropriate stakeholders are consulted with in relation to specific policy and policy development.

## **Anticipated Parks and Recreation Policy Structure**

Anticipated policies categories	Current Policies
Trees & Plants	Tree policy
Activities on Reserves	Blue lake reserve special events
	<ul> <li>Commercial water based activities</li> </ul>
	<ul> <li>Overnight camping</li> </ul>
	Smoke free policy
	Beaches
Leases, Concessions Licenses, & Reserve hire	<ul> <li>Recreational and community lease policy</li> </ul>
	<ul> <li>Lease policy (Parks &amp; Recreation)</li> </ul>
	<ul> <li>Bonds (for entrepreneurial proposals on</li> </ul>
	reserve land)
	<ul> <li>Service concession and commercial Activities</li> </ul>
	on Reserves
	<ul> <li>Tokorangi &amp; Whakarewarewa forest event</li> </ul>
	management and fees
	<ul> <li>Temporary commercial activities on lakefront</li> </ul>
	reserve
	General access and use
	<ul> <li>Reserve closures and exclusive use</li> </ul>
	Community organisations
	Grazing on reserves
Reserves Structures	Shade creation
	<ul> <li>Playgrounds</li> </ul>
	<ul> <li>Parks &amp; reserves 'Takarangi' signage</li> </ul>
	<ul> <li>Parks &amp; reserves 'Tokorangi' signage</li> </ul>
	<ul> <li>Outdoor furniture on reserves</li> </ul>
	<ul> <li>Litter control and dumping</li> </ul>
	Fencing contribution policy
Design of Reserves	<ul> <li>Landscaping and amenity planting</li> </ul>
	<ul> <li>Walkways</li> </ul>
	Beaches
	<ul> <li>Public security and safety</li> </ul>
	<ul> <li>Neighbouring property protection and</li> </ul>
	community consultation
	Rural reserve location and development policy
	Private access to reserve land
Public Lake Structures	<ul> <li>Jetties &amp; boat ramps</li> </ul>
	Boat launching facilities
	Jetties and boat ramps on private property
Reserves Environmental Management	Plant pest control
	Animal pest control
	<ul> <li>Conservation and restoration of environment</li> </ul>
	Lake weed clearance
	Reserve environmental management policy
Sports grounds/facilities	<ul> <li>Sports grounds</li> </ul>
	<ul> <li>Clubrooms and other buildings</li> </ul>
Cemeteries/Crematorium	Cemeteries & Crematorium
Aquatic Centre	Aquatic Centre (Swimming Pools Policy)
Nursery	Nursery