



**ROTORUA
LAKES COUNCIL**
Te Kaunihera o ngāi Roto o Rotorua

Kaupapataka Agenda

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Date: Thursday 24 November 2022

Time: 9.30am

Venue: Council Chamber

MEMBERSHIP

Chair Mayor Tapsell

Deputy Chair Cr Kai Fong

Members
Cr Barker
Cr Brown
Cr Kereopa
Cr Lee
Cr Maxwell
Cr O'Brien
Cr Paterson
Cr Wang
Cr Waru

Quorum 6

NGĀ TUKUNGA HAEPAPA A TE KAUNIHERA COUNCIL DELEGATIONS

Type of Committee	Council
Subordinate Committees	None
Legislative Basis	Schedule 7 S30 (1) (A), Local Government Act 2002 Committee delegated powers by the Council as per Schedule 7, S32, Local Government Act 2002
Purpose	The purpose of the Council is to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee.
Reference	01-15-016-01
Membership	Mayor Tania Tapsell (Chair) Deputy Mayor Councillor Sandra Kai Fong (Deputy Chair) Councillors Karen Barker, Gregg Brown, Lani Kereopa, Robert Lee, Trevor Maxwell, Conan O'Brien, Don Paterson, Fisher Wang and Rawiri Waru
Quorum	6
Meeting frequency	Monthly
Delegations	<ul style="list-style-type: none"> • the power to make a rate • the power to make a bylaw • the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-term Plan • the power to adopt a long-term plan, annual plan, or annual report • the power to appoint a chief executive • the power to adopt policies required to be adopted and consulted on under the LGA 2002 in association with the long-term plan, or developed for the purpose of the local governance statement; and • the power to adopt a remuneration and employment policy • the power to set and support strategies in measures related to emergency matters. • all the powers, duties and discretions under the Civil Defence Act for the proper operation and administration of the approved Civil Defence Plan; such delegation to be executed solely within the defined policy guidelines as determined from time to time by the Council and subject to the Financial limits imposed by the approved Council estimates.
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	Powers that cannot be delegated to committees as per the Local Government Act 2002 Schedule 7 S32

Order of Business

1. Opening Karakia - Karakia Whakapuaki.....	4
2. Apologies - Ngā Whakapāha	4
3. Declarations of interest - Whakapuakitanga Whaipānga	4
4. Urgent Items not on the Agenda - Ngā Take Whawhati tata kāore i te Rārangi Take .	4
5. Confirmation of Minutes – Te Whakaū i ngā Meneti	6
5.1 Council Minutes 10 November 2022	6
6. Staff Reports – Pūrongo Kaimahi.....	11
6.1 Appointment of Council Representation to the Lakes Community Board and the Rural Community Board 2022-2025.....	11
6.2 Non-tourist accommodation regulatory approach.....	14
7. Resolution to go into Public Excluded - Ka Matatapu te Whakataunga i te Tūmatanga (to consider and adopt confidential items).....	16

1. Opening Karakia - Karakia Whakapuaki

HE KARAKIA MŌ TE KAUNIHERA O NGĀ ROTO O ROTORUA

E te Atua kaha rawa, ko koe te tohu Rangatira, te tohu mātauranga.

Manaakitia mai mātau, wāu pononga i tēnei wā, e mahi nei i a mātau mahi, mō te painga o ngā tāngata, o Te Kaunihera o ngā Roto o Rotorua.

Takua mai kia tau te rangimārie ki runga i a mātau i ngā wā katoa.

Ko Ihu Karaiti hoki tō mātau Ariki
Āmine

COUNCIL PRAYER

Almighty God, who alone is the leader of all mankind and the fountain of all knowledge.

Send thy blessing upon us your servants this day as we strive to do all things good for the betterment of the people of the Rotorua district.

May we be tolerant in ourselves at all times.

Through Jesus Christ our Lord
Amen

TŪTAWA MAI

Tūtawa mai i runga

Tūtawa mai i raro

Tūtawa mai i roto

Tūtawa mai i waho

Kia tau ai te mauri tū

Te mauri ora, ki te katoa

Hāumi e. Hui e. Tāiki e!

TŪTAWA MAI

I summon from above

I summon from below

I summon from within

I summon the surrounding environment

The universal vitality and energy to infuse and enrich all present

Enriched, unified and blessed

2. Apologies - Ngā Whakapāha

The Chair invites notice from members of:

1. Leave of absence for future meetings of the Rotorua Lakes Council; or
2. Apologies, including apologies for lateness and early departure from the meeting, where leave of absence has not previously been granted.

3. Declarations of interest - Whakapuakitanga Whaipānga

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4. Urgent Items not on the Agenda - Ngā Take Whawhati tata kāore i te Rārangi Take

Items of business not on the agenda which cannot be delayed

The Chair will give notice of items not on the agenda as follows:

Matters Requiring Urgent Attention as Determined by Resolution of Rotorua Lakes Council

The Chair shall state to the meeting.

1. The reason why the item is not on the agenda; and
2. The reason why discussion of the item cannot be delayed until a subsequent meeting.

The item may be allowed onto the agenda by resolution of the Rotorua Lakes Council.

s.46A (7), LGOIMA

Discussion of minor matters not on the agenda.

Minor Matters relating to the General Business of the Rotorua Lakes Council.

The Chair shall state to the meeting that the item will be discussed, but no resolution, decision, or recommendation may be made in respect of the item except to refer it to a subsequent meeting of the Rotorua Lakes Council for further discussion

s.46A (7), LGOIMA

5. Confirmation of Minutes – Te Whakaū i ngā Meneti

5.1 Council Minutes 10 November 2022

01-15-016
RDC-1333331

Minutes (draft)

Council meeting held Thursday 10 November 2022 at 9.30am
Council Chamber, Rotorua Lakes Council

MEMBERS PRESENT: Mayor Tapsell (Chair)
Cr Kai Fong (Deputy Chair), Cr Barker, Cr Brown, Cr Kereopa, Cr Lee,
Cr Maxwell, Cr O'Brien, Cr Paterson, Cr Waru

MEMBERS PRESENT : Cr Wang
VIA AUDIO VISUAL
LINK

STAFF PRESENT: G Williams, Chief Executive;
O Hopkins, Deputy Chief Executive, District Leadership & Democracy;
J.P Gaston, Deputy Chief Executive, District Development;
A Pewhairangi, Deputy Chief Executive, Community Wellbeing;
S Michael, Deputy Chief Executive. Infrastructure & Environmental
Solutions;
G Rangi, Deputy Chief Executive, Te Arawa Partnership;
I Tiriana, Manager, Council Communications;
G Kieck, Manager, Corporate Planning & Strategy
G Konara, Governance Support Advisor.

The meeting opened at 9.30am.

The Mayor welcomed elected members, media, staff and members of the public.

1 KARAKIA WHAKAPUAKI OPENING KARAKIA

Cr Maxwell opened meeting with a Karakia.

2 NGĀ WHAKAPĀHA APOLOGIES

None

Moved: Cr Waru

Seconded: Cr O'Brien

CARRIED

**3 WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

None

**4 NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE
URGENT ITEMS NOT ON THE AGENDA**

None

**5 TE WHAKAŪ I NGĀ MENETI
CONFIRMATION OF COUNCIL MINUTES****5.1 MINUTES OF INAUGURAL COUNCIL MEETING HELD 21 OCTOBER 2022**

RDC-1328065

Resolved;

- 1. That the minutes of the inaugural council meeting held 21 October 2022 be confirmed as true and correct.**

Moved: Cr Waru

Seconded: Cr Paterson

CARRIED

**6. PŪRONGO KAIMAHI
STAFF REPORTS****6.1 PERMANENT ALCOHOL BAN FOR ROTORUA COMMUNITY YOUTH CENTRE RESERVE, MARIST ST
MICHAELS SPORTS PARK RESERVE, SHAMBLES THEATRE RESERVE AND LOTS 2,3,4, 5 DPS 65170**

RDC-1328230

Resolved:

- 1. That the report titled “Permanent Alcohol Ban for Rotorua Community Youth Centre Reserve, Marist St Michaels Sports Park Reserve, Shambles Theatre Reserve and Lots 2,3,4, 5 DPS 65170” be received.**

Moved: Cr Brown

Seconded: Cr Lee

CARRIED

Oonagh Hopkins and Gregg Kieck overviewed the report and spoke to a presentation titled “Alcohol Ban Bylaw 2018” (Attachment 1).

Further resolved:

2. That Council resolves to introduce a permanent alcohol ban area for the Shambles Theatre Reserve, 24 hours a day and seven days a week.
3. That Council resolves to introduce a permanent alcohol ban area for the Rotorua Community Youth Centre Reserve, 24 hours a day and seven days a week.
4. That Council resolves to introduce a permanent alcohol ban area for the Marist St Michael's Sports Park Reserve, 24 hours a day and seven days a week.
5. That Council resolves to introduce a permanent alcohol ban area for Lots 2 DPS 65170, Lot 3 DPS 65170, Lot 4 DPS 65170 and Lot 5 DPS 65170, 24 hours a day and seven days a week.

Moved: Cr Lee

Seconded: Cr Kai Fong

CARRIED

6.2 HOMES FOR EVERYONE – PLAN CHANGE 9– NEXT STEPS

RDC-1331387

Resolved:

1. That the report titled “Homes for Everyone – Plan Change 9– Next steps” be received.

Moved: Cr Kai Fong

Seconded: Cr Waru

CARRIED

Jean-Paul Gaston overviewed the report and spoke to a presentation titled “Planning for housing and growth” (Attachment 2).

Further resolved:

2. That Council note the “Homes for Everyone – Plan Change 9” process, next steps and key milestones.

Moved: Cr Lee

Seconded: Cr Waru

CARRIED

The meeting adjourned at 10.33am and resumed at 10.40am.

**7 HE WHAKAMŌHIO I TE MŌTINI
NOTICE OF MOTION**

- 7.1 REVOKE THE DECISION OF COUNCIL HELD ON 25 AUGUST 2022 ON THE PROPOSAL FOR THE REVOCATION AND DISPOSAL OF IDENTIFIED RESERVES

RDC-1331031

Resolved;

1. That the council revoke the decision of the council held on 25 August 2022 on the proposal for the revocation and disposal of Identified reserves.

Moved: Mayor Tapsell

Seconded: Cr Kai Fong

CARRIED

For reference the resolution of the council held on 25 August 2022 stated:-

1. *That Council adopt the decision for each identified reserve site as follows:*

1. **Coulter Road Reserve (Part)**

Retain reserve. Staff to work with community to identify opportunities to improve reserve.

2. **Steeles Lane Reserve (Part)**

Retain reserve as likely unfeasible for development.

3. **Wrigley Road Reserve (Part)**

Revoke status of part of the reserve and partner with Ko Te Tuara Totara O Fordlands Incorporated Society (KTTToF) to progress housing development (noting this recommendation requires a Local Bill to progress).

4. **High Street Reserve (Part)**

Progress process for disposal and development of the reserve working with the kindergarten to explore options for the comprehensive redevelopment of the site that improves outcomes for the kindergarten and the function, quality and accessibility of the reserve, noting that any proceeds of sale will be required to improve the quality of the retained reserve area.

5. **171 Clinkard Avenue**

Direct sale to Kāinga Ora (noting this recommendation requires a Local Bill to progress).

Noting that the proceeds of sale will be used to improve recreation provision on the reserve.

6. **Turner Drive Reserve (Part)**

Progress two stage process for disposal and development of part (reduced to 50%) of the site and direct reinvestment into Turner Drive Reserve and Western Heights (noting requires Local Bill to progress).

7. **Park Road Reserve (Part)**

Progress two stage process for disposal and development of part of the site (as proposed) and direct reinvestment into Park Road Reserve and Western Heights.

8. **Linton Park West (Part) – 16 Kamahi Road**

Site to have reserve status revoked but decision on disposal or development parked while further investigation and discussions are undertaken with the Linton Park Community Centre, mana whenua and the wider community.

9. Gallagher Street Reserve

Progress two stage process for disposal and development of the site with proceeds to be used to improve quality of other reserves in vicinity.

10. Lee Road Reserve

Retain Reserve

- 2. *That Council direct the Chief Executive to pursue a draft local bill that achieves the recommendations for each of the identified reserve sites.***
- 3. *That Council provides for a first right of refusal and subsequent expressions of interest process be adopted with criteria to be confirmed in subsequent Council meeting.***

**8 TE KARAKIA WHAKAMUTUNGA
CLOSING KARAKIA**

Cr Waru closed the meeting with a Karakia.

The meeting closed at 11.01 am.

To be confirmed at the Council meeting on 24 November 2022

.....
Chair

Note 1: Rotorua Lakes Council is the operating name of Rotorua District Council
Note 2: Attachments to these minutes are available on request or on [Council’s website](#).

6. Staff Reports – Pūrongo Kaimahi

01-15-016
RDC-1327358

ROTORUA LAKES COUNCIL

Mayor
Members
COUNCIL

6.1 Appointment of Council Representation to the Lakes Community Board and the Rural Community Board 2022-2025

Report prepared by: Rick Dunn, Governance & Democracy Advisor

Report reviewed by: Oonagh Hopkins, Deputy Chief Executive, District Leadership & Democracy

Report approved by: Geoff Williams, Chief Executive

1. TE PŪTAKE PURPOSE

The purpose of the report is for Council to appoint one councillor to the Lakes Community Board and to appoint one councillor to the Rural Community Board.

2. HE TŪTOHUNGA RECOMMENDATION

1. That the report “Appointment of Council representation to the Lakes Community Board and the Rural Community Board 2022-2025” be received.
2. That Council appoint:
 - a) Gregg Brown as the council representative to the Lakes Community Board and;
 - b) Karen Barker as the council representative to the Rural Community Board

3. TE TĀHUHU BACKGROUND

The Local Government Act 2002 (LGA 2002) allows a local authority to appoint Community Boards. (Schedule 7, Sec 30)

Following the Rotorua Lakes Council 2021 Representation Review, The Local Government Commission released its Determination of Representation Arrangements for the Rotorua District Council, dated 8 April 2022, which states that:

For the Rotorua Lakes Community, there will be a Rotorua Lakes Community Board comprising:

- a. Four members elected by the electors of the lakes community.
- b. One member of the Council representing either the Te Ipu Wai Taketake Māori Ward or the Te Ipu Wai Auraki General Ward who will be appointed to the community board by the Council.

For the Rotorua Rural Community, there will be a Rotorua Rural Community Board comprising:

- a. Four members elected by the electors of the rural community.
- b. One member of the Council representing either the Te Ipu Wai Taketake Māori Ward or the Rotorua Rural General Ward who will be appointed to the community board by the Council.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

Not applicable for the purposes of this report. Discussion may take place at the meeting.

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council's Significance and Engagement Policy

6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

Consultation on this matter is not required as it is a decision to be made by Council as a requirement of the Local Electoral Act 2001.

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations

There are no cost implications to governance for the appointment of councillors to the Lakes Community Board and Rural Community Board.

7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

Not applicable.

**7.3 Tūraru
Risks**

Not applicable.

**7.4 Te Whaimana
Authority**

Section 19EA (1) (c) provides that Council may appoint members to community boards and that the maximum number of members appointed must be less than half the number of elected board members.

01-15-016
RDC-1336030ROTORUA LAKES COUNCILMayor
Members
COUNCIL**6.2 Non-tourist accommodation regulatory approach**

Report prepared by: Jason Ward, Manager, Planning & Development Solutions, District Development and Kurt Williams, Manager Community and Regulatory Services, Community Wellbeing

Report reviewed by: Jean-Paul Gaston, Deputy Chief Executive, District Development

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this presentation is to make Council aware of the organisation's regulatory approach to non-tourist accommodation activities (Emergency Housing) following instances where the owners of tourist accommodation such as motels have potentially changed the use of the building without correct authorisation, and/or where the use contravenes the District Plan.

**3. HE TŪTOHUNGA
RECOMMENDATION**

- 1. That the presentation "Non-tourist accommodation regulatory approach" be received.**
- 2. That Council note that the Council organisation is following a regulatory approach under both the Building Act and Resource Management Act (District Plan) to ensure safe building practices and appropriate land use.**

**4. TE TĀHUHU
BACKGROUND**

- Council is continuing with a District Plan and a Building Act regulatory process with the operators / owners of motels offering accommodation, other than tourism, to ensure safe building practices and suitable land use.
- In January 2022, Council sought a determination from The Ministry of Business Innovation and Employment (MBIE) relating to one motel to provide a definitive answer as to whether the use of this motel for emergency housing constituted a 'change of use' under the Building Act in the absence of any case law that would provide clarity on this matter.
- The determination was to be fast tracked however a final determination has yet to be received.
- In May 2022, Council filed court applications seeking enforcement orders under the Resource Management Act against 9 tourist accommodation operators providing emergency housing to

requiring compliance with the District Plan. This followed requests that these operators engage with Council to ensure that if they want to continue providing emergency housing they are compliant with the relevant regulations and requirements. In June 2022, this action was withdrawn after the Environment Court was satisfied of suitable engagement by these motels.

5. The Ministry of Housing and Development (MHUD) have contracted 13 motels which are currently in a consenting process (District Plan). These motels are primarily intended for families and children. Decisions by the Independent Hearings Commissioners to grant or decline these applications may be made before the end of December 2022.
6. Further work is ongoing under the District Plan and Building Act.
7. A full presentation on Council's approach will be provided in the meeting.

7. Resolution to go into Public Excluded - Ka Matatapu te Whakataunga i te Tūmatanga (to consider and adopt confidential items)

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
Contract 22/013: Maleme Road Seal Extension	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a) Section 7(2)(i)
Industrial Land development	<p>Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p>	<p>Section 48(1)(a) Section 7(2)(i)</p> <p>Section 48(1)(a) Section 7(2)(h)</p>

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
Rotorua Housing Accord	<p>Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.</p> <p>Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>To protect information where making it available would disclose a trade secret</p>	<p>Section 48(1)(a) Section 7(2)(b)(ii)</p> <p>Section 48(1)(a) Section 7(2)(i)</p> <p>Section 48(1)(a) Section 7(2)(b)(i)</p>

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.