

File No. 60-12-270\02

NGATI WHAKAUE GIFTED RESERVES PROTOCOL COMMITTEE MEETING	
<i>Date/time:</i>	8 May 2017, 1.30pm
<i>Venue:</i>	Council Chamber
<i>Purpose:</i>	Protocol meeting between Pukeroa Oruawhata Trust and Rotorua Lakes Council



<i>Chair:</i>	Mayor Chadwick
<i>Members:</i>	Cr Maxwell, Cr Sturt, Mr A Wilson, Mr M Short, Mr D Tapsell, Miss T Ngatai, Mr T Kingi
<i>Quorum:</i>	4

Agenda

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Draft Minutes Ngati Whakaue Gifted Reserves Protocol Meeting	
<i>Date:</i>	Monday 15 August 2016
<i>Purpose:</i>	Meeting between Pukeroa Oruawhata Trust and Rotorua Lakes Council as protocol partners

<i>Venue:</i>	Council Chamber
<i>Chairperson:</i>	Mayor Steve Chadwick (Chairperson)
<i>Members:</i>	Cr Trevor Maxwell, Cr Charles Sturt, Alec Wilson, Peter Faulkner, Monty Morrison, Malcolm Short, Tina Ngatai and Murray Patchell
<i>Apologies:</i>	David Tapsell, Alec Wilson for lateness
<i>In attendance:</i>	Cr Karen Hunt, Jonothan Briscoe, Ian Chalmers, Tracey Friend
<i>Staff present:</i>	Geoff Williams, Dave Foster, Rob Pitkethley, Robbie Atkinson, Isabel Brell

WELCOME
Mayor Chadwick welcomed everyone present, and opened with a Karakia.

1. APOLOGIES
Resolved: That the apologies for David Tapsell and Alec Wilson be accepted. Cr Maxwell/Malcolm Short CARRIED

2. Confirmation of previous minutes
Resolved: That the minutes of the Ngati Whakaue Gifted Reserves Protocol Committee meeting held 7 March 2016 be confirmed as true and correct record. Mayor Chadwick/Malcolm Short CARRIED

3. Continuing Actions

Resolved:

That the 'Continuing Actions' report be received.

Monty Morrison/Peter Faulkner
CARRIED

Rob Pitkethley provided an update on the land transfers:

- A draft heads of agreement has been created by Henry Weston and Karla Kereopa.
- The draft document will go to the Pukeroa Oruawhata Trust, Department of Conservation, Waiariki Institute of Technology and Rotorua Lakes Council.
- Pukeroa Oruawhata Trust has viewed the document.
- The next stage is for the Department of Conservation to follow through with the removal of the reserve designation.
- Minister Te Ururoa's office will be updated on this process.

Robbie Atkinson gave an update on the Pererika reserve land transfer:

- The feedback from the public consultation will be presented to council on the 18 August 2016, Strategy, Finance and Policy meeting. The report will recommend the exchange of land
- The feedback was positive for the land exchange; the lease to St John was endorsed and input was provided regarding the extension of the skate park..
- The Department of Conservation will process the exchange in accordance with the statutory requirements.
- This completion of this process will allow Pukeroa Oruawhata Trust to continue with the development of the site.

Mr Pitkethley gave an update on Kiwi Rider Ltd and the proposed venues of the Government Gardens and Kuirau Park:

- Due to Civil Aviation restrictions around aerodromes/airport, Kiwi Rider Ltd has been excluded from the inner city areas.
- Tina Ngatai said that Kiwi Rider Ltd had been in discussions with Ngati Whakaue Tribal Lands, and a site had been found near OGO – subject to consents.
- Kiwi Rider Ltd will need complete a resource consent process.

Mayor Chadwick provided an update on sustainability issues:

- A working party has developed a sustainable living strategy, which was approved by council to seek community feedback.
- An action plan will be developed from the feedback.
- Murray Patchell suggested that Peter Faulkner will be the first point of contact, as a representative from Pukeroa Oruawhata Trust.

Geoff Williams gave an update on the business case for the Aquatic Centre/ Kuirau Park development:

- A final report concerning what type of business could operate around the Aquatic Centre is to be submitted to council.
- The next stage is to take the report out to discussion, – to Pukeroa Oruawhata Trust to decide how to proceed. This will occur after the council elections.

Action Points:

- ***The Chair of Pukeroa Oruawhata Trust is to be invited to the meeting with Mayor Chadwick and Minister Flavell concerning land transfers.***

4. Rotorua Public Arts Trust Presentation

Resolved:

That the report 'Rotorua Public Arts Trust Introduction' be received.

Monty Morrison/Cr Maxwell

CARRIED

Cr Karen Hunt (ex officio member) introduced trustees Jonothan Briscoe and Ian Chalmers and committee Member Tracey Friend. Jonothan Briscoe spoke to a presentation (Attachment 1).

The following points were discussed:

- The Trust's role is to secure funding.
- The proposed sites – Pukeroa Hill and the Lakefront need the approval of Ngati Whakaue.
- The selected artworks will be placed in perpetuity.
- The process involves consultation.

Action Point

- ***Pukeroa Oruawhata Trust will discuss this proposal and provide feedback regarding the suggested sites of Pukeroa Hill and the Lakefront at the next scheduled Ngati Whakaue Gifted Reserves Protocol meeting.***

5. Rotorua Watersports Trust Development

Resolved:

That the report 'Rotorua Watersports Trust Development' be received.

Tina Ngatai/Jackie Aratema

CARRIED

Resolved:

That the committee resolved to leave the matter of the lease renewal on the table until further information is received from the Lakes Watersport Trust as to their future long term plan for the site.

Cr Sturt/Malcolm Sturt

CARRIED

Mr Atkinson provided an update:

- The Watersports Trust operates the coastguard, sailing and rowing building at the lakefront, by the jetty boat ramp.
- The Trust proposes to construct an upstairs room, to be used as a dormitory for 14 to 15 people– for training sessions or overnight exercises.
- The Trust would need to secure the renewal of the lease to further continue the developments and to secure funding.
- Guidance is needed from POT as to how to proceed.

Mr Williams provided the following comments:

- The location was originally used as a yacht club and has a long history of popular use.
- The building occupies a fundamental position and as such the position needs to be well utilised.

- A report needs to be received as to how the sports that use the site plan to activate the area.

The following points were discussed:

- An integrated plan is needed for the lakefront.
- POT will discuss this matter.
- The Trust will need some certainty of a long term lease to attract investment to ensure the viability of the proposed project. A long term lease may be acceptable; however there will need to be a clear indication as to how the future activities will contribute to the wider environment.

Action Points

- ***Rotorua Lakes Watersport Trust to provide a business plan on their proposed development.***
- ***A Ngati Whakaue Gifted Reserves Protocol Committee meeting to be scheduled for mid-November to follow up on this proposal.***

6. Pererika Street Land Swap

The Chair ruled that this was discussed in a previous item.

7. Government Gardens Cyway development

Resolved:

That the report 'Polynesian Spa Streetscape Reconfiguration' be received.

Alec Wilson/Jackie Aratema
CARRIED

Resolved:

That the Committee approves the proposed streetscape concept as presented in this report.

Malcolm Short/Alec Wilson
CARRIED

Mr Pitkethley provided an update:

- The proposed improvements will enable better links with the urban cycleway.
- More cycling friendly areas will be created.
- Consent is required for the type of activity that will be occurring in the area.
- Approval is needed by the Committee to be able to move the proposal further with the Historic Places Trust.

8. GENERAL BUSINESS

Mr Atkinson advised that the Rotary Club of Rotorua North would like to donate a drinking fountain – similar to the fountains that are in town. The proposed location is the Government Gardens, opposite the Princes Gate. A resource consent will be submitted to start the process.

RLC is in negotiation with the Youth Centre Trust, Sanitorium Reserve, to consider what other services the centre may be able to offer. This may include extensions to the building. Mayor Chadwick, who is on Youth Centre Trust, reported that there is an agreement to develop a collaborative model for the providers of youth services in Rotorua e.g. Te Waiariki Parea, WERA, Te Papa Takaro. A site has not been finalised.

Mr Atkinson said the Arawa Racecourse has requested to activate the 33 year extension on their lease. A full report will be submitted at scheduled next meeting.

Action Points

- ***Pukeroa Oruawhata Trust members to receive information regarding the agenda items prior to the next scheduled meeting.***

The meeting closed at 2.45pm with a Karakia by Mr Morrison, followed by a site visit to Kuirau Park.

9. SITE VISIT TO KUIRAU PARK

Feedback from the site visit:

- Gary Adlam, Kuirau Park Market, said that in 3 – 5 years time, the market will outgrow the area.
- There is an opportunity to develop new plans for the market – consider long term expansion; links to the Aquatic Centre; ability to close roads; have more seating tables available; close the old toilets and construct some closer to the market space – similar in design as in the Redwoods.
- Mr Adlam will work with Garry Page on some concepts.
- There has been considerable clearing of the undergrowth to improve visibility and create space.
- The paths will connect to cycleway on Ranolf Street.
- The old geothermal bore is to be replaced with a new one.
- There are plans to create a more natural lake edge, in the park, with visual features that tell a story.
- The pool by the lake has been decommissioned and the existing infrastructure has been piped direct to the wastewater system.
- Two areas around the lake have been designed to display sculptures.
- The pergola will feature lashings of rope.
- Trees will be planted that attract birds – e.g. rimu, miro.
- A gas barbeque is proposed for the area.
- There is a proposal to light the genko tree.
- There are plans to construct waharoa – traditional Maori gateways and to create a Maori village.

SUMMARY OF ACTION POINTS

Agenda Item No	Action	Assignee	Date of next Meeting
3	The Chair of Pukeroa Oruawhata Trust is to be invited to the meeting with Mayor Chadwick and Minister Flavell concerning land transfers.	Mayor Chadwick	TBC
4	Pukeroa Oruawhata Trust will discuss the proposal – Pukeroa Hill and the Lakefront as possible sites for art and provide feedback at the next scheduled Ngati Whakaue Gifted Reserves Protocol meeting.	Pukeroa Oruawhata Trust	TBC
5	Rotorua Lakes Watersports Trust to provide a business plan on their proposed development.	Robbie Atkinson	TBC
5	A Ngati Whakaue Gifted Reserves Protocol Committee meeting to be scheduled for mid- November 2016, to follow up on the Rotorua Lakes Watersports Trust proposal.	Isabel Brell	TBC
8	Pukeroa Oruawhata Trust members to receive information regarding the agenda items prior to the next scheduled meeting.	Robbie Atkinson	TBC

Rotorua Public Arts Trust Presentation

Ngati Whakaue Gifted Reserves Protocol Committee

15 August 2016

Purpose of the Rotorua Public Art Trust

- *The Trust was formed in 2016*
- *To raise money and commission Nationally significant artworks*
- *Gift the artworks to the City*
- *To work closely with the Rotorua Lakes Council and private owners*
- *To provide the opportunity for donors to see their contributions supporting a long term philanthropic enterprise in line with the Council's Public Art Plan*
- *Not tax payer funded*



Philosophy behind the Trust

- *New Zealanders have always expressed their identity through works of art*
- *The Tanga te whenua paid homage to their Whakapapa in the carved wooden posts that held up the meeting houses, creating environments steeped in ancestral awareness and shared history*
- *Public artwork is a medium for collective community expression, celebration of the landscape and the enrichment of City life*
- *Art creates places that are meaningful and express the quality and character of our communities, Internationally and Nationally*
- *Cities possessing a quality of great civic design become sites of healthy urbanisation and places where people want to be*
- *Public artworks are more than landmarks; they signify that our City is aware of itself, its past and its future and we take pride in our identity*
- *Public art can be innovative and interactive.*



Operation of the Trust

Chair: *The Right Honourable Paul East*

Trustees: *Jonathan Briscoe, Mike Steiner, & Ian Chalmers*

Committee Members: *Tracey Friend, Alison Lawton, & Karen Hunt (ex officio)*

- *Once a site has been identified, a curatorial panel creates a brief for artists and invites submissions*
- *The artwork itself should be significant in scale, suitable for the site and take in typographic and geographic considerations*
- *The curatorial panel is independent of the Trust and Council*
- *The panel will be comprised of recognised and nationally acclaimed art commentators, proponents and administrators*
- *Karl Chitham*



The concept is based on similar Trusts throughout NZ

Mesh Sculptural Trust, Hamilton

www.meshsculpture.org.nz

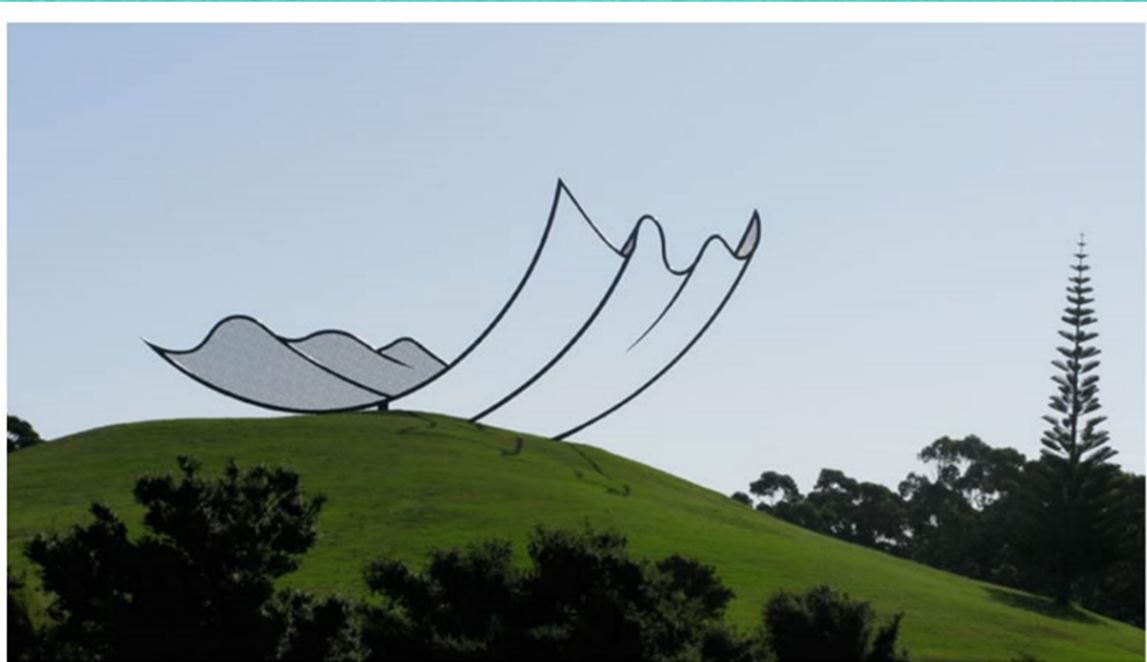


Wellington Sculpture Trust

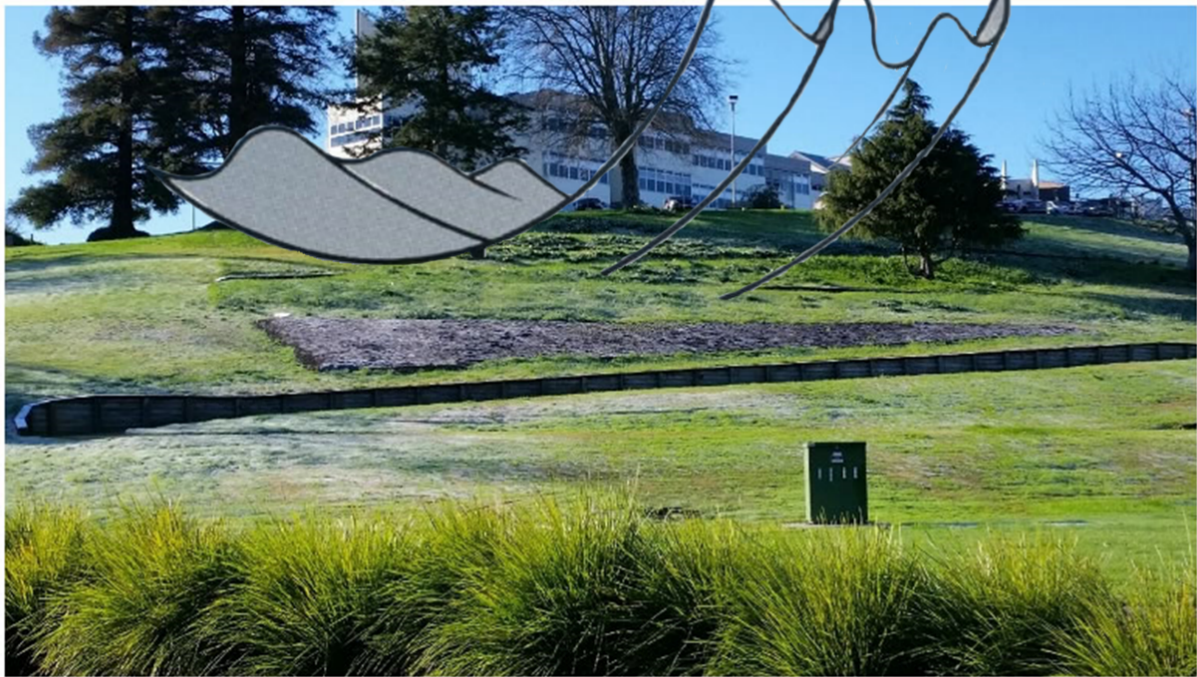
www.sculpture.org.nz



Possible Concepts for Rotorua



Possible Concepts for Rotorua



Possible Concepts for Rotorua

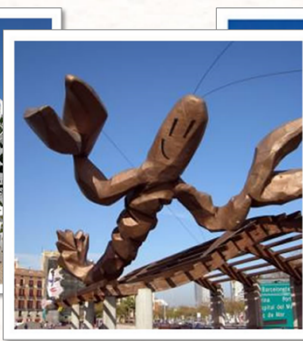
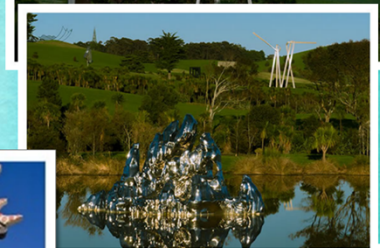
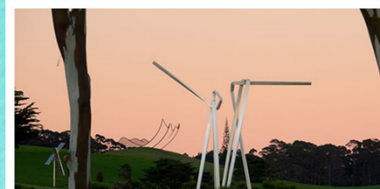


Possible Concepts for Rotorua



Conclusion

- *Rotorua is a unique city. Great sculptures can only enhance its uniqueness.*
- *The generosity of **Ngati Whakaue** is recognised and is the reason for this presentation*
- *All interested parties need to be part of the process from the outset.*



File No: 60-12-270\02
RDC-713828

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
NGATI WHAKAUE GIFTED RESERVE PROTOCOL COMMITTEE

CONTINUING ACTIONS

Report prepared by: Isabel Brell, Governance Support Advisor
Report approved by: Rob Pitkethley, Manager Sport & Recreation

1. PURPOSE

The purpose of this report is to provide feedback on information requested by the committee at a previous meeting.

2. RECOMMENDATION 1

That the report “Continuing Action” for the Ngati Whakaue Gifted Reserve Protocol Committee be received.

SCHEDULE OF CONTINUING ACTION

Committee/Date Report Requested	Subject	Assignee	Status
15 August 2016	The Chair of Pukeroa Oruawhata Trust is to be invited to the meeting with Mayor Chadwick and Minister Flavell concerning land transfers.	Mayor Chadwick	To be updated at the meeting 8 May 2017
15 August 2016	Pukeroa Oruawhata Trust will discuss the proposal – Pukeroa Hill and the Lakefront as possible sites for art and provide feedback at the next scheduled Ngati Whakaue Gifted Reserves Protocol meeting.	Pukeroa Oruawhata Trust	To be updated at the meeting 8 May 2017
15 August 2016	Rotorua Lakes Watersports Trust to provide a business plan on their proposed development.	Robbie Atkinson	To be updated at the meeting 10 April 2017
	<i>A presentation on the proposal will be given at the meeting 10 April 2017</i>		

15 August 2016	A Ngati Whakaue Gifted Reserves Protocol Committee meeting to be scheduled for mid- November 2016, to follow up on the Rotorua Lakes Watersports Trust proposal.	Isabel Brell	To be updated at the meeting 8 May 2017
	<i>A presentation on the proposal will be given at the meeting 10 April 2017</i>		
15 August 2016	Pukeroa Oruawhata Trust members to receive information regarding the agenda items prior to the next scheduled meeting.	Robbie Atkinson	Trust Board members received a draft of the agenda items in February 2017

File No: 60-12-270\02
RDC-712523

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
NGATI WHAKAUE GIFTED RESERVES PROTOCOL COMMITTEE

LEASE UPDATES

Report prepared by: Robert Atkinson – Open Spaces Operations Advisor

Report approved by: Rob Pitkethley, Manager Sport & Recreation

1. PURPOSE

The purpose of this report is to bring the members of the Committee up to date on various issues involving leases that have been received by Council and agree on direction to further progress these where required.

2. RECOMMENDATIONS

- 1. That the report Lease Update be received.**
- 2. That the Committee supports that Council proceed with a 12 month extension of the current lease with the Rotary North Club for an area of Kuirau Park for a Saturday morning market.**
- 3. That the Committee supports a report to Council that they proceed with the signing of a new thirty three year lease and fifteen year renewal period with the Rotorua Racing Club.**

3. BACKGROUND

Rotary Club extension of existing concession on Kuirau Park

The Rotary North Club is seeking a five year extension to their existing concession for the Saturday morning market that they currently hold within Kuirau Park. This is to allow them some certainty in the booking, planning and further development of the market.

The original concession was entered into in August 2007 and concluded in 2012. There was however an extension of this for four years with the agreement of Department of Conservation. This concluded in 31 July 2016 and then a one year extension was granted by Council to 31 July 2017. The rental at that time was \$690 GST Incl. It is recommended that this rental remain the same for the new term of the lease.

In the past this is something that would have needed the agreement of the Department of Conservation in terms of the activity not being contemplated by the existing reserve management plan. However this agreement is no longer required and Council under delegated authority from the Minister of Conservation can act as the signing authority in this instance.

The Council would like to offer the Rotary Club a twelve month extension on the same terms and conditions as the existing lease. The reason for this is to allow Council to complete some strategic planning for the reserves and to lock in a five year agreement at this stage could be premature and hinder the development, direction and implementation of the plan.

As the market is not mentioned within the Reserve Management Plan Council should technically undertake consultation on allowing this activity to occur. Given that consultation was completed previously and that further consultation on the strategic direction will be carried out, it is felt that to consult once again for an ongoing activity would not be of benefit in this process.

The recommendation of this report as it relates to the Rotary North concession is that Council proceed with offering a twelve month extension of the current lease.

Rotorua Racing Club – New lease on Arawa Park

Arawa Park has been used for horse racing purposes since 1891. The existing lease was entered into in January 1985 for a full thirty three year term. However the term start date was backdated to May 1984 when the previous lease expired. This has given the existing lease a final expiry date of 30 April 2017.

The existing lease contains the following clause under section 17 d):

(d) That where the Lessor is satisfied that there is sufficient need for the said land to be continued to be used as a horse racing track and that in the public interest some other sport, game or other recreational activity should not have priority and if the Lessor is satisfied that the Lessee shall have paid the rent hereby reserved and observed and performed all the covenants and condition hereof and if the Lessee shall have given notice in writing to the Lessor at least six (6) calendar months before the expiration of the said term of its desire to take a new lease of the premises hereby demised then the Lessor will at the cost of the Lessee grant to the Lessee a renewed lease of the said premises for a further term of 33 years from the expiration of the term hereby created at a rental to be agreed upon between the parties or failing agreement to be settled by arbitration in accordance with the provisions hereinbefore contained but not in any case to be less than the rental payable during the last 11 years hereof and otherwise upon and subject to the like covenants conditions and restrictions as are herein contained excepting this present right or option of renewal the Lessor to execute such renewed lease upon the execution thereof be the Lessee.

Council can confirm that the Rotorua Racing Club has met the conditions within the above clause therefore it requires Council to grant a renewed lease for a term of 33 years. The new draft lease has amended clause (d) to a reduced term of 15 years. This was reached with the agreement of Rotorua Racing in exchange for holding the lease rental at the current amount for the first 11 year rent review period.

The expiry date for the new initial lease period will be 30 April 2050 and if the 15 year option is taken up this date will be further extended to a final expiry date of 30 April 2065. The only mechanism to end the lease is in the event that the Rotorua Racing Club breaches the lease or fails to pay the rent due.

It is Council's understanding that there have been discussions between Rotorua Racing and Arawa Park Community Trust regarding who the best organisation is to hold the lease over Arawa Park. It is understood that agreement has been reached that the Rotorua Racing Club should continue to hold the lease for this area.

Rotorua Racing have indicated that they would like to explore further options for the use of the centre part of the race course where the old soccer fields were located for the holding of expo's,

shows and other activity suitable for the space. Arawa Park will be hosting the first Rotorua Mud festival in December which will highlight what this space can achieve.

The recommendation for Rotorua Racing Club lease is to allow the lease to be granted on the existing terms and conditions as the current lease except where modified by this report. The lease format and wording have been updated to reflect current common practice.

Arawa Scouts – Pererika Street

The Arawa Scouts have given Council verbal advice that they have ceased to operate from their premises on Pererika Street. This is the old school building that was relocated to the site from Whakarewarewa Primary School in 1946. The building dates from 1901 when it was first constructed and carries a Historic Place Category 2 (no 790) for the exterior of the building.

From discussions held the main reason for quitting the lease is that the insurance premiums on the building are around \$3,000 per year and this is considered to be unsustainable for the scouts going forward.

As part of the lease agreement, Council has the right to request that the building be removed from the reserve. At this stage Council will not be exercising that right and is willing to take over the ownership of the building from Scouts pending further investigation into the condition of the building.

The recommendation for the Arawa Scouts is that this is simply received and held over to the next meeting when more investigations have been concluded and formal notice given by the Arawa Scout group.

Sala Street – Short putt and golf

A request has been received from the current lease holder of this area to alter the activity that occurs on the reserve. The portion of the reserve that is occupied by this lease is classified as Recreation Reserve under the Reserves Act 1977. The area was set aside under the Fenton Agreement as a public cemetery in 1880 and reclassified as a recreation reserve in 1995.

The lease was entered into in September 1995 and if all renewal options are taken up, then the lease concludes in September 2028. The current lease holder has raised two possible alternative uses of the site:

- The first option is to allow a camping ground to be established on the site. This is seen as an ideal location by the lease holder to support the activity within the Redwoods and wider Whakarewarewa Forest area through existing cycling links into the forest through the Scion / Department of Conservation occupied land. There could also be flow on effect for the large scale sporting tournaments that occur within Puarenga Park by providing another accommodation option close by. An understanding of how this will impact on the views from the Crematorium would need to be completed.
- The second option is to construct a golf driving range on site. This would be a fully enclosed space using netting to define the area. It is understood that there is only one other dedicated fully enclosed golf driving range within Rotorua (Government Gardens). This would probably require less infrastructure to achieve than the motor camp area. It is also a change from being able to allow for public access to the reserve outside of normal operation times because to enclose and operate a driving range it would need to be an exclusive lease. It is thought that the golf driving range would dominate the area in terms of size and scope along the Te Ngae Road

frontage and a full understanding of how this would impact of any views from the chapel within the Rotorua Cemetery would need to be undertaken.

Both options are permissible under the Recreation Reserve classification within the Reserve Act 1977. This is in line with Section 54 (1)(a) *lease to any person, body, voluntary organisation, or society (whether incorporated or not) any area set apart under section 53(1)(h) for baths, a camping ground, a parking or mooring place, or other facilities for public recreation or enjoyment*. Both options would however require an amendment to the Reserve Management Plan and also require a resource consent.

The recommendation for the Short Putt Golf is for Council to decline both changes until such time as further internal planning and direction has been completed.

Sanatorium Reserve – Shambles Theatre

Shambles Theatre is situated next to Pak ‘n’ Save on a piece of the Sanatorium Reserve. They are seeking funding to upgrade their building and so have requested that Council allow them to enter into a new twenty year lease to secure this funding.

The existing lease was entered into in April 2004 and was due to expire in March 2014 however a variation to the lease was completed in 2011 that extended the lease out to March 2024. Should the request for a 20 year lease be approved then this would extend the term to 2037.

A letter received by Council in 2015 from Pukeroa Oruawhata Trust indicates that any redevelopment of Shambles Theatre will not receive the support of the Trust until such time as historical issues around the acquisition of the land have been resolved.

There are a number of considerations that Council is currently looking into for growing performing arts in Rotorua. An extension of this lease at this time is premature to fully exploring these options with performing arts groups across the city.

Given the two items raised above the recommendation is to hold off on this decision until all these items can be addressed.

File No: 60-12-270\02
RDC-712685

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
NGATI WHAKAUE GIFTED RESERVES PROTOCOL COMMITTEE

LAND EXCHANGE UPDATE ON PERERIKA STREET RESERVE

Report prepared by: Robert Atkinson – Open Spaces Operations Advisor

Report approved by: Rob Pitkethley, Manager Sport & Recreation

1. PURPOSE

The purpose of this report is to bring members of the committee up to date on development of the land exchange on Pererika Street Reserve.

2. RECOMMENDATIONS

- 1. That the report Land Exchange update on Pererika Street Reserve be received.**

3. BACKGROUND

Pukeroa Oruawhata Trust and Council have been working on the return of land on Pererika Street Reserve. The process is that Council will firstly need to return the land to Department of Conservation as the land was derived from the Crown in the first instance, and under the Reserve Act 1977, any reserve that was derived from the Crown can only be returned to the Crown.

This process was initiated with the Department of Conservation late last year and they have responded with some queries and clarification points. Most of the questions from the Department of Conservation are seeking clarification around statutory process and land status, to which we have responded accordingly. However there are two areas of concern that the Department of Conservation have which require further discussion and/or note, these questions from the Department's Statutory Land Management Advisor are listed below:

- 1) I note that Council proposes the exchange on a nil equality of exchange basis. It will be necessary to obtain valuations of the respective areas to support this. As the reserve land to be exchanged is the Crown's, the Public Finance Act prevents the department from accepting an area of lesser market value in exchange for an area of greater market value, unless the other party pays the equality if there is an appropriation to cover the Crown's cost. Unfortunately the Crown is unlikely to be in a position to cover the appropriation.*
- 2) I am seeking further advice (from within the Department) on the need for further iwi consultation to meet the Crown's consultation requirements.*

Question 1 needs to be discussed by the Committee before proceeding to obtain the information required by the Department.

At the time of writing this report we have not heard back regarding the outcome of question 2 above and may be in a better position at the time of the meeting to provide further information regarding this.

We have also discovered in working through the detail that the three lots that are next to Trade Central (Lot 1,2,3 DPS 44223) are actually fee simple and cannot be considered as part of the exchange so will need to be dealt with through another mechanism. Exactly what this will be and entail is unclear at this stage.

There are two options for this. One would be to enter into some form of lease with Pukeroa Oruawhata Trust over the land and the second would be a sale and purchase agreement but this would need to go back to Council as approval for the disposal of these areas was for an exchange only and would need to wait until such time as the Disposal of Land policy had been completed.

The St John ambulance are still keen to enter into a lease upon a section of the exchanged land however the site will now be used at the administrative hub for Rotorua and separate ambulance sites will be established on Fairy Springs Road and Te Ngae Roads. This has removed the requirement to have access to Amohau Street.

File No: 60-12-270\02
RDC-713491

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
NGATI WHAKAUE GIFTED RESERVES PROTOCOL COMMITTEE

ROTORUA PUBLIC ARTS TRUST PRESENTATION FOLLOW UP

Report prepared by: Robert Atkinson – Open Spaces Operations Advisor

Report approved by: Rob Pitkethley, Manager Sport & Recreation

1. PURPOSE

The purpose of this report is to agree in principle to the Rotorua Public Arts Trust request for spaces for them to erect significant artworks.

2. RECOMMENDATION

- 1. That the report Rotorua Public Arts Trust Presentation Follow Up be received.**
- 2. That the Committee agree in principle for spaces to be made available for public art.**

3. BACKGROUND

At the last Ngati Whakaue Gifted Reserves Protocol Meeting, the Rotorua Public Arts Trust gave a presentation regarding who they are, what they are hoping to achieve and some of the sites that they would like to have considered for the installation of significant public artworks.

The two sites proposed by them as suitable sites are Pukeroa Hill and the Lakefront Reserve. Refer to the minutes of the previous meeting for a copy of their earlier presentation.

This item was held over until this meeting to give Pukeroa Oruawhata Trust a chance to discuss these options internally and come to a decision. The Rotorua Public Arts Trust has provided some further information to overview their presentation to the last meeting and this is attached.

If one of these sites is found to be agreeable in principle to the committee, then this will enable the Trust to seek applications from suitable artists. The Trust has given an undertaking to return to this Committee in terms of reporting what art might be suitable and seeking Committee approval for any specific works. This would be done before proceeding to seeking external funding for any significant public art.

4. OPTIONS FOR ADDITIONAL RECOMMENDATIONS

OPTION 1

That the Committee supports in principle the installation of art work into the site identified within the Lakefront Reserve or Pukeroa Hill, and that further reports on specific artworks would be presented to this Committee as this progresses.

OPTION 2

That the Committee does not support the installation of artworks at these two sites at this time.

5. ATTACHMENTS

Attachment 1: Further information

Further information

OVERVIEW FOR

Ngati Whakaue Gifted Reserves Protocol Committee

Rotorua Public Arts Trust

The Importance of Public Art



Research has shown that the role of Arts in a community is very significant. Public art is a medium for collective community expression and celebration of its landscape. It creates vibrant communities with a connected population, attracting residents, visitors and businesses – referred to as the ‘Arts Ripple Effect’

This art, often, though not always, monumental in scale, looms large in public spaces and transforms them through its existence, creating places where people want to be.



Lonely Planet has chosen Taranaki as the second best region in the world to visit. The Len Lye Centre is named as one of the two un-missable experiences and is labelled Taranaki’s answer to the world famous Guggenheim in New York. (Lonely Planet 2017)

Purpose of the Rotorua Public Arts Trust

- Gifting artworks to the people of Rotorua, through raising money and commissioning nationally significant artworks.
- These artworks are not tax payer funded.
- Work closely together with the Rotorua Lakes Council, Ngati Whakaue and private owners.

Possible Sites

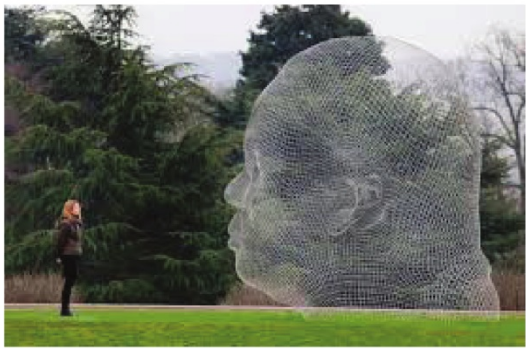
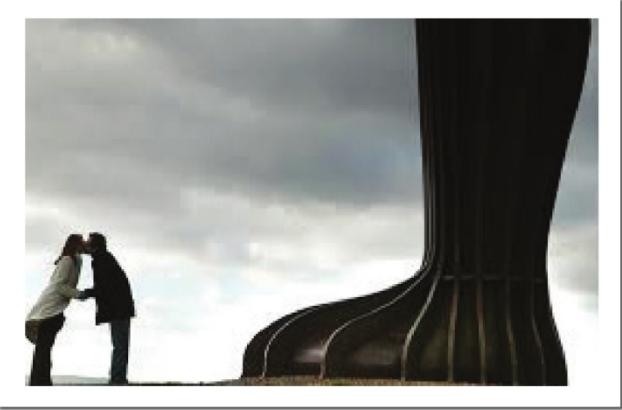


Lakefront



Hospital Hill

Public Art Works



Conclusion

- Rotorua is a unique city and great sculptures can only enhance this uniqueness.
- The generosity of Ngati Whakaue is recognised and is the reason for this presentation.
- All interested parties need to be part of the process from the outset.



Hemo Gorge Project

Public artworks are more than landmarks; they signify that our City is aware of itself, its past and its future and we take pride in our identity. Public art can be innovative and interactive



PUBLIC EXCLUDED

RESOLUTIONS TO EXCLUDE THE PUBLIC

<u>General subject of each matter to be considered</u>	<u>Reason for passing this resolution in relation to each matter</u>	<u>Ground(s) under Section 48(1) for passing of this resolution</u>
MOST COMMON CLAUSES	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Section 48(1)(a) Section 7(2)(h)

File No: 60-12-270\02
RDC-714052

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
NGATI WHAKAUE GIFTED RESERVES PROTOCOL COMMITTEE

FUTURE OF THE SOUNDSHELL

Report prepared by: Robert Atkinson – Open Spaces Operations Advisor

Report approved by: Rob Pitkethley, Manager Sport & Recreation

1. PURPOSE

The purpose of this report is to seek the Committee support for the short term future of the Soundshell and associated Café located on the Lakefront Reserve.

2. RECOMMENDATIONS

- 1. That the report Future of the Soundshell be received.**
- 2. That the Committee supports that Council give notice to the Lakeside Café and Craft as per their lease requirements and.**
- 3. That the Committee supports that the buildings will be mothballed until such time as they are demolished.**
- 4. That this report be made publicly available once the owners of the Lakeside Café and Craft have been notified of the Council decision to proceed.**
- 5. That the minutes relating to this item be made publicly available once the owners of the Lakeside Café and Craft have been notified of the Council decision to proceed.**

3. BACKGROUND

Since July 2015 the Soundshell Auditorium has been closed to the public due to receiving a classification of being earthquake prone under the definitions contained within the 2004 Building Act. The Soundshell Auditorium is empty and the western annex is currently being used for the storage of items removed from the Library during the renovations while the eastern annex houses the Lakeside Café. The café area when assessed against the 2004 Building Act without the Soundshell included is considered to not be earthquake prone.

Upon investigation into bringing the Soundshell up to meeting the minimum requirement to no longer be classified as an earthquake prone building it was discovered that the best way to describe it was like a box sitting on top of the underlying land. Consequently to bring the building up to earthquake standard would require the formation of foundations under the existing building which consultants have advised would be extensive, intrusive and costly to complete but were unwilling to put a figure in writing however verbally noted that it would probably be between two to three

million to complete the works. Given the lack of use experienced by the Soundshell over the last ten years, it is considered to not be worth the investment into this building. During the 2015-2025 LTP Council considered the options for the future of the Soundshell with costs for demolition, refurbishment and rebuilding as possible scenarios for long term funding requirements. The Council agreed to provide funding in the LTP for the demolition option. Subsequently the Soundshell suffered a roof failure late last year and internal water damage occurred. Insurance compensation from this event is sufficient to cover 60% of the cost of removal.

Initially it was thought that if the Auditorium was demolished the Café could remain as a freestanding building. On investigating this further there is however a large amount of work required to the café to support it as a free standing building and to return it to a fit for purpose condition. This work would involve the construction of a new exterior wall along the boundary where the Soundshell building would be removed, a new roof, renovations of existing toilets and kitchen area, removal of asbestos material and various fittings and furnishings that would need to be replaced. The cost of this is estimated to be around \$650,000. There have been ongoing maintenance requirements this year to simply keep the café functioning which will cost Council \$35,000 and water egress into the roofing cavity has seem a section closed off to public access for safety reasons.

Given the costs of supporting the café on its own it would be more sensible to look at options to replace the building with a purpose built café/restaurant and ticket booking office as part of a larger planning exercise for the Lakefront Reserve. This may or may not be built on the current location of the café / Soundshell.

As the building (Soundshell, Café) are continuing to deteriorate and the café will need continued investment to maintain on a short term basis it is considered more efficient to no longer lease out the café area and that the existing lease shall not be replaced and the building mothballed until such time as it can be demolished.

Under the terms of the lease RLC has with the Lakeside Café there is a requirement to give twelve months' notice pending Council intention to either quit the lease and or not renew the lease at the end of its current terms. It is Council's intention to exercise this right.

Council staff have requested that the report and its contents be considered as confidential until such time as staff and Council have had the opportunity to formally inform the Café operators of the decision.

File No: 60-12-270\02
RDC-713491

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
NGATI WHAKAUE GIFTED RESERVES PROTOCOL COMMITTEE

ROTORUA THERMAL HOLIDAY PARK UPDATE

Report prepared by: Rob Pitkethley, Manager Sport & Recreation

Report approved by: Henry Weston, Acting Group Manager, Operations

1. PURPOSE

The purpose of this report is to update the Committee on the process for transferring the land at the Rotorua Thermal Holiday Park from RLC to Pukeroa Oruawhata

2. RECOMMENDATIONS:

- 1. That the report Rotorua Thermal Holiday Park Update be received.**
- 2. That the Committee agree to the proposed process for initiating the land transfer**

3. BACKGROUND

The proposal to transfer the Reserve land under the Rotorua Thermal Holiday Park has been before this Committee for several years. The process to complete this transfer is complicated as it involves not only RLC and Pukeroa Oruawhata, but also the Crown as the owner of the land and the administrator of the Reserves Act. In this instance the Department of Conservation represents the Crown.

Since the last Committee meeting staff working on the land transfer have also been having discussions with Waiariki Bay of Plenty Polytechnic (now Toi Ohomai). Toi Ohomai is a directly affected party to the transfer as they currently hold the lease for the Rotorua Thermal Holiday Park.

To ensure all parties had a similar understanding of what the land transfer was seeking to achieve and the principles and process that would need to occur to initiate the formal transfer of the land, a Draft Heads of Agreement was prepared and circulated to all parties last year for comment. This draft is attached.

The RLC Property team have very recently received advice from Toi Ohomai that they have been in contact with Pukeroa Oruawhata. Through these discussions, Toi Ohomai have confirmed that they have no issues with ownership of the Holiday Park being restored to Pukeroa Oruawhata subject to protecting their existing rights under the lease. They have also asked for an alteration to the existing lease that would (for all intents and purposes) give them a right of renewal. Pukeroa Oruawhata have indicated that they agree with this.

Consequently now all four parties to the Draft Heads of Agreement for the land transfer of the Rotorua Thermal Holiday Park have verbally confirmed that they support the document.

4. DISCUSSION

Given the broad agreement to an approach to resolving this transfer, we do not see any issue with getting all parties to sign the Draft Heads of Agreement. Staff will then initiate the process to start the formal transfer of the land. Council staff will seek the necessary resolution from Council to cancel the vesting of the land and will engage our consultants, The Property Group, to work its way through this process. Council's Property Manager Tyron Tomlinson will be present at the Committee meeting to clarify any questions from Committee members around this process.

One of the details to make sure the Committee is aware of is that staff have identified that some of the commemorative trees planted in Centennial Reserve are located on the very western edge of the Thermal Holiday Park title. As the process moves forward, Council will be anxious to protect this area and the values it holds for the community. Potentially it could be protected through subdivision or through a protective covenant over the area shown in Appendix 2. This is an area of about 0.85 ha along the western boundary of the Thermal Holiday Park that includes these trees and a connection from the northern end of Centennial Park to Moncur Drive.

5. ATTACHMENTS

APPENDIX 1. Draft Heads of Agreement

APPENDIX 2. Centennial Park Trees and Moncur Drive Access area

HEADS OF AGREEMENT

BETWEEN PUKEROA ORUAWHATA TRUST ("Pukeroa")

AND WAIARIKI BAY OF PLENTY POLYTECHNIC ("Waiariki")

AND ROTORUA DISTRICT COUNCIL ("Council")

AND DEPARTMENT OF CONSERVATION ("the Department")

THE PARTIES

- A. The Council administers 12.1625ha of land contained in Certificate of Title SA54A/985 as a recreation reserve ("the land")
- B. Waiariki are the lessee of the land for a term of 33 years commencing on 1 July 1994 and with a right of renewal
- C. Pukeroa represent the descendants of the original owners of the land who gifted the land to the Crown
- D. The Department represents the Crown as the current owner of the land, and the agency responsible for the administration of the Reserves Act 1977.

THE PARTIES ACKNOWLEDGE:

- 1. Pukeroa have long considered that the land has not been used for the purposes for which it was originally gifted to the Crown and that this has been a source of considerable grievance.
- 2. Pukeroa wish to have ownership of the land returned to it in accordance with the processes established as a result of its 1993 Treaty settlement with the Crown.
- 3. The process of returning ownership of the land is a complex one without guaranteed outcomes. It requires cancellation of the vesting in the Council, and revocation of reserve status under the processes set out in the Reserves Act 1977.
- 4. Waiariki want certainty around its tenure so it can look to a future relationship with the land with confidence, and improved opportunities for its students.
- 5. Both Waiariki and Pukeroa are committed to an ongoing positive relationship with each other, and to working together to ascertain how their respective interests can best be aligned with respect to the land.
- 6. The Council and Department want to ensure that any important public values associated with the land (access, amenity, ecological) remain protected.

REPRESENTATIVES OF THE PARTIES HAVE AGREED IN PRINCIPLE (SUBJECT TO FORMAL CONFIRMATION) THAT:

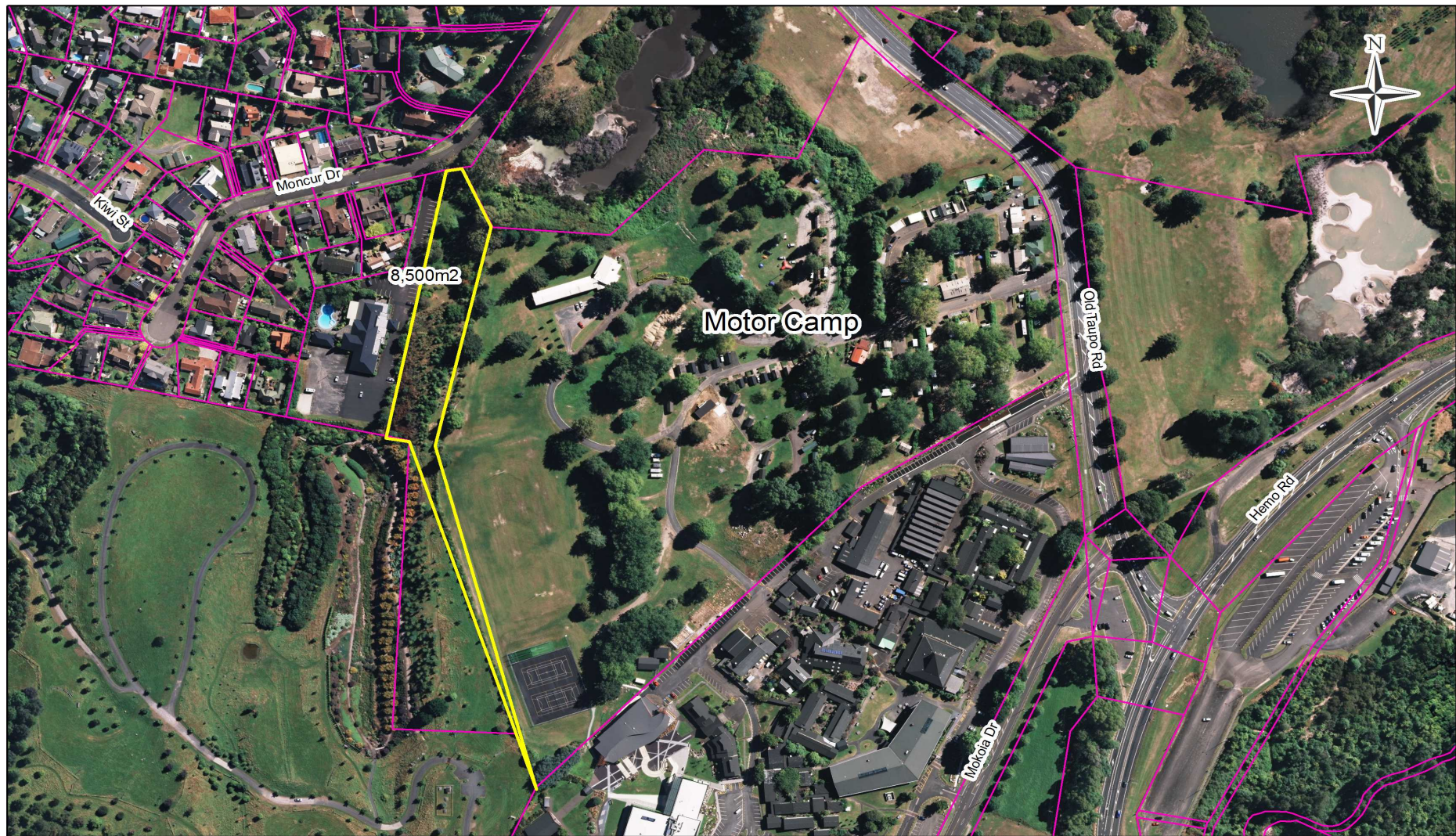
1. Pukeroa and Waiariki will work together to identify how their respective interests can be aligned with respect to the land should ownership be returned to Pukeroa. For Waiariki this is about forming a new relationship and getting security of tenure; for Pukeroa, this is also about forming a new relationship and getting ownership of the land returned.
2. Council staff will request Council to consider making a resolution to cancel the vesting of the land in the Council, and asking the Department to initiate the statutory process to revoke the recreation reserve status.
3. The Department will, on receiving a Council resolution, initiate the statutory process to revoke the recreation reserve status and, if successful, will work with Land Information New Zealand to return ownership of the land to Pukeroa in accordance with the Gifted Land Policy.
4. The Council will support the Department with the public process required to consider whether the recreation reserve status will be revoked.

SIGNED for PUKEROA by: _____

SIGNED for WAIARIKI by: _____

SIGNED for COUNCIL by: _____

SIGNED for THE DEPARTMENT by: _____



Centennial Park

100 50 0 100 Meters