



# AGENDA

**NOTICE OF AN ORDINARY MEETING  
OF THE  
STRATEGY, POLICY & FINANCE COMMITTEE**

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**Date: Thursday 12 November 2020**

**Time: 9.30am**

**Venue: Council Chamber**

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## **MEMBERSHIP**

Chairperson

Cr Raukawa-Tait

Deputy Chairperson

Cr Kai Fong

### **Members**

Mayor Chadwick

Cr Bentley

Cr Donaldson

Cr Kumar

Cr Macpherson

Cr Maxwell

Cr Tapsell

Cr Wang

Cr Yates

Mr Thomass (Lakes Community Board member)

Mrs Trumper (Rural Community Board member)

Ms Marks (Te Tatau o Te Arawa Board member)

Mr Berryman-Kamp (Te Tatau o Te Arawa Board member)

**Quorum**

**8**

## STRATEGY, POLICY AND FINANCE COMMITTEE DELEGATIONS

<b>Type of Committee</b>	Committee
<b>Subordinate to</b>	Council
<b>Subordinate Committees</b>	n/a
<b>Legislative Basis</b>	Schedule 7, clause 30 (1) (a), Local Government Act 2002.
<b>Purpose</b>	The purpose of the Strategy, Policy and Finance Committee is to have oversight and make recommendations to the Council on the adoption and development of all Council's strategic, policy, planning and regulatory frameworks.
<b>Reference</b>	01-15-227
<b>Membership</b>	<p>Councillor Raukawa-Tait (Chair) Councillor Kai Fong(Deputy Chair)</p> <p>The Mayor and all councillors 2 Te Tatau o Te Arawa members 1 Lakes Community Board member 1 Rural Community Board member</p> <p>Full voting rights for all members</p>
<b>Quorum</b>	8
<b>Meeting frequency</b>	Monthly
<b>Delegations</b>	<p>The Committee's function is recommendatory only.<sup>1</sup> It is authorised to take actions precedent to the exercise by the Council of its statutory responsibilities, duties and powers, by:</p> <ul style="list-style-type: none"> <li>• Receiving, considering, hearing submissions and making recommendations on draft plans (except the District Plan), strategies and policies (such as the Long-term Plan, Annual Plan; funding and financial policies; reserves management plans and asset management plans);</li> <li>• Considering and making recommendations on the development of the Council's rating policy; financial strategy and budgets;</li> <li>• Considering and making recommendations on the development of Council bylaws, including hearing submissions in relation to making, amending and revoking bylaws;</li> <li>• Considering and making recommendations on Council's strategic direction to ensure efficient and effective delivery of Council's objectives and District Vision;</li> <li>• Receiving and considering reports from working/strategy groups;</li> <li>• Considering and making recommendations on the development of guidelines for decision making to assist Council in achieving its strategic outcomes;</li> <li>• Considering and making recommendations on the establishment of levels of service across Council services to ensure alignment with strategic goals and priorities;</li> <li>• Considering and making recommendations on the development of Treasury and funding functions;</li> <li>• Considering and making recommendations on proposals for the establishment of Council controlled organisations (including the appointment and remuneration of Directors, formation of constitutions and shareholder agreements);</li> </ul>

<sup>1</sup> Council is authorised to delegate anything precedent to the exercise of Council's powers, duties and functions - Schedule 7, clause 32, Local Government Act 2002

	<ul style="list-style-type: none"> <li>• Considering and making recommendations on proposals for the sale and purchase of land;</li> <li>• Considering and making recommendations on issues relating to Council leases;</li> <li>• Considering and making recommendations on draft Council submissions/responses in relation to: <ul style="list-style-type: none"> <li>○ Central government policies, plans and proposed legislative reform;</li> <li>○ Proposals by other organisations/authorities (Local and Regional).</li> </ul> </li> <li>• Performing such other functions as the Council may direct from time to time.<sup>2</sup></li> </ul>
<b>Relevant Statutes</b>	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
<b>Limits to Delegations</b>	<p>The Committee does not have the delegated authority to make decisions for and on behalf of the Council. All matters requiring a decision of Council must be referred, by way of recommendation, to the Council for final consideration and determination.</p> <p>In the event that the Council resolves not to approve or adopt a Committee recommendation, the item shall be returned to the Committee via the Chief Executive for review and subsequent referral to the Council for further consideration and determination.</p>

<sup>2</sup> A committee is subject in all things to the control of the local authority, and must carry out all general and special directions of the Council given in relation to the committee - see Schedule 7, clause 30(3), Local Government Act 2002.

## Order of Business

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## **1 Opening karakia - Karakia whakapuaki**

## **2 Apologies - Ngā whakapaaha**

The Chairperson 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**

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

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

The Chairperson 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.

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

The Chairperson 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

## 5 Confirmation of Minutes – Te whakaū i ngā meneti

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### 5.1 Strategy, Policy & Finance Committee Meeting Minutes 8 October 2020

01-15-227\02  
RDC-1063003

ROTORUA LAKES COUNCIL

# Minutes

**Strategy, Policy & Finance Committee meeting  
held Thursday, 8 October 2020 at 9:30am  
in the Council Chamber, Rotorua Lakes Council**

- MEMBERS PRESENT:** Cr Kai Fong (Chair)  
Mayor Chadwick, Cr Bentley, Cr Donaldson,  
Cr Kumar, Cr Macpherson, Cr Maxwell, Cr Tapsell, Cr Wang, Cr Yates,  
Mr Berryman-Kamp and Ms Marks (Te Tatau o Te Arawa), Mr Thomass (Lakes  
Community Board) and Mrs Trumper (Rural Community Board).
- APOLOGIES:** Cr Raukawa-Tait, Ms Marks, Cr Bentley for early departure, Cr Wang for  
lateness
- IN ATTENDANCE:** Dr Grant Hewison
- STAFF PRESENT:** G Williams, Chief Executive; J-P Gaston, Group Manager Strategy; J Mikaere,  
Group Manager Operations; T Collé, CFO/Group Manager Business Support;  
C Tiriana, Manager CE Office; Manager Council Communications;  
R Pitkethley, Manager Sports, Recreation & Environment; S Kelly, Recreation  
Planner; R Viskovic, Strategic Development Manager; T Adams, Strategic  
Advisor; R Dunn, Governance Lead; I Brell, Governance Support Advisor

The meeting opened at 9.30am

The Chair welcomed Councillors, Board members, media, staff and members of the public

### 1 KARAKIA WHAKAPUAKI OPENING KARAKIA

Mayor Chadwick opened the meeting with a Karakia.

### 2. NGĀ WHAKAPAAHA APOLOGIES

**Resolved:**

**That the apologies from Cr Raukawa-Tait, Ms Marks, Cr Bentley for early departure, and Cr Wang for lateness be accepted.**

Moved: Mr Thomass

Seconded: Mrs Trumper

**CARRIED**

Attendance: Cr Wang joined the meeting at 9.33am.

**3. WHAKAPUAKITANGA WHAIPĀNGA  
DECLARATIONS OF INTEREST**

Cr Maxwell: Review of the Class IV Gambling Board Venue Policy due to role as Chair of NZCT BOP/Waikato Regional Trust.

Mr Berryman Kamp: Review of the Class IV Gambling Board Venue Policy

Mayor Chadwick: Prostitution Bylaw – Statement of Proposal

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

Cr Macpherson asked for an urgent item to be included on the agenda regarding health and safety concerns regarding the Hemo Gorge Sculpture.

The Chair ruled that this was not an urgent item but asked the Chief Executive to comment.

Mr Williams explained that a “Composite Structural Engineer” has inspected the sculpture and found no safety issues.

ATTENDANCE: Cr Tapsell joined the meeting at 9.35am.

**5. TE WHAKAŪ I NGĀ MENETI  
CONFIRMATION OF MINUTES**

**5.1 MINUTES OF THE STRATEGY, POLICY & FINANCE COMMITTEE MEETING 10 SEPTEMBER 2020**

**Resolved:**

**That the minutes of the Strategy, Policy & Finance Committee meeting held 10 September 2020 be confirmed as a true and correct record with the amendment that Cr Tapsell was not present and her apology be noted.**

Moved: Mr Berryman-Kamp

Seconded: Cr Wang

**CARRIED**

**6. PŪRONGO KAIMAHI  
STAFF REPORTS**

**6.1 REVIEW OF THE CLASS IV GAMBLING AND BOARD VENUE POLICY 2017**

RDC-1059524

Attendance: Cr Maxwell left the table and abstained from the discussion and voting on this item.

**Resolved:**

- 1. That the report titled “Review of the Class IV Gambling and Board Venue Policy 2017” be received.**

Moved: Mr Thomass

Seconded: Cr Yates

**CARRIED**

Rosemary Viskovic and Dr Grant Hewison overviewed the report.

**Further resolved:**

2. That the Committee recommend to Council that consideration be given to the decision-making requirements of the Gambling Act 2003, the Racing Industry Act 2020 and the Local Government Act 2002.
3. That the Committee recommend to Council that no changes be made to the current RLC Gambling Policy 2017 with the exception of minor amendments to reflect that the Racing Act 2003 has been replaced by the Racing Industry Act 2020.
4. That the Committee recommend to Council that they remain informed of the matters regarding relocations and license transfers by requesting further reports from the Department of Internal Affairs under section 103 of the Gambling Act on a six monthly basis.
5. That the Committee recommend that Council undertake an assessment of all premises holding both tavern licences and class IV gambling venue licences in the district to determine whether their primary activity is the sale of alcohol and other refreshments and not gambling.
6. That the Committee recommend that Council request from the Department of Internal Affairs data on the number of Lottery outlets and TAB outlets nationally and for the Rotorua District, that further analysis of the grants information be carried out to identify more clearly where the grants money is going in Rotorua, that the DIA be requested to collect grants information directly from the corporate societies to enable this analysis to be undertaken more easily and that the corporate society owners of the gambling machines in Rotorua be encouraged to distribute more to the community in the Rotorua district than the average 22%.

Moved: Cr Donaldson

Seconded: Cr Bentley

**CARRIED**

Declaration of Interest: Cr Kumar advised, as he operated a business with a Lotto outlet he might have a perceived conflict of interest.

Mr Thomass and Mr Berryman-Kamp asked that their votes against the motions be recorded.

Cr Maxwell re-joined the meeting at 10.17am

The meeting adjourned at 10.50am and resumed at 11am

6.2 ADOPTION OF DRAFT OPEN SPACE LEVEL OF SERVICE POLICY FOR PUBLIC CONSULTATION

RDC-1055580

**Resolved:**

1. That the report titled "Adoption of Draft Open Space Level of Service Policy for Public Consultation" be received.

Moved: Cr Yates

Seconded: Cr Donaldson



**CARRIED**

Stephanie Kelly and Rob Pitkethley overviewed the report and spoke to a PowerPoint – Attachment 1

**Further resolved**

- 2. That the Committee recommends to Council the proposed Draft Open Space Level of Service Policy be adopted for public consultation pursuant to Section 82 of the Local Government Act 2002.**

Moved: Cr Wang

Seconded: Cr Bentley

**CARRIED**

**7. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI  
RESOLUTION TO EXCLUDE THE PUBLIC**

**Resolved:**

**That the committee move into public excluded session.**

Moved: Cr Macpherson

Seconded: Cr Tapsell

**CARRIED**

The meeting adjourned at 10.50am

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
CONFIDENTIAL MINUTES of previous meeting held 10 September 2020	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
ECONOMIC RECOVERY PROJECT 1	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.	Section 48(1)(a) Section 7(2)(b)(ii)

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.”

**OPEN SESSION**

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Meeting closed at 11.50am

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To be confirmed at the Strategy, Policy & Finance Committee meeting on 12 November 2020

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Chairperson

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 [www.rotorualc.nz](http://www.rotorualc.nz)

## 5.2 Strategy, Policy & Finance Committee Minutes 8 October 2020 – Hearing for Prostitution Bylaw – Statement of Proposal

01-15-227\02  
RDC-1063274

ROTORUA LAKES COUNCIL

# Minutes

## Strategy, Policy & Finance Committee Hearing for Prostitution Bylaw – Statement of Proposal held Thursday, 8 October 2020 at 1pm in the Council Chamber, Rotorua Lakes Council

- MEMBERS PRESENT:** Cr Kai Fong (Chair)  
Mayor Chadwick, Cr Bentley, Cr Donaldson, Cr Kumar, Cr Macpherson, Cr Wang,  
Cr Yates, Mr Berryman-Kamp (Te Tatau o Te Arawa), Mr Thomass (Lakes  
Community Board) and Mrs Trumper (Rural Community Board).
- APOLOGIES:** Cr Maxwell, Cr Tapsell, Cr Bentley for early departure
- IN ATTENDANCE:** Megan Crocket, Tompkins Wake
- STAFF PRESENT:** G Williams, Chief Executive; I Tiriana, Manager Council Communications;  
R Dunn, Governance Lead; R Viskovic, Strategic Development Manager;  
L Richards, Strategy Advisor; I Brell, Governance Support Advisor

The meeting opened at 1pm

The Chair welcomed Councillors, Board meetings, media, staff and members of the public

### 1. NGĀ WHAKAPAAHA APOLOGIES

**Resolved:**

**That the apologies from Cr Maxwell, Cr Tapsell and Cr Bentley for early departure be accepted.**

Moved: Mrs Trumper

Seconded: Cr Bentley

**CARRIED**

### 2. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

None

### 3. TE WĀ KI NGĀ HUNGA TONO HEARING OF SUBMITTORS

#### SCHEDULE OF HEARINGS

Time	Submitter	Sub No.
1.pm	<del>Danielle Marks</del> WITHDRAWN	5
1.04pm-1.10pm	Justin Adams	7
1.11pm -1.20pm	Dame Catherine Healy and Bridie Sweetman (via Zoom) NZ Prostitutes Collective	8
1.21pm – 1.21pm	Jill Moore	10
1.32pm – 1.38pm	Karri-Ann Vercoe-Black	11
1.39pm – 1.43pm	Andrew Parrington	20
1.44pm – 2.03pm	Maraea Pomana and Janet Wepa	19
2.04pm – 2.07pm	Jane Parrington	20
2.08pm – 2.16pm	Pastor Andrew Parrington spoke on behalf of Rotorua Association of Christian Churches	30
2.17pm – 2.22pm	Mahalia Steele spoke to her submission	21

Attendance: Cr Bentley left the meeting at 1.30pm

### 4. PŪRONGO KAIMAHI STAFF REPORTS

#### 4.1 HEARING ON ROTORUA LAKES COUNCIL PROSTITUTION BYLAW: STATEMENT OF PROPOSAL

RDC-1061119

**Resolved:**

**That the report titled “Hearing on Rotorua Lakes Council Prostitution Bylaw: Statement of Proposal” be received.**

Moved: Mr Thomass

Seconded: Mrs Trumper

**CARRIED**

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Meeting closed at 2.25pm

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To be confirmed at the Strategy, Policy & Finance Committee meeting on 12 November 2020

.....  
Chairperson

**Rotorua Lakes Council is the operating name of Rotorua District Council.**

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## 6 Staff Reports – Pūrongo Kaimahi

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File No: 85-08-502-01  
RDC-1072983

### ROTORUA LAKES COUNCIL

Mayor  
Chairperson and Members  
STRATEGY, POLICY AND FINANCE COMMITTEE

#### 6.1 Tarawera Waste Water Reticulation Scheme

**Report prepared by:** Stavros Michael, General Manager Infrastructure

**Report reviewed by:** Gina Rangī, Manahautū Maori/Group Manager Maori

**Report approved by:** Geoff Williams, Chief Executive

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#### 1. TE PŪTAKE PURPOSE

To update the Committee on the status of the Tarawera waste water reticulation scheme and to seek the Committee's support and recommendation to Council for the proposed option of waste water reticulation.

#### 2. TE TUHINGA WHAKARAPOPOTOTANGA EXECUTIVE SUMMARY

The Rotorua Lakes Council, as a partner in the Te Arawa Lakes Strategy Group, committed through its long-term planning processes to support and implement sewerage reticulation schemes. Reticulation of Tarawera wastewater is part of this strategy work programme to improve and sustain water quality within the identified lakes.

The Tarawera Community Steering Committee together with the Rotorua Lakes Council applied to the Ministry of the Environment for funding support to progress the Tarawera waste water reticulation scheme. The application received \$6.5m of funding in July/August 2017. This funding was augmented by an additional contribution made by the Rotorua Lakes Council and the Bay of Plenty Regional Council (combined value of \$1.5m).

Alongside a programme addressing the effects of land use, this project is crucial to arresting the ongoing decline of water quality in Lake Tarawera by eliminating the septic tanks which leak into the lake. Sewage reticulation is the quickest way to achieve measurable improvement in water quality. It is also consistent with Council's obligations under the National Objectives Framework.

The Tarawera Sewerage Steering Group (made up of representatives from Tūhourangi Tribal Authority, Te Mana o Ngāti Rangitihī, Māori landowners, the Tarawera Ratepayers Assoc, TALT, BoPRC and Council) identified the preferred option as one where low-pressure grinder pumps are installed in the benefit community and connecting to the Ōkareka pumping station along Tarawera road. This option was identified by the TSSC as having the lowest cost for home owners as well as for the Council's long term operations, would measurably improve water quality at Tarawera, avoids wāhi tupuna (ancestral sites), and could be implemented quickly (resource consent is not required).

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### 3. NGĀ TŪTOHUNGA RECOMMENDATION

1. That the report “Tarawera Waste Water Reticulation Scheme” be received.
2. That the committee notes that the current funding policy for the Tarawera waste water reticulation scheme anticipates that benefitted ratepayers will pay a lump sum for the actual net capital costs of the scheme immediately upon the scheme’s completion and commissioning.
3. That the committee recommends to Council that the proposed Tarawera waste water reticulation scheme comprising the installation of Low Pressure Grinder Pumps onto each property and a mains pipeline connecting Tarawera to the Ōkāreka waste water pump station and hence to the main city treatment plant is supported and agreed.
4. That the Committee recommends to Council to instruct officers to commence the process for the installation of the agreed scheme as per the procedure described in Section 5.0 of this report and regularly report back to Council on progress.

### 4. TE TĀHUHU BACKGROUND

The Rotorua Lakes Council, as a partner in the Te Arawa Lakes Strategy Group, committed through its long-term planning processes to support and implement sewerage reticulation schemes. Reticulation of Tarawera wastewater is part of this Strategy works programme to improve and sustain water quality within the identified lakes.

In April 2017 the Tarawera Community Steering Committee proposed and together with Council applied to the Ministry of the Environment for funding support to progress a Tarawera waste water reticulation scheme. The application received \$6.5m of funding in July/August 2017. This funding was augmented by an additional contribution made by the Rotorua Lakes Council and the Bay of Plenty Regional Council of combined value of \$1.5m.

The application was based on the following:

Most homes in the Tarawera catchment rely on septic tanks, which over time leach into the lake. Wastewater reticulation is therefore crucial to delivering on the National Policy Standard for Freshwater Management and to achieve a measureable difference in arresting the ongoing decline of water quality in Lake Tarawera. . The requirement of the National Objectives Framework in respect of total phosphorus loading is particularly relevant here. The Bay of Plenty Regional Council has set a Trophic Lake Index target for Lake Tarawera, which depends in part on the Rotorua Lakes Council delivering in a timely manner on the proposed sewage reticulation project.

The Rotorua Lakes Council recognises that the removal of the sewage-sourced nutrient load from Lake Tarawera is an essential step in meeting its obligations under the National Policy Statement, but the Council and the local community need some financial support to deliver on this objective.

#### 1. Water quality:

Lake Tarawera is currently valued for its oligotrophic status, but it appears to be approaching a tipping point. The regional water and land plan has a Trophic Lake Index objective of 2.6 but the TLI is currently

at 3.1 and deteriorating (a higher number is worse). Blue-green algal blooms have started occurring in recent summers. The regional council's Restoration Plan identifies phosphorus as the nutrient whose inflow must be reduced, with an annual reduction target of 1200 kg, while nitrogen must be capped. Since 2010/11, the total phosphorus load in the lake, measured as an annual median, has increased, so that the annual grading has dropped to B or C against the national objectives framework in the National Policy Statement for Freshwater Management.

The lake is strongly stratified for nine months of the year, during which time oxygen cannot be replenished in the bottom layer; and Lake Tarawera has the most phosphorus-enriched sediments of any of the Rotorua Te Arawa lakes. The risk is that if lake water quality continues to decline and algal matter dropping to the bottom layer continues to increase, all oxygen may be removed from this layer for prolonged periods. Deoxygenation is expected to trigger major seasonal releases of phosphorus and nitrogen from lake sediments, tipping the lake into an algae-dominated state, from which recovery would be extremely difficult and costly. It will take time to move the lake back from this tipping point, and it is important that an early start is made.

## **2. Pressures on the lake:**

Geothermal sources contribute some nutrients, very largely through groundwater inflows, which cannot practically be managed. Despite this, oligotrophic status has long been supported by the high percentage of the immediate lake catchment that is in forest: 62% native and 15% exotic. The 23% of the catchment classified as pasture, urban and 'other' is the main source of manageable nutrient loads. Lakes Ōkātina, Ōkāreka, Rotokākahi, Rotomahana and Tikitapu all flow into Lake Tarawera (via streams or through groundwater). Lake Ōkaro and Rerewhākitu flow into Rotomahana first, then to Tarawera. The health of Lake Tarawera is therefore affected by activities in all of these sub-catchments. It also means that any improvements made in the other lakes will take several decades to show through groundwater and to have a measurable effect at Tarawera.

While nutrient sources are being actively addressed in the Tarawera Restoration Plan, a chicken-and-egg situation is affecting the future of the lake. On the one hand, sewage reticulation is a costly investment, generally unaffordable without a public subsidy; on the other hand, there are strong expectations by rural land users that their own nutrient reduction efforts should be matched by the residential ratepayers, and a concern that if this is not done, the future of farming activity may come under threat in future. Thus the cost of a reticulation scheme is a major barrier which must be addressed if land users' investment certainty is to be improved, and the desired mitigation investments by agricultural and forestry landowners are to be elicited.

There are 421 dwellings or dwelling-equivalents with septic tanks in the inner catchment at present, but based on already permitted sections, without any further subdivision, this number could grow to over 550 in coming years. In addition, there are growing trends toward increased tourist visitation and more intensive use of existing holiday dwellings, with 70 properties having been listed on Book-a-Bach or similar websites over recent years. The most effective way to quickly improve water quality at Tarawera is to develop a reticulated wastewater scheme (to remove septic tanks). This would remove an estimated 2,820 kg/year of N and 283 kg/year of P.

## **3. Economic and social significance:**

The criteria used to map vulnerable catchments also include the economic significance of the waters. While Lake Tarawera may not qualify on the basis of regional employment or GDP proportion in the primary industries sector, it does have a considerable economic significance through its contribution to the tourism sector (domestic and international).

Rotorua is a leading tourism centre, for which the Rotorua Lakes are – alongside geothermal features and Maori arts and culture – a key drawcard for international and domestic visitors. It is not possible to apportion regional economic output or employment amongst the various lakes, but it is clear that

Lake Tarawera has historically stood out among the Rotorua lakes for its high water quality and natural landscape setting. It represents an iconic setting for water-based recreation activities, as well as for walkers on the Tarawera Trail. A Ministry for the Environment technical report in 2004, which drew on domestic and international visitor surveys, listed Lake Tarawera as being of national importance for both recreation and tourism.

#### 4. Cultural significance

Tūhourangi and Ngāti Rangitihi are mana whenua for Tarawera: its shores and surrounding areas were occupied with areas for mahinga kai (food gathering), urupā (burial grounds), pā sites (settlements), trade and transport routes, bathing areas, and wāhi tapu (ceremonial and sacred areas). Although the Tarawera eruption had a devastating impact on the landscape and people, there remains a deep spiritual and cultural connection to Tarawera, and they continue to hold and care for ancestral lands (they are the largest landowner in the catchment excluding the Crown and DoC) as well as maintain their kaitiakitanga and rangatiratanga in the catchment.

The Te Arawa Lakes Trust represents Te Arawa in the protection and restoration of the Te Arawa lakes, including Tarawera. TALT owns the bed of Lake Tarawera and the Crown has provided a Statutory Acknowledgement of the relationship of Te Arawa with Tarawera.

#### 5. Ecological significance:

The Department of Conservation has a database (FENZ) which rates the ecological significance of 3,280 lakes in New Zealand. Compared on a national basis, Lake Tarawera is listed at the 3.5 percentile, a very high rating based on its representative lake class and the condition of the lake relative to other lakes in its class.

The most recent nutrient budget for Lake Tarawera was presented in the 2016 University of Waikato report. This highlights that a majority of the P load and a substantial proportion of the N load appear to be derived from a combination of geothermal sources and tributary lakes. For P, the geothermal contribution is estimated at 58%, while the tributary lakes contribution via a time-lagged groundwater connection to Lake Tarawera is estimated at 20%. These loads are subject to significant and ongoing uncertainty as to quantum and timing.

The report focuses on the need to reduce 'manageable' nutrient loads from farming activities and human sewage. The latter is estimated to comprise 15% of the manageable load, and reticulation of wastewater is a desirable management action on the basis that ***"the benefits in nutrient load reductions are likely to be immediate due to the proximity of the lake compared to other land management initiatives higher in the catchment"***.

The balance of the ongoing but manageable nutrient load to the lake is from farming. The regional council is rolling out a project to ensure that the 50 large farms in both the Tarawera surface catchment and the tributary lakes catchments will all have farm environmental plans. There are existing regional council funds available to support on-farm investment in works such as riparian retirement and planting which are likely to be effective over time in reducing P inflows to the lake. As mentioned earlier, perceived equitable burden-sharing between farmers and residential ratepayers is important for motivating on-farm investments in nutrient reductions.

Lake Tarawera is facing the risk of an irreversible deterioration from its present oligotrophic status through 'flipping' into an algae-dominated state, with severe consequences for its value as an iconic tourism, recreation and ecological asset.

This is a risk management issue, and the risk reduction strategy determined in the Tarawera Lakes Restoration Plan involves tackling all manageable sources of nutrient inflow on the basis of equitable burden-sharing. The overall nitrogen inflow must be capped, and the current trend of rising



phosphorus inflow must be arrested and turned around, to achieve substantial early reductions in annual loadings of phosphorus to the lake.

All approaches to this problem will take time to deliver. The priority accorded to cleaning up the more degraded lakes in the Rotorua district has meant that planning remedies for Lake Tarawera has been delayed. Meanwhile the lake is obviously deteriorating and moving closer to a tipping point at which it too, threatens to become a degraded lake. Further, much of the expected benefit to the lake from reduced nutrient inflow from farms will take many years or even decades to deliver, because of ecosystem lags.

In this context, the proposed sewage reticulation project will address three key requirements. **First**, it will remove from Lake Tarawera about 15% of the annual, manageable nutrient loading in the surface catchment. **Second**, it will have the advantage of producing relatively fast risk reduction. **Third**, commitment to the project will send a strong signal to farmers in the catchment that the national and local communities are serious about saving this lake, and that action will not be further delayed.

A further problem which this project will also address is the deteriorating safety of water supply to residents and tourists. Water supply is drawn from the lake, and monitoring of E.coli at the lake edge and in tap water indicates grounds for concern about the impacts of septic tank effluent leakage. Warning signs have been posted, and some residents have invested in private water treatment solutions. A better solution for the community and for visitors, would be to curb the release of faecal contamination from septic tanks, which this project would deliver.

The reticulation and treatment of sewage from the Lake Tarawera residences would enable regulation requiring all septic tanks to be closed down, and all future residential building on vacant sections to be connected to the sewerage system. The result would be to achieve immediate removal of the associated nutrients and microbial contaminants from the lake, and from the water supply.

As described above, these actions would provide a timely reduction of the lake-flipping risk. They would also provide time for, and a spur to, farm-based investments to further reduce nutrient loading of the lake. Finally, the removal of septic tank effluent leakage to the lake should enable the restoration of safe drinking water supplies from the lake, and remove this source of offence to tangata whenua.

Each of these environmental effects is expected to be reflected in measurable water quality improvements, and there is an established monitoring and reporting programme which will demonstrate improvements over the existing baseline trends.

In summary, the intended solution is only part of the most appropriate overall solution to Lake Tarawera's problems, but the various components of the solution need to lock together and reinforce each other. In this context, the sewage reticulation and treatment scheme is a crucial link.

The intended solution included two variations, one involving reticulation and piping of sewage to the Rotorua treatment plant, and the other involving reticulation and a new treatment facility within the catchment. The application did not pre-judge which option was to be preferred, pending further investigation, costing and community consultation.

#### **ENGAGEMENT WITH IWI**

The joint funding application between RLC and the Tarawera waste water reticulation steering committee identified the importance of iwi views and participation in the proposed project.

#### **Te Arawa Lakes Trust**

The Trust has been playing a pro-active engagement and mediating role among the various mana whenua groups at Lake Tarawera. The Trust advised that there may be other iwi and hapū who will need to be engaged with, in addition to those mentioned below, especially if the option of discharging through the Rotorua wastewater treatment plant is retained. The Rotorua Lakes Council undertook to be closely engaged with the Te Arawa Lakes Trust in ensuring effective consultation of iwi and hapū, and in advancing this project.

### **Tūhourangi Tribal Authority**

The TTA represents mana whenua Tūhourangi hapū in the area, and the Rotorua Lakes Council is closely engaged with it in selecting the preferred option and advancing this project.

### **Ngāti Rangitahi**

Ngāti Rangitahi are about to proceed with a Treaty claim in the area, and the Rotorua Lakes Council therefore will need to be closely engaged with them in selecting the preferred option and in advancing this project.

### **Ngāti Tahu-Ngāti Whaoa Rūnanga Trust**

This Trust has mana whenua interests in the extended catchment, which has groundwater connections to Lake Tarawera. The Rotorua Lakes Council recognises that the Trust could be affected by decisions to be made on the clean-up of Lake Tarawera and would engage with it in advancing this project.

**Mātauranga Māori** will need to play a significant role in the required knowledge base for choosing between the solution options, and it will also be part of the knowledge brought to bear during the community consultation and any possible consenting processes.

Collaborative management, in the sense used in the Resource Management Amendment Act, is intended for, and is most appropriate for, building consensus in complex plan-writing processes. It would be difficult and probably disproportionately costly to achieve a full and formal consensus in a resource consent process, if required.

Nonetheless, the proposed management of the process would be expected to be highly inclusive and consultative and would aim to resolve all concerns as far as possible, preferably without involving recourse by parties to the Environment Court.

Iwi engagement is an important, and explicitly provided-for component of the consultation process.

### **Cultural Impacts Reports**

Within the context of engagement with Iwi, in 2017, Te Arawa Lakes Trust prepared a Cultural Impacts Assessments of the proposal, on behalf of Tūhourangi and Ngāti Rangitahi. The CIA identified:

- The highest level cultural impact is the ongoing degradation of the Lake and its mauri.
- The second level impact is the absence of Tūhourangi and Ngāti Rangitahi from Tarawera for 131 years and their desire to return to their ancestral home.
- The third level impact is impact on sites of significance on the landscape, particularly in relation to urupā.
- The fourth level of impact is the impact on tikanga associated with waste and its disposal.

The CIA recommended that the preferred option should best address declining mauri of the wai, enable the return of Tūhourangi and Ngāti Rangitahi to Tarawera, have the least impact on the cultural landscape and have the least impact on the values associated with waste water (travel of paru to other places, iwi Management Plans etc).

Once a preferred option was identified, a second cultural impact report was produced in 2019 to assess the preferred option. The second CIA report clearly articulates the history and relationship of mana whenua in the catchment, and the cultural impact of degrading water quality. The CIA supported reticulation and expressed deep concern and regret that the ongoing use of defunct and sub-standard systems in the Tarawera urban area has continued for so long. The CIA urged that solutions be found, and that any solution be both environmentally and culturally appropriate for the catchment.

The recommendations from the second CIA are:

1. Avoidance, mitigation and remedial options are assessed and implemented immediately for those properties that are currently non-compliant and are discharging to Lake Tarawera.
2. Rotorua Lakes Council to assess the viability of an in-catchment treatment plant in partnership with Mana Whenua.
3. Rotorua Lakes Council acknowledge the roles and responsibility of tangata whenua as kaitiaki and engage in a direct conversation with Tūhourangi, Ngāti Hinemihi and Ngāti Rangitihī on the way that this role and these responsibilities can be enabled in the ongoing management of Lake Tarawera and the surrounding lands.
4. The start-up cost of the reticulation is shared amongst the parties that have contributed to the issue. All new development in the catchment will be required to connect to the scheme, alternatives should be considered for Marae developments and Papakāinga if they can meet the same standards.

In response to the recommendations:

1. The BoPRC confirms one remaining non-compliant property is being worked with, and all other properties have been brought up-to-date with inspection and pump out requirements (over November 2019-January 2020).
2. Council commissioned a formal assessment, of the viability, of an in-catchment treatment plant and provided that information to Māori landowners and mana whenua. The key issues identified are:
  - Potential WWTP site must avoid homes, groundwater, rivers/streams, ecology areas, wāhi tupuna and significant landscapes.
  - Must be close enough to the network to ensure connectivity.
  - Geology/soil/slopes would greatly affect each potential site (only two such sites were identified as possible with poor chances to be secured).
  - The potential costs to purchase or lease a suitable site.
  - Delay in the scheme for design, resource consent and construction.
  - WWTP indicative cost of \$6.1 to \$12.6m (likely closer to \$12.0M based on the Rotoiti/Rotomā WWTP).
  - The preferred option (i.e. grinder pumps connecting to Ōkareka pump station through the road network) is the most cost effective option.
  - An in-catchment WWTP (in the region of \$12M) is a cost that cannot be justified on a network/engineering/lifecycle costs basis.
  - The Freshwater funding of \$6.5M could be at risk from prolonged delays (bearing in mind it was agreed in 2017).

### **The nature and consequences of the preferred scheme**

The Rotorua Lakes Council will assume responsibility for managing, maintaining and sustaining the reticulation and treatment infrastructure once it is installed. The Bay of Plenty Regional Council already has in place a regulatory framework for managing septic tanks and future waste water disposal requirements.

The regulatory framework is currently under review with the intention of upgrading the requirements and extending them to vacant sections well before the reticulation project is completed. To secure the intended benefits of motivating other land users in the catchment, the regional council will be monitoring farmer performance against farm environmental plans, and has significant funds available to support needed on-farm works.

The Tarawera Sewerage Steering Group (made up of representatives from Tūhourangi Tribal Authority, Te Mana o Ngāti Rangitihi, Māori landowners, the Tarawera Ratepayers Assoc, TALT, BoPRC and RLC) identified the preferred option as one where low-pressure grinder pumps are installed in the benefit community and connecting to the Ōkareka pumping station along Tarawera road. This option was identified as having the lowest cost for home owners, would measurably improve water quality at Tarawera, avoids wāhi tupuna (ancestral sites), and could be implemented quickly (resource consent is not required).

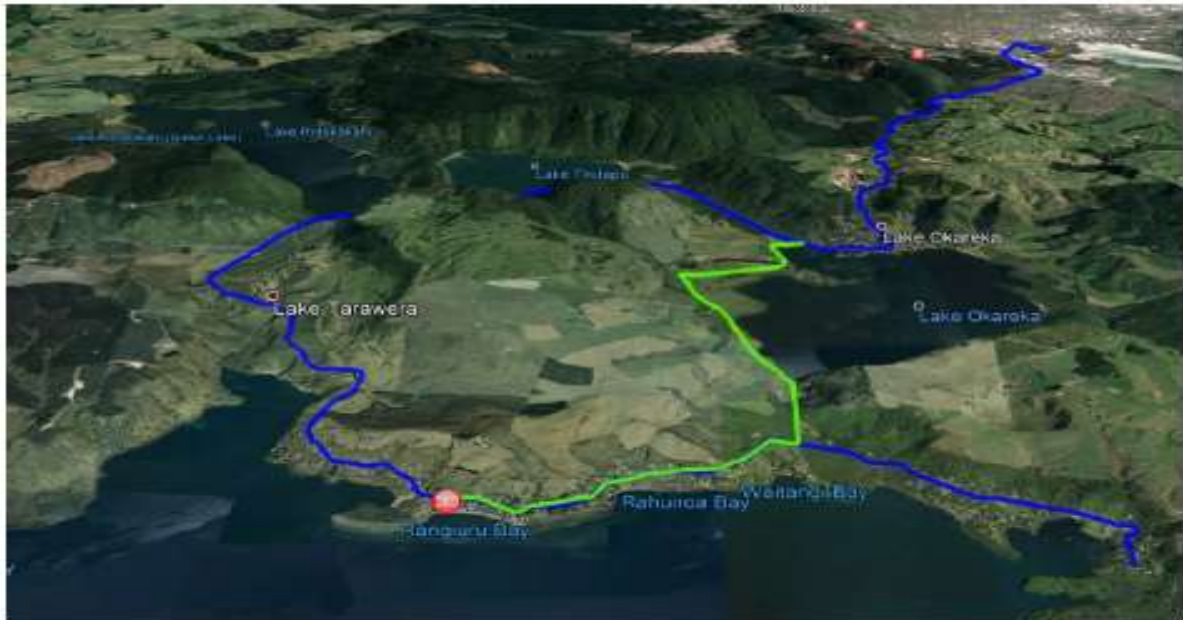


Figure 6. Indicative pipeline routes

At a meeting of the Tarawera Sewerage Steering Group on 15 October 2018, the committee made the following three recommendations to Rotorua Lakes Council.

- (i) **That the Tarawera Sewerage Steering Group strongly supports the onsite LPGP systems for each property at Lake Tarawera based on the cultural, physical, technical aspects. (Unanimous decision)**
- (ii) **That the Tarawera Sewerage Steering Group agreed that the best practicable option on balance deals with Iwi issues and affordability for the connection to lake Okareka is via Tarawera Road. (Unanimous decision)**
- (iii) **The Tarawera Sewerage Steering Group does not believe that OSET is a viable option for the community given that 170 properties will not be able to comply, there is considerable on-going cost and there will be limitations to a number of sections on the operation of an onsite scheme.**

Further, the Te Arawa Lakes Trust's submission to the Rotorua Lakes Council Annual Plan 2020-21 states:

***Rotorua Lakes Council Annual Plan 2020-21 – Tarawera Wastewater***

*The Trust is concerned that the Council's Annual Plan consultation document raises "timing changes" to the Tarawera Wastewater project. It has been communicated to the Trust that this timing change means an eight-year deferral. The apparent justification for this deferral in the Annual Plan consultation document is to lower the Council's debt profile.*

*The Trust draws the following points to Council's attention:*

- *The number one priority of Tarawera Lakes Restoration Plan is to reticulate dwellings in the Lake Tarawera urban community.*
- *The Cultural Impact Assessment for the Tarawera Wastewater scheme identified that all hapū and iwi support reticulation to an in-catchment plant.*
- *The CIA is specific about the concerns of hapū, iwi and landowners in relation to the ongoing degradation of Lake Tarawera and the time taken to for this issue to be resolved to date. The feedback clearly articulates the expectations of hapū, iwi and landowners in regard to the management of wastewater in the Tarawera catchment. Specifically that it is managed and that this is done urgently and in partnership with the hapū, iwi and landowners.*
- *The scheme has been granted \$6.5 million through the Environment Fund administered by the Ministry for the Environment and Council has identified that Lake Tarawera residents will be required to pay in the order of \$25,000 including GST per property.*
- *The Trust has not previously been advised of this proposed deferral.*
- *The removal of septic tank discharges from Lake Tarawera is a significant issue for the Trust.*

#### *Relief Sought*

*The Trust seeks that Council continue with its current timing for the reticulation of sewage from dwellings at Lake Tarawera and does not defer any works.*

## **5. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

In consideration of the long history of this proposed project the key matters for consideration are;

1. Waste water reticulation for the Tarawera community is consistent with national, regional and local water quality, cultural and health objectives.
2. Partial funding (\$8.0m) towards the full scheme cost has been secured.
3. The local community has identified the preferred option which it is based on low pressure grinder pumps on each property with mains trunk connecting to the Ōkareka pumping station and hence to the Rotorua WWTP.
4. The Cultural Impacts Assessment supports the reticulation as a tangible action to reduce adverse effects on the Lake water quality but sought an assessment of feasibility to install an in-catchment treatment plant similar to the Rotoma/Rotoiti scheme.
5. The feasibility of such in-catchment treatment plant indicates some significant constrains in terms of suitable land availability, extended legal processes, potential cultural and environmental hurdles and significant additional costs.

The options available to Council are now three.

1. Make a decision to adopt the direct connection to the city's WWTP
2. To further invest in exploration of a suitable site for an in-catchment WWTP and
3. To abandon the project/proposal.

**Option two** will further protract the uncertainty for the scheme with no definitive site solution in sight. Will add significant timing delays in terms of scoping, land procurement/agreements, design, resource consent processes and significant additional net costs to local and general ratepayers. In the meantime the Tarawera lake's water quality will continue to be impacted by the adverse effects of the septic tanks operations. Time delays would also potentially jeopardise the MfE funding of \$6.5 million.

**Option one**, would expedite the commencement of detail design with the view of delivering the reticulation as soon as possible within the next three years or so. There are no resource consent requirements for this option and the process to be followed will be;

1. Council confirm the funding policy for the scheme (i.e. as currently stands each ratepayer pays in a lump sum their share of the actual net capital cost of the project after subsidies and immediately upon completion and commissioning of the project, or some modified version to allow for individual cases and on the basis of exceptional circumstances)
2. Council then formally advises each affected Tarawera ratepayer, in writing, of the decision made to proceed with Option **One** and stating clearly that detail design will proceed only when at least 75% of all affected ratepayers have acknowledged receipt of the letter and have returned their signed acceptance of the scheme proposal and the Council adopted actual net capital cost repayment terms.
3. Detail design then proceeds and a firmer estimate of the scheme cost is arrived at. Affected ratepayers will be again updated on the revised net costs to be repaid.
4. Project construction commences with a 2 year installation and commissioning time estimate.

**Option three**, means that the reticulation proposal is abandoned and each property owner will have to undertake their own action to ensure compliance with the BOPRC's OSET rule. This option will be problematic as some 170 properties have been identified to have significant physical constraints to achieve OSET compliance. The option is considered regressive by officers.

Officers' recommendation is that Council adopts **Option One** as the most viable option to achieve water quality and improved health objectives at the most cost effective level of investment.

## 6. **TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decisions or matters of this report are considered significant. The decision on this proposal will impact the local Tarawera community directly through the effect of local works and through the net capital contribution they will have to make for the scheme.

In addition the proposal is significant because of the effect it will have on future operations and maintenance costs of the scheme through the waste water targeted rate and the short term effect on the Council's debt profile.

The financial implications of this proposal on the Council's overall resources are substantial and it will be difficult to reverse the decision once the Council has committed to the option set out in the proposal.

## 7. **NGĀ KŌRERO A TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

The local Tarawera community has been engaged in the development of this proposal for a number of years.

In more recent times and since 2016 the Tarawera Sewerage Steering Group (made up of representatives from Tūhourangi Tribal Authority, Te Mana o Ngāti Rangitihī, Māori landowners, the Tarawera Ratepayers Assoc, TALT, BoPRC and RLC) identified the preferred option.

In 2017 and 2019, Te Arawa Lakes Trust prepared a Cultural Impacts Assessments of the proposal, on behalf of Tūhourangi and Ngati Rangitihī.

Further consultation on this matter will not be undertaken as the Council already has a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter.

However and as matter of prudent due diligence, to protect Council and the general ratepayer, the Council's decision will be formally communicated to all affected ratepayers and property owners of the Tarawera catchment as per the process outlined in Section 5.0

## 8. NGĀ WHAIWHAKAAROTANGA CONSIDERATIONS

### 8.1 Ngā Whaiwhakaarotanga Mahere Pūtea Financial/budget considerations

Two types of financial considerations are arising from this proposal.

**Firstly** the capital costs of the scheme on both the local Tarawera ratepayers and on the wider community through the impacts on the Council's debt levels and **Secondly** the future operational costs through the targeted rate for sewerage payable by all sewerage system connected properties.

#### Capital Costs

The recommended scheme proposal of an LPGP system connected to Ōkareka scheme via Tarawera Road has a current gross capital cost estimate of approximately \$23.0 mil. This includes buying into the earlier main trunk capacity from lake Okareka to the city's WWTP (\$2.7 m) all mains installation and connection to the Ōkareka PS with design system capacity for eventually 550 HUEs, the estimated costs for 460 LPGPs but not the 90 LPGPs for the future HUEs.

The future cost for providing LPGPs to the anticipated new HUE, once buildings have been consented, and buying into mains capacity pre-installed will be paid by the owners of these new HUE at the time of building consents.

The current cost estimate was arrived at;

- Based on 460 existing HUE and a total potential of 550 future HUE.
- Unit prices were based on contract prices for Rotomā/Rotoiti sewerage scheme (However the estimate cannot be fully validated until detail design has been undertaken and binding prices have been received)

With consideration of the currently confirmed funding assistance of \$8.0 million (Mfe/RLC/BoPRC) the net capital costs will be split between 550 HUEs for network capacity. Some 460 HUE are in existence now and the cost of supply and installation of LPGPs to these HUE is in the current capital estimate. 90 HUE to be connected in the future (timing unknown). There is a risk that the network capacity built in for 550 HUE may be abortive if in the future these HUE do not eventuate. Council will be holding the cost of the capacity estimated at about \$1.5 million.

On the positive side, Council has been holding the debt associated with extra capacity built into the Okareka WW scheme mains connecting the lake Okareka community system with the city's WWTP to accommodate future growth. This historical capacity debt is \$2.7 million and will now be absorbed in

the gross costs of the Tarawera WW scheme. The net effect will be a reduction of held capacity liability of some \$1.2million from \$2.7m to \$1.5m.

On the basis of the current cost estimates the following are pertinent points to note;

1. The net capital cost (as currently estimated) will be divided by 550 HUE for the network and 460 HUE for the LPGPs and equates to approx. \$30k GST inclusive per HUE.
2. Council will carry additional capital debt for at least 2-3 years under the current funding policy for the scheme (approx. \$15-17mil)
3. In the event that any exceptions to the funding policy are made on a case by case basis the Council will carry some debt for longer.
4. The future operational costs of the scheme will be carried by all ratepayers who are connected to the waste water networks as part of the sewerage targeted levy (as currently estimated approximately \$30-40 per rate)

(Note: See attached – Attachment 1 – Capital Project Funding Plan)

## 8.2 Ngā Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

This proposal is consistent with the Council's commitment to address the Lakes water quality together with partners.

Council has signalled its support for the scheme proposal during the 2018-28 Long Term Plan and requested officers to continue to work with the community to complete the Cultural Impacts assessment and explore further funding options if available.

## 8.3 Ngā Tūraru Risks

The proposal and the report identify a number of risks and outline below officers' views on those risks.

RISKS	COMMENTARY
<b>Environment</b>	The proposed reticulation of waste water for the Tarawera community will contribute positively to the water quality of Lake Tarawera and the general environment by removing waste water pollutants.
<b>Cultural effects</b>	The proposal seeks to address the principal concerns expressed by the CIA Reports. There may not be universal support, which will be managed through ongoing engagement with iwi representatives
<b>Legal</b>	The report proposes a methodology that will ensure low risk of legal challenge to the proposed scheme.
<b>RMA</b>	The adoption of the preferred proposal removes the risk associated with resource consents other than construction activities consents.
<b>Financial</b>	The proposal incorporates significant short term capital impacts and effects on the Council's debt profile and long term effects on operational costs.



	<p>There is a risk that some 104 HUE for which network capacity has been built will not eventuate with invested capital costs of some \$1.6M remaining on Council's debt for unknown period.</p> <p>The proposal on the preferred option minimises capital cost risks and optimises long term operational costs for achieving the desired outcomes.</p>
<b>Regulatory</b>	The proposed reticulation of waste water for the Tarawera community is supported by the BoPRC as it is consistent with its objectives to improve the lakes water quality and the Mfe, RLC and TALT who are all partners in the Rotorua Lakes Water Quality Strategy.
<b>Community</b>	The Tarawera local community have requested this action for a number of years and the general community of Rotorua appear to be supportive of actions designed to address lakes water quality. There may not be universal support, which will be managed per section 5.0.

#### 8.4 Te Whaimana Authority

Council has the authority to consider and make a decision on the contents of this report.

#### 9. TE WHAKAKAPINGA CONCLUSION

The Rotorua Lakes are a significant national, regional and local asset for the local communities and more importantly are considered taonga by Te Arawa. The lakes water quality has been under threat for many years from pollutants associated with urbanisation and industrialisation.

The Rotorua Lakes Council together with Te Arawa, the Crown and the BoP Regional Council have been working towards improving lakes water quality. Waste water reticulation schemes, while not the universal solution to water quality issues, they do provide immediate and tangible positive effects to water quality.

The Tarawera waste water reticulation proposal is consistent with other earlier schemes. The local community has sought support from the Council to implement a reticulation scheme. After considering a long list of options the preferred scheme of LPGPs and connection to the Okareka mains for conveyance of effluent to the city's main treatment plant offers on balance the solution that achieves the desired outcomes, at a cost effective level.

The report outlines key matters pertaining to the proposal and leads officers to recommend that Council adopts its recommendations and commence the necessary process to give effect to the proposed waste water reticulation scheme for the Tarawera Lake community and the whole of the district's communities.

**10. TĀPIRINGA  
ATTACHMENT**

Attachment 1 – Capital Project Funding Plan [Click here](#)  
(Distributed separately)

ROTORUA LAKES COUNCIL

Mayor  
Councillors  
STRATEGY, POLICY & FINANCE COMMITTEE

## 6.2 Deliberations on Feedback on Rotorua Lakes Council Prostitution Bylaw - Statement of Proposal

**Report prepared by:** Leigh Richards, Strategy Advisor

**Report reviewed by:** Rosemary Viskovic, Strategy Development Manager

**Report approved by:** Geoff Williams, Chief Executive

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### 1. TE PŪTAKE PURPOSE

The purpose of this report is to deliberate on submissions to the 'Rotorua Lakes Council Prostitution Bylaw – Statement of Proposal' in order to decide whether Council should revoke the Rotorua District Council Prostitution Bylaw 2009, allow the Bylaw to lapse, or, adopt a Rotorua District Council Sex Workers Bylaw 2020 including any changes from the current bylaw.

It is intended that Officers present the potential recommendations as a stepped process.

### 2. TE TUHINGA WHAKARĀPOPOTOTANGA EXECUTIVE SUMMARY

Rotorua Lakes Council Prostitution Bylaw 2009 was due for review by April 2019. Prior to its expiration, the special consultative procedure was used to publicly consult on the Bylaw from 23 November 2018 until 25 January 2019. Council did not propose any changes to the 2009 Bylaw. Three written submissions were received and a hearing was held 14<sup>th</sup> February 2019.

At the March 2019 meeting of the Strategy, Policy and Finance Committee, officers recommended that the Council approve the proposed Prostitution Bylaw 2019. The proposed Bylaw reflected the feedback from the special consultative procedure. After deliberation, the Strategy, Policy and Finance Committee referred the proposed Prostitution Bylaw 2019 back to staff and the RMA Policy Committee to identify whether provisions in existing regulation, in particular the District Plan, might make the need for a Prostitution Bylaw unnecessary.

The report 'Does the District Plan Provide Adequate Provision to Control the Negative Effects of Prostitution?' was presented to the Strategy, Policy and Finance Committee on the 9<sup>th</sup> July 2020. This report recommended that a Prostitution Bylaw is the most appropriate way of addressing the location of brothels (including SOOBS) and other commercial sex premises in the District as well as the placement and establishment of signage relating thereto.

The 'Rotorua Lakes Council Prostitution Bylaw - Statement of Proposal' was released for consultation from 20<sup>th</sup> July to 18<sup>th</sup> August 2020. A total of thirty submissions were received. Fifteen submitters preferred Option A, seven preferred Option B, three preferred Option C, four preferred Option D and one preferred Option E. Eight submitters spoke to their submission. Main points raised via both written and oral submissions were related to:

- Whether a Prostitution Bylaw was required
- The location of Small Owner Operated Brothels (SOOBS)
- Whether soliciting and touting should be allowed
- Whether a permit should be required for the establishment of a brothel
- Whether an application fee should be required for the establishment of a brothel
- The amount of the fine for breaching the Bylaw.

### **3. HE TŪTOHUNGA RECOMMENDATION**

- 1. That the report 'Deliberations on Feedback on Rotorua Lakes Council Prostitution Bylaw – Statement of Proposal' be received.**
- 2. That the Committee recommend to Council there are no possible negative effects of prostitution and that the current Bylaw be revoked following the November Council meeting or allowed to lapse on 9<sup>th</sup> April 2021.**

**OR**

- 3. That the Committee recommend to Council that while there is a possible negative effect of prostitution, a bylaw is not the most appropriate way of addressing this and that the current Bylaw be revoked following the November Council meeting or allowed to lapse on 9<sup>th</sup> April 2021.**

**OR**

- 4. That the Committee recommend to Council that a bylaw is the most appropriate way of addressing a possible negative effect of prostitution and that the proposed Rotorua District Council Sex Workers Bylaw 2020 be adopted.**

**OR**

- 5. That the Committee recommend to Council that a bylaw is the most appropriate way of addressing a possible negative effect of prostitution and that the proposed Rotorua District Council Sex Workers Bylaw 2020 be adopted with changes [as advised by the Committee]**

**It is intended that Officers present the potential recommendations as a stepped process during the meeting.**

### **4. TE TĀHUHU BACKGROUND**

The Rotorua Lakes Council has 15 bylaws, including the Prostitution Bylaw 2009. These are rules made by the Council that affect and regulate certain activities in the community. They cover health, safety and a range of environmental issues.

Prostitution in New Zealand was decriminalised through the passing of the Prostitution Reform Act 2003. The Act allows Councils to adopt bylaws establishing appropriate locations for brothels within their district and rules for advertising commercial sexual premises. Being in line with this authority, the objectives of the Council's Prostitution Bylaw 2009, were to control the location of brothels and other commercial sex premises in the District and the placement and establishment of signage relating thereto.

Council's bylaw making power sits alongside Council's general power under the Local Government Act 2002 (LGA) to make bylaws in order to:

- protect the public from nuisance;
- protect, promote, and maintain public health and safety; and
- minimise the potential for offensive behaviour in public places.

A review was carried out on the Prostitution Bylaw 2009 as it was due for review in April 2019. The special consultative procedure was used to consult on the Bylaw, no changes were proposed to the existing Bylaw.

Three submissions were received particularly commenting on:

- Clause 2.1 and raising concerns that this clause appeared to restrict the operation of SOOBs outside the Rotorua CBD.
- Whether the clauses regulating signage went further than intended and regulated advertising generally.
- Whether clause 4.1 in relation to touting and soliciting was necessary.

At the Hearing of submissions on the 14<sup>th</sup> February 2019, the question was raised whether a Prostitution Bylaw is actually required. The need to control locations of SOOBs and brothels and control touting and soliciting was also questioned. These options were not identified for the consultation that took place during 23 November until 25 January 2019.

At the March meeting of the Strategy, Policy and Finance Committee it was recommended by officers that the Council approve the proposed Prostitution Bylaw 2019 with the following changes:

- a) Adding 'small owner-operated brothel' to the definitions. This addition provides clarity around what constitutes a SOOB.
- b) Adding a clause (2.2) to the Location of Brothels Section that acknowledged location restrictions on brothels do not apply to SOOBs in residential areas. This clarifies the intention that SOOBs may be located outside of the permitted zone for brothels and that SOOBs be treated like any other home-based business. It addresses the concerns about sex workers having a choice about when and where they provide their services as well as ensuring that there is a level of safety for when these services are provided. There is the ability for another sex worker to work from the residence.
- c) Removing clause 4 that prohibited the ability to solicit or tout. This is to ensure the Bylaw would clearly be in keeping with the intentions of the Prostitution Reform Act 2003 and the NZ Bill of Rights Act 1990.

The Committee did not approve the proposed 2019 Bylaw and asked that consideration be given as to whether a Prostitution Bylaw was required. Due to the local body election and there being no Resource Management Act Committee the report 'Does the District Plan Provide Adequate Provision to Control the Negative Effects of Prostitution?' was presented to the Strategy, Policy and Finance Committee on the 9<sup>th</sup> July 2020. This report recommended that a Prostitution Bylaw is the most appropriate way of addressing the location of brothels (including SOOBs) and other commercial sex premises in the District as well as the placement and establishment of signage relating thereto.

The 'Statement of Proposal: Rotorua Lakes Council Prostitution Bylaw' was released for consultation from 20<sup>th</sup> July to 18<sup>th</sup> August 2020. The Statement of Proposal contained 5 options:

- Option A - Retaining the Existing RLC Prostitution Bylaw 2009 with no changes  
Option B and C - Adopting a new RLC Prostitution Bylaw

- Option D - Allowing the current Bylaw to lapse, or revoke the current Bylaw  
Option E - Revoking the 2009 Bylaw or allowing it to lapse AND inserting required provisions into the District Plan

A total of thirty submissions were received. Fifteen submitters preferred Option A, seven preferred Option B, three preferred Option C, four preferred Option D and one preferred Option E. Eight submitters spoke to their submission. Main points raised via both written and oral submissions were related to:

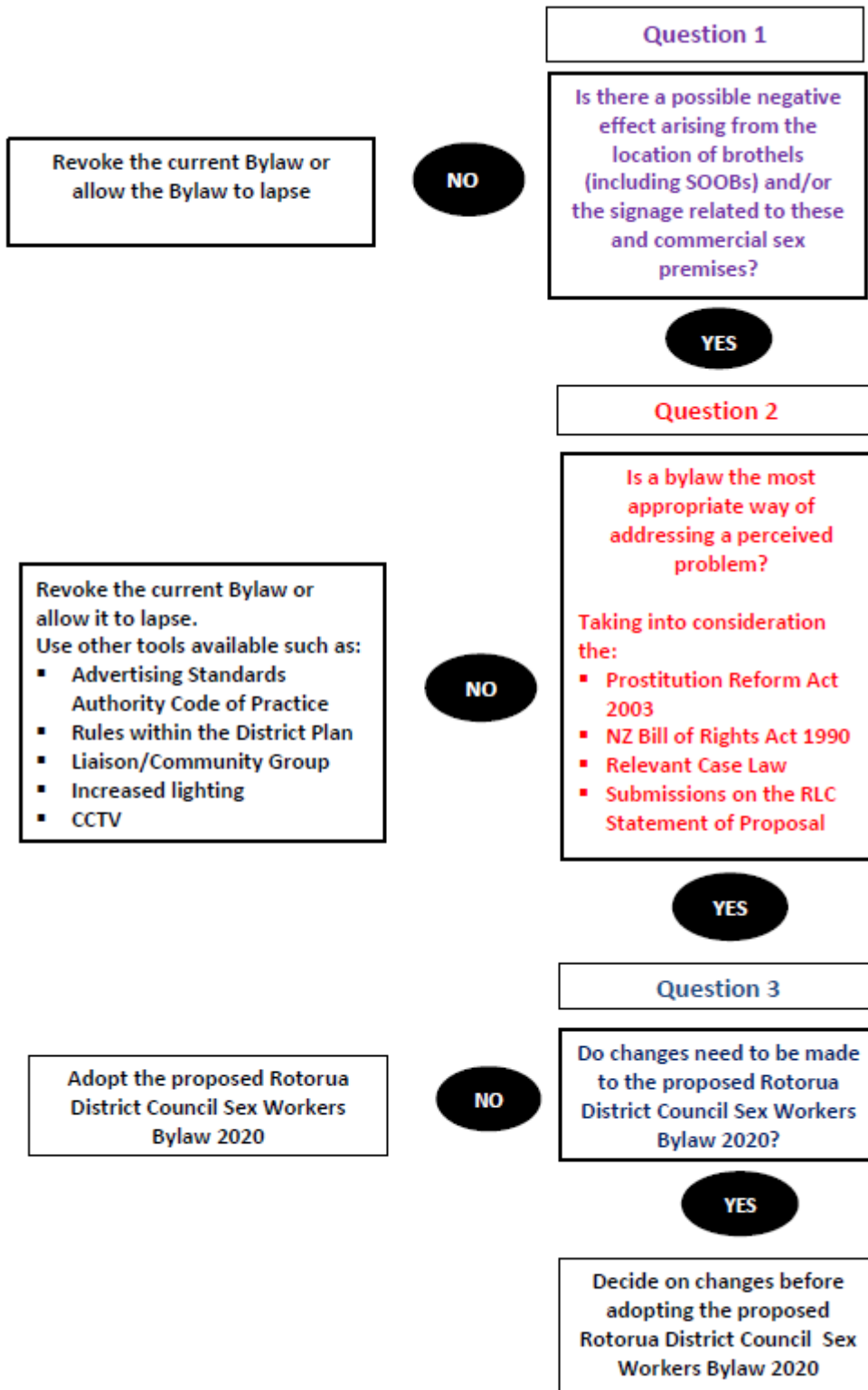
- Whether a Prostitution Bylaw was required
- The location of Small Owner Operated Brothels (SOOBs)
- Whether soliciting and touting should be allowed
- Whether a permit should be required for the establishment of a brothel
- Whether an application fee should be required for the establishment of a brothel
- The amount of the fine for breaching the Bylaw

## 5. **TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

Prostitution is a legal activity. The purpose of having a Prostitution Bylaw is not to pass judgement about whether the provision of sexual services should take place, but to provide some regulation of any negative effects around these activities. There is a need to provide a balance between access to sexual services while protecting the public from nuisance, and minimising the potential for offensive behaviour in public places. The main argument has been whether there is a need for additional protections, through a Bylaw, above those applied to all business activities within the District Plan.

Council is required to review its current Prostitution Bylaw 2009 since it has reached its 10 year threshold.

### **Figure 1: Questions Council needs to answer to complete the Prostitution Bylaw 2009 Review**



**Question 1 - Is there a possible negative effect?**

When reviewing a bylaw, Council must adhere to section 155 of the Local Government Act 2002. Specifically, Council must first decide if there is a negative effect. The Bylaw and submissions have focused on the possible problems in relation to the location of brothels, and the signage related to these and commercial sex premises. Table 1 below identifies the possible negative effects of prostitution, grouped under the headings of 'Location', 'Signage', 'Nuisance' and 'Touting and Soliciting'.

**Table 1: Possible Negative Effects of Prostitution**

<b>Attributes</b>	<b>Possible Negative Effect</b>
<b>Location of brothels</b>	<b>Brothels being located within 100 metres of sensitive sites</b>
	<b>Brothels being congregated within 100 metres of each other</b>
	<b>Brothels being located on the ground floor in the CBD</b>
<b>Signage</b>	<b>Offensive or sexually explicit words</b>
	<b>Plethora of signage related to brothels and other sex commercial services.</b>
	<b>Neon lighting</b>
<b>Nuisance</b>	<b>Noise</b>
	<b>Disturbance</b>
	<b>Good Order</b>
	<b>Amenity</b>
<b>Touting and Soliciting</b>	<b>Nuisance and possible offensive behaviour in public places</b>

Council decides there is no need to control possible negative effects of prostitution

Council must initially determine whether there are any negative effects of prostitution. If Council decides there is no need to control possible negative effects of prostitution, the next step is to either revoke the current bylaw or take no action and allow the Rotorua District Council Prostitution Bylaw 2009 to lapse. Council would rely on tools available such as:

- Advertising Standards Authority Code of Practice
- Rules within the District Plan
- Liaison/Community Group
- Increased lighting
- CCTV

**Decision Point 1**

If Council determines that there is no negative effects to be addressed Officers would recommend that Council agrees with one of the following recommendations:

**That the Committee recommend that Council revoke the current Rotorua District Council Prostitution Bylaw 2009**

OR



**That the Committee recommend that Council allows the current Rotorua District Council Prostitution Bylaw to lapse as of 9 April 2021**

If Council decides there is a need to control possible negative effects of prostitution, Council moves to answering Question 2.

**Question 2 - If there is a possible negative effect, is a Prostitution Bylaw the most appropriate way of addressing the perceived problem?**

If Council decides that it needs to control a negative effect related to the location of brothels or the signage related to these and commercial sex premises, Council must then determine whether a bylaw is the most appropriate way of addressing these.

**Need for a Bylaw - Engagement Information**

- **30 submissions that represent polar differences in perspectives for and against the need for a Bylaw**
- **Council Officers have confirmed that the current Bylaw plays an effective role in enabling the management of concerns and preventing queries from escalating to formal complaints**
- **NZ Police, Lakes District Health Board Sexual Health Services and Toi te Ora Public Health made no submission**

There has been one formal complaint to Council about negative impacts of prostitution since 2017. Council's Regulatory Officers have confirmed that the Prostitution Bylaw 2009 plays an effective role in enabling the management of concerns, preventing queries from escalating to formal complaints due to the clear guidance and expectations provided by the Bylaw. Concerns raised have included: what can and cannot be done in relation to brothel and SOOB location, signage related to brothels and commercial sex services, and soliciting and touting. The addition of the 'nuisance' clause in the proposed RLC Sex Workers Bylaw 2020 is welcomed by Council's Regulatory Officers as there is no other effective tool available to deal with this negative effect.

Table 2 below identifies the tools available to address the possible negative effects of prostitution and an assessment of their speed or effectiveness.

Table 2: Tools available to address the possible negative effect of prostitution

<b>Attributes</b>	<b>Possible Negative Effect</b>	<b>Tools Available</b>
<b>Location of brothels</b>	<b>Brothels being located within 100 metres of sensitive sites</b>	<b>Prostitution Bylaw (immediate response and guidance)</b>
	<b>Brothels being congregated within 100 metres of each other</b>	<b>Prostitution Bylaw (immediate response and guidance)</b>
	<b>Brothels being located on the ground floor in the CBD</b>	<b>Prostitution Bylaw (immediate response and guidance)</b>
<b>Signage</b>	<b>Offensive or sexually explicit words</b>	<b>Advertising Standards Authority Code of Practice (slow process) Prostitution Bylaw (immediate response and guidance)</b>
	<b>Plethora of signage related to brothels and</b>	<b>District Plan (immediate response) Prostitution Bylaw (immediate response and guidance)</b>

	<b>other sex commercial services.</b>	
	<b>Neon lighting</b>	<b>District Plan (immediate response) Prostitution Bylaw (immediate response and guidance)</b>
<b>Nuisance</b>	<b>Noise</b>	<b>Prostitution Bylaw (immediate response and guidance) Noise Rules within the District Plan (immediate response) Liaison/Community Group (unknown)</b>
	<b>Disturbance</b>	<b>Prostitution Bylaw (immediate response and guidance) Liaison/Community Group (unknown)</b>
	<b>Good Order</b>	<b>Prostitution Bylaw (immediate response and guidance) Liaison/Community Group (unknown)</b>
	<b>Amenity</b>	<b>Prostitution Bylaw (immediate response and guidance) Liaison/Community Group (unknown)</b>
<b>Touting and Soliciting</b>	<b>Nuisance and possible offensive behaviour in public places</b>	<b>Summary Offences Act 1981 (immediate if criminal criteria are reached) General Bylaw 2017 (immediate response) Liaison/Communication Group (unknown) Increased lighting (deterrent) CCTV (deterrent)</b>

Based on the information in this section Council has two potential options.

Council decides that a Prostitution Bylaw is not the most appropriate way of addressing a possible negative effect

The next step is to revoke the Rotorua District Council Prostitution Bylaw 2009, or, allow the Bylaw to lapse.

#### **Decision Point 2**

If Council determines that a Prostitution Bylaw is not the most appropriate way of addressing a possible negative effect, Officers recommend that Council agrees with one of the following recommendations:

**That the Committee recommend that Council revoke the current Rotorua District Council Prostitution Bylaw 2009**

**OR**

**That the Committee recommend that Council allows the current Rotorua District Council Prostitution Bylaw 2009 lapse as of 9 April 2021**

If Council decides that a Prostitution Bylaw is the most appropriate way of addressing a possible negative effect

Council moves to answering question 3.

**Question 3 - If Council decides that a bylaw is the most appropriate tool, Council must then decide whether the proposed bylaw:**

- a) is the most appropriate form of bylaw, and
- b) gives rise to any implications under the New Zealand Bill of Rights Act 1990

One of the purposes of the Prostitution Reform Act 2003 is to safeguard the human rights of sex workers and protect them from exploitation: s 3(a). Core human rights include freedom of expression, freedom of association, and freedom from discrimination (NZBORA sections 14, 17, and 19 respectively). NZBORA does not protect a right to work. Rights protected by NZBORA are not absolute. They may be subject to reasonable limits prescribed by law which are demonstrably justifiable in a free and democratic society: NZBORA s 5.

The Human Rights Act 1993 establishes prohibited grounds of discrimination, including sex, race, disability, age and sexual orientation: s 21(1) (a), (f), (h), (i), and (m). Subject to certain exceptions, it is unlawful to discriminate on the basis of a prohibited ground. Employment status, in the sense of being unemployed or receiving a state benefit, is a prohibited ground of discrimination (s 21(1) (k)) but discrimination based on a particular occupation is not prohibited.

It should be noted that, unlike other aspects of the bylaw, provisions in relation to signage are not required to be consistent with NZBORA: s 13(2) PRA. That is, it is lawful to prohibit such signage even though that would restrict freedom of expression. However, if Council proposes to regulate or prohibit such signage, it must be satisfied that the provision is necessary to prevent a nuisance or serious offence, or is incompatible with the existing character or use of the area: s 12(2) PRA.

In developing a prostitution bylaw, Council must also be aware of the Prostitution Reform Act 2003, which outlines that the scope of a prostitution bylaw may be to:

- Prohibit or regulate signage that is in, or is visible from, a public place, and that advertise commercial sexual services.
- Regulate the location of brothels (this regulation being consistent with any related case law on location restrictions regarding brothels).

The Prostitution Reform Act 2003 does not empower territorial authorities to prohibit or regulate touting or soliciting.

Council must also take into consideration any relevant case law. The case law centres around the location of brothels and illustrates that:

- (a) The Court of Appeal has made it clear that the courts will not be interventionist. The choices being made in bylaws under the PRA are “distinctly ones of social policy” and “a court should be very slow to intervene, or adopt a high intensity of review”: *Conley v Hamilton City Council* [2008] 1 NZLR 789 (CA).
- (b) A bylaw virtually excluding both large and small brothels throughout a city will be invalid: *J B International Ltd v Auckland City Council* [2006] NZRMA 401 (HC).

- (c) A valid bylaw can exclude all types of brothels from residential zones if it makes reasonable provision for establishment in other zones: *Conley v Hamilton City Council* [2008] 1 NZLR 789 (CA).
- (d) The evidence of the likely impact of a restriction is important. Where a Council had known that SOOBs existed in what was to become a prohibited area and there was unchallenged evidence before the Court that some fifty to sixty workers would be affected, the bylaw was found to be invalid: *Willowford Family Trust v Christchurch City Council* [2011] NZAR 209 (HC).<sup>3</sup> But where the evidence before the Court about the “natural habitat” of SOOBs was equivocal and there was no evidence of any SOOBs which would be affected by the proposed bylaw, a bylaw prohibiting all brothels in residential zones was found to be valid: *Conley v Hamilton City Council* [2008] 1 NZLR 789.
- (e) The appropriate requirements for particular locales may very well vary: *Conley v Hamilton City Council* [2008] 1 NZLR 789.

Council decides the proposed Rotorua District Council Sex Workers Bylaw 2020 should be adopted

If Council wishes to control possible negative effects of prostitution with a bylaw, officers recommend adopting Option B, from the Rotorua District Council Prostitution Bylaw - Statement of Proposal, with the following changes (see Attachment 3). These changes reflect the feedback from submissions received.

Section 1.1 Name Change to the Bylaw

Change the name of the recommended bylaw to ‘Rotorua District Council Sex Workers Bylaw 2020’.

Section 1.5

Addition of ‘nearest’ to the definition of distance.

“Distance means the measurement taken from the *nearest* boundary of one premise to the *nearest* boundary of another”.

Defining the term resident in the definition of ‘small owner-operated brothel

“A resident is defined as a person for whom the SOOB is their normal place of residence”.

Section 2.4 - Addition of the ability to prescribe fees or charges for a permit to treat brothels in the same way as other businesses

*Council may prescribe fees or charges to be charged for any permit or inspection by Council under the provisions of this Bylaw in accordance with s150 of the Local Government Act.*

Section 4 – Limiting the ‘nuisance’ clause to SOOBs

The activity, *related to a SOOB*, shall not result, in the opinion of an authorized officer, in a more than minor reduction of amenity and good order the immediate community.

**Decision Point 3**

If Council decides the proposed Rotorua District Council Sex Workers Bylaw 2020 should be adopted,  
Officers recommend that Council agrees with the following recommendation:

**That the Committee recommend that Council adopt the Rotorua District Council Sex Workers Bylaw 2020**

<sup>3</sup> This case was decided in 2005 (and was considered by the Court of Appeal in *Conway v Hamilton City Council*) but it was not reported until 2011.

## Council decides it wants to make changes to the proposed Rotorua District Council Sex Workers Bylaw 2020

### **Potential Changes to Proposed Rotorua District Council Sex Workers Bylaw 2020 from submissions:**

**Sensitive Sites - The addition of residential homes and parks to sensitive sites**

**Advertising - Removing limitations in Clause 3 that differentiate the advertising allowed**

Council decides which changes need to be made to the Proposed Rotorua District Council Sex Workers Bylaw 2020 before adopting it.

#### **Decision Point 4**

If Council decides the proposed RDC Sex Workers Bylaw 2020 should be adopted with changes, Officers recommend that Council agrees with the following recommendation:

**That the Committee recommend that Council adopt the Rotorua Lakes Council Sex Workers Bylaw 2020 with the following changes [to be determined by the Deliberations Committee]**

#### **6. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The decisions in this report concern a bylaw, and are considered significant in accordance with the Local Government Act 2002 section 76-82 and the Council's Policy on Significance. As a significant decision, Council must apply greater diligence to the decision-making requirements of the Local Government Act 2002. This includes, but is not limited to, the degree to which different options are identified and assessed and the extent to which community views are considered.

Special consultative procedure has been used to receive community input on Rotorua Lakes Council Statement of Proposal – Prostitution Bylaw.

#### **7. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Prior to formal consultation on the review of Council's Prostitution Bylaw 2009, officers engaged with key stakeholders to encourage initial feedback on the operation of the Bylaw. Public and stakeholders were consulted using the special consultative procedure from 23 November until 25 January 2019. Advice of consultation was issued through advertisement in local newspapers, the weekly e-panui to 673 recipients and by letter to stakeholders including NZ Prostitute's Collective, the Police, Toi Te Ora Public Health, Lakes District Health Board Sexual Health Services, and local brothel businesses.

Three written submissions were received in response to seeking community feedback on the review of the Prostitution Bylaw 2009. If a different option had been presented, such as allowing the current Bylaw to lapse there might have been different submissions from a wider range of stakeholders.

This second round of consultation involved releasing the 'Statement of Proposal: Rotorua Lakes Council Prostitution Bylaw' for consultation from 20<sup>th</sup> July to 18<sup>th</sup> August 2020. Feedback on this Statement of Proposal was sought through: advertisement in the local media; a direct letter to stakeholders including the Police, NZ Prostitute's Collective, Toi te Ora Public Health, Lakes District Health Board

Sexual Health Services and local brothel and commercial sex premises; Council's Let's Talk/Kōrero Mai portal; posts on Council's Facebook page; Council's weekly e-panui. Copies of consultation documentation were available at the Council office, Te Aka Mauri, and online.

If Council determines that additional provisions be included in the District Plan, this would require extensive public consultation, including hearings and potential appeals.

## **8. HE WHAIWHAKAARO CONSIDERATIONS**

### **8.1 Mahere Pūtea Financial/budget considerations**

Including provisions within the District Plan will incur costs associated with further consultation and/or changes to the District Plan.

### **8.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

The recommended Sex Workers Bylaw 2020 is consistent with the Rotorua 2030 Vision.

### **8.3 Tūraru Risks**

Revoking Council's Prostitution Bylaw 2009 and not approving the recommended Sex Workers Bylaw 2020 would remove or decrease significantly the ability of Council to manage potential negative effects of prostitution on the community.

### **8.4 Te Whaimana Authority**

The committee has the authority to make the resolutions included within this report.

## **9. NGĀ ĀPITI HANGA ATTACHMENTS**

Attachment 1: Summary of submissions on the RLC Prostitution Bylaw Statement of Proposal

Attachment 2: Option B from 'Rotorua Lakes Council Prostitution Bylaw – Statement of Proposal' with proposed changes

Attachment 3: Clean copy of the recommended Rotorua District Council Sex Workers Bylaw 2020

Attachment 4: Statement of Proposal including copies of Option A, Option B and Option C (Distributed as a Separate Document) [Click here](#)

Attachment 5: Submissions from the Prostitution Bylaw Hearing 8 October 2020 (Distributed as a Separate Document) [Click here](#)

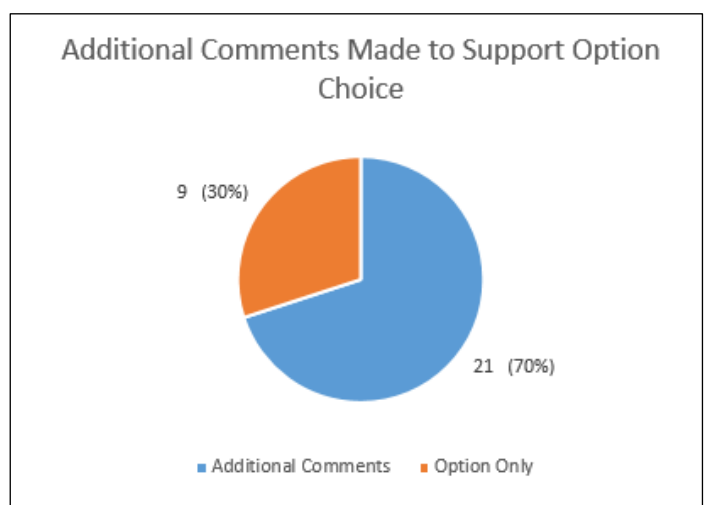
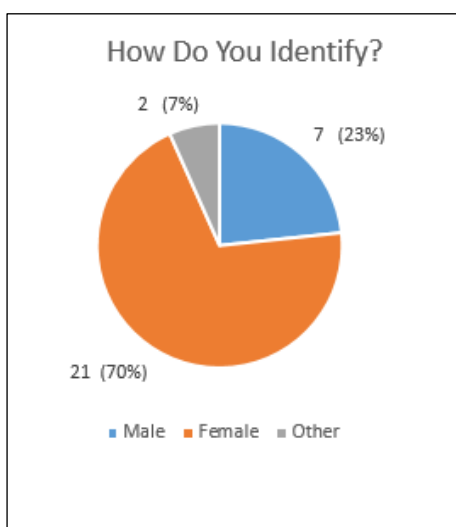
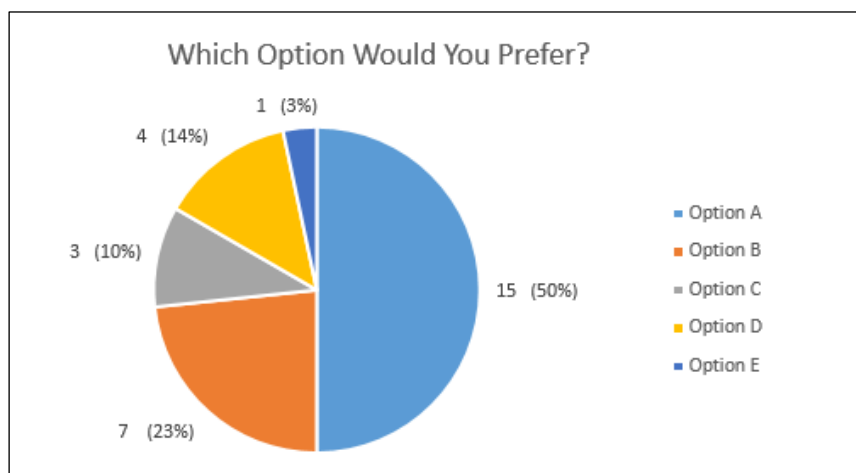
**Attachment 1: Summary of Submissions on the RLC Prostitution Bylaw: Statement of Proposal**

The Committee sought feedback on the Statement of Proposal through:

- advertisement in the local media informing the public of the review of the Bylaw and where to get more information
- a direct letter to stakeholders including the Police, NZ Prostitutes Collective, Toi te Ora Public Health, Lakes District Health Board Sexual Health Services and local brothel and commercial sex premises
- Council’s Let’s Talk/Kōrero Mai portal that received 352 visits resulting in 28 engaged visitors (those that made a submission), 80 informed visitors (those who moved beyond the landing page to engage with the information more fully, 285 aware visitors (those that visited the landing page)
- posts on Council’s Facebook page with a combined engagement of 26
- notice of the consultation was circulated through Council’s regular e-panui sent to 1164 recipients. There were 140 clicks on the Prostitution Consultation link within the e-panui during 24 July to 14 August

Copies of consultation documentation were available at the Council office, Te Aka Mauri, and online.

A hearing of submissions on the RLC Prostitution Bylaw: Statement of Proposal took place 8<sup>th</sup> October 2020. A total of thirty submissions were received.



The main points raised in the written submission for each of the 5 options are identified below:

Option A: Retain the existing RLC Prostitution Bylaw 2009 with no changes

10 of the 15 submitters who chose Option A provided feedback, the main themes including:

- The SOOB definition should be removed
- SOOBs should not be allowed to operate in residential areas – to ensure residents to do not have to deal with the possible negative effects of prostitution (noise [out of hours], nuisance, traffic)
- Brothels should only be located within the CBD of Rotorua
- Soliciting and touting should remain in a bylaw
- Brothels should incur a permit/application fee as with any other business
- The nuisance clause in Option B does not have any teeth
- Include residential houses, suburbs into the definition of sensitive sites
- Option B does not provide enough protection to residential households
- There is a link between poverty, drugs, abuse, gang activity, alcohol, condom littering, community harm and prostitution. Prostitution is not a form of employment Rotorua should be supporting, especially for our more vulnerable
- Consultation of the bylaw was robust enough
- Detail should be included on how sex workers will be protected
- Council should be making decisions that support safe and caring communities

Option B: Adopting an RLC Prostitution Bylaw

5 of the 7 submitters who chose Option B provided feedback, the main themes including:

- An application/permit fee should still be included in Option B
- Include a definition of touting
- Clause 4 on touting and soliciting from the current Prostitution Bylaw 2009 should be included
- Brothels should be limited to the CBD
- More specifics need to be provided on definition of resident and non-resident in relation to the operation of SOOBs
- The definitions included in Option B provide better clarity
- There needs to be greater clarity about the distance required between a sensitive site and a brothel
- There needs to be more details on how some parts of the Bylaw will be enacted, e.g. regarding nuisance and monitoring of brothels (how, by whom, who covers the cost of this?)
- More detail is required on what actions will be taken if there are breaches (signage, advertising, nuisance) to the bylaw e.g. abatement notices, fines
- Prostitution produces negative effects to our community, especially for those who are vulnerable
- How does this bylaw discourage entry into prostitution and encourage exit out of prostitution, in accordance with the Prostitution Reform Act?
- Rotorua is unique and should be making its own decisions that support a holistic approach to health and Tikanga Māori
- Support for Section 3 of the bylaw

Option C: Option B with changes

All 3 of the submitters who chose **Option C** provided a comment highlighting:

- The need to change the name of the bylaw, for example 'Sex Worker Bylaw'
- Bylaw is a restriction on people's human rights
- Changes are needed to the definition of sensitive sites
- The need to removing the restriction on the location of brothels including SOOBs
- Lessening or removing restrictions on advertising
- Limit brothels to industrial areas
- Best option is the removal of a bylaw



Option D: Allow the current Bylaw to lapse, or revoke the current Bylaw

3 of the 4 submitters who chose **Option D** provided comment highlighting:

- There is no need for a bylaw given sex work has been decriminalised
- Advertising and the operation and location of sex work from sensitive sites should be consistent with those for other businesses
- The existence of a bylaw challenges the basic rights of sex workers, contributes to the vulnerability and exploitation of sex workers and creates barriers to sex workers accessing sexual health services.
- If a Bylaw is to be adopted, change the name to 'Sex Workers Bylaw'
- Support for the ability of SOOBs to operate in Option B
- The call for the removal of prohibition sex work near sensitive sites so is treated like any other business
- Perceived problems (foot traffic, parking, noise) can be addressed by current home-based business rules
- RLC Prostitution Bylaw 2009 is not consistent with the Prostitution Reform Act by prohibiting solicitation and limiting sex work to large brothels
- Support for removing solicitation clause from Option B
- \$20,000 maximum fine is extremely excessive, suggestion of \$200 fine

Option E: Revoke the 2009 Bylaw or allow it to lapse AND insert required provisions into the District Plan

The 1 submitter who chose **Option E** made no comment

Attachment 2: Option B from 'Rotorua Lakes Council Prostitution Bylaw – Statement of Proposal' with changes



~~OPTION B~~

ROTORUA DISTRICT COUNCIL  
~~PROSTITUTION~~ SEX WORKERS  
BYLAW 2020

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- 1.1 SHORT TITLE
- 1.2 COMMENCEMENT
- 1.3 REVOCATION
- 1.4 OBJECTIVES
- 1.5 INTERPRETATION

### **2. LOCATION OF BROTHELS**

### **3. ADVERTISING OF COMMERCIAL SEXUAL SERVICES AND COMMERCIAL SEX PREMISES**

### **4. NUISANCE**

### **5. BREACH OF BYLAW**

### **APPENDIX 1: "MAP SHOWING PERMITTED AREA WITHIN ROTORUA CBD"**

## 1. INTRODUCTION

PURSUANT to the powers contained in the Local Government Act 2002, and the Prostitution Reform Act 2003 and their amendments and regulations, and of all and every other power and authority in that behalf enabling it, Rotorua District Council hereby resolves to make the following Bylaw.

### 1.1 SHORT TITLE

This Bylaw shall be known as "The Rotorua District Council ~~Prostitution~~ Sex Workers Bylaw 2020".

### 1.2 COMMENCEMENT

This Bylaw shall come into force on and take effect on the ~~10<sup>th</sup>~~ day of tbc 2020.

### 1.3 REVOCATION

The Rotorua District Council Prostitution Bylaw 2009 shall hereby be revoked.

### 1.4 OBJECTIVES

The objectives of this Bylaw include:

- ▣ The control of the location of Brothels and other Commercial Sex Premises in the District and the placement and establishment of signage relating thereto.
- ▣ The prohibition of soliciting for commercial sexual services.

### 1.5 INTERPRETATION

In this bylaw:

**brothel** means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

**~~commercial~~ sex premises**

- (a) means premises used or intended to be used primarily for exposing, selling, or hiring goods or services related to sexual behaviour; and
- (b) to avoid any doubt includes brothels, strip clubs, strip bars, rap parlours, peep shows, lap dancing bars, massage parlours, escort agencies, adult bookshops, adult video shops, adult cinemas, sex shops; but
- (c) ~~does not include~~ hospitals, healthcare services, chemists, community welfare facilities, or premises where therapeutic massage is offered;
- (d) ~~does not include~~ a residential dwelling, located within any of the residential zones as defined in the Rotorua District Plan, from which no more than two sex workers are providing commercial sexual services.

**~~commercial~~ sexual services** means sexual services that –

- (a) ~~involve~~ physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) ~~are~~ provided for payment or other reward (irrespective of whether the reward is given to the person providing the services of another person);

**Council** means the Rotorua District Council

**~~distance~~** means the measurement taken from the nearest boundary of one premise to the nearest boundary of another.

**home-based business** within the Rotorua District Plan is defined as: any home arts crafts, professional, trade or consultancy business, other than Prohibited Activities, which is carried out by a resident or residents incidentally to the primary use of the site and complies with the following in all respects:

- (a) The performance standards for the Zone in which the business is located;
- (b) No more than one person living away from the site can be employed on site at any one time;
- (c) The business does not involve outdoor storage of goods, or waste materials;
- (d) The business does not involved the parking of heavy vehicles on site; and
- (e) No display or retail of goods for sale may take place from the site"

**permitted area** means that part of the Central Business District of the City of Rotorua as depicted on map comprising Appendix 1 of this Bylaw.

**public place** means a place that –

- (a) is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or reject a person from that place; and
- (b) includes any aircraft, hovercraft, ship, ferry or other vessel, train or vehicle carrying or available to carry passengers for reward;

**sensitive site** means Education Facilities, **Marae**, churches, or other building habitually used for religious purposes:

Education Facilities means sites used primarily for education, such as pre-school, primary, secondary and tertiary institutions and institutes delivering educational services for groups such as people who are unemployed, youth, elderly or groups with special educational needs.

**Marae** means community meeting places or surrounds. **Marae** customarily means the open space in front of a meeting house upon which various ceremonial occasions are centred. For the purpose of this Bylaw, a **Marae** also consists of **wharenui** (Māori meeting house) and or **wharekai**/hall, together with the surrounding area of open ground. It includes buildings normally used in conjunction with the meeting house or hall, the whole being located on a defined parcel or parcels of land and administered by legally appointed trustees of a trust body for the common use or benefit of a defined group of Māori people

**Rotorua CBD** means the area as outlined in Appendix 1 to this Bylaw;

**sign** means any word, figure, image, poster, advertising device or appliance, or thing of a similar advertising nature intended principally to attract attention, whether it is placed on or affixed to any land or building or incorporated within the design of any building, and which is visible from a public place.

**small owner-operated brothel** means a brothel:

- (a) at which not more than four sex workers work; and
- (b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel.

Although up to four sex workers are allowed to operate from a SOOB, District Plan rules still apply. Resource consent would be required if more than 1 non-resident sex worker were to work from a SOOB. [A 'resident' is defined as a person for whom the SOOB is their normal place of residence.](#)

## 2. LOCATION OF BROTHELS

- 2.1 No person may establish or operate a brothel anywhere in the district outside the permitted area of the Rotorua CBD as defined in the map comprising Appendix 1 of this Bylaw.
- 2.2 The location restrictions in clause 2.1 of this Bylaw do not apply to small owner-operated brothels.
- 2.3 No person may establish or operate a brothel within the Rotorua CBD without first having obtained a permit for that brothel from the Council.
- 2.4 An application for a permit for a brothel must be in writing. [Council may prescribe fees or charges to be charged for any permit or inspection by Council under the provisions of this Bylaw in accordance with s150 of the Local Government Act.](#)
- 2.5 No brothel (including SOOBs) is permitted to be located:
- (a) 100 metres or less from a sensitive site; or
  - (b) 100 metres or less from any other brothel or commercial sex premises.
- 2.6 No brothel within the permitted area may be located at ground level (for the purposes of this clause a brothel is located at ground level if any part of the premises other than a staircase or entrance foyer is located at ground level)
- 2.7 The Council may decline to grant a permit for a brothel where the Council considers that the brothel would significantly detract from the existing character of the street on which, or the area in which, the brothel would be located.
- 2.8 The Council may grant a permit for a brothel for a period set out in the licence not exceeding 5 years.
- 2.9 Clause 3.2 does not apply to any brothel that, on the day this bylaw comes into force:
- (a) holds any resource consents required under an operative or proposed district plan, or a certificate of compliance under the Resource Management Act 1991, or has existing use rights under that Act; and
  - (b) is operated by a person who holds a current certificate issued under section 35 of the Prostitution Reform Act 2003.

## 3. ADVERTISING OF COMMERCIAL SEXUAL SERVICES AND COMMERCIAL SEX PREMISES

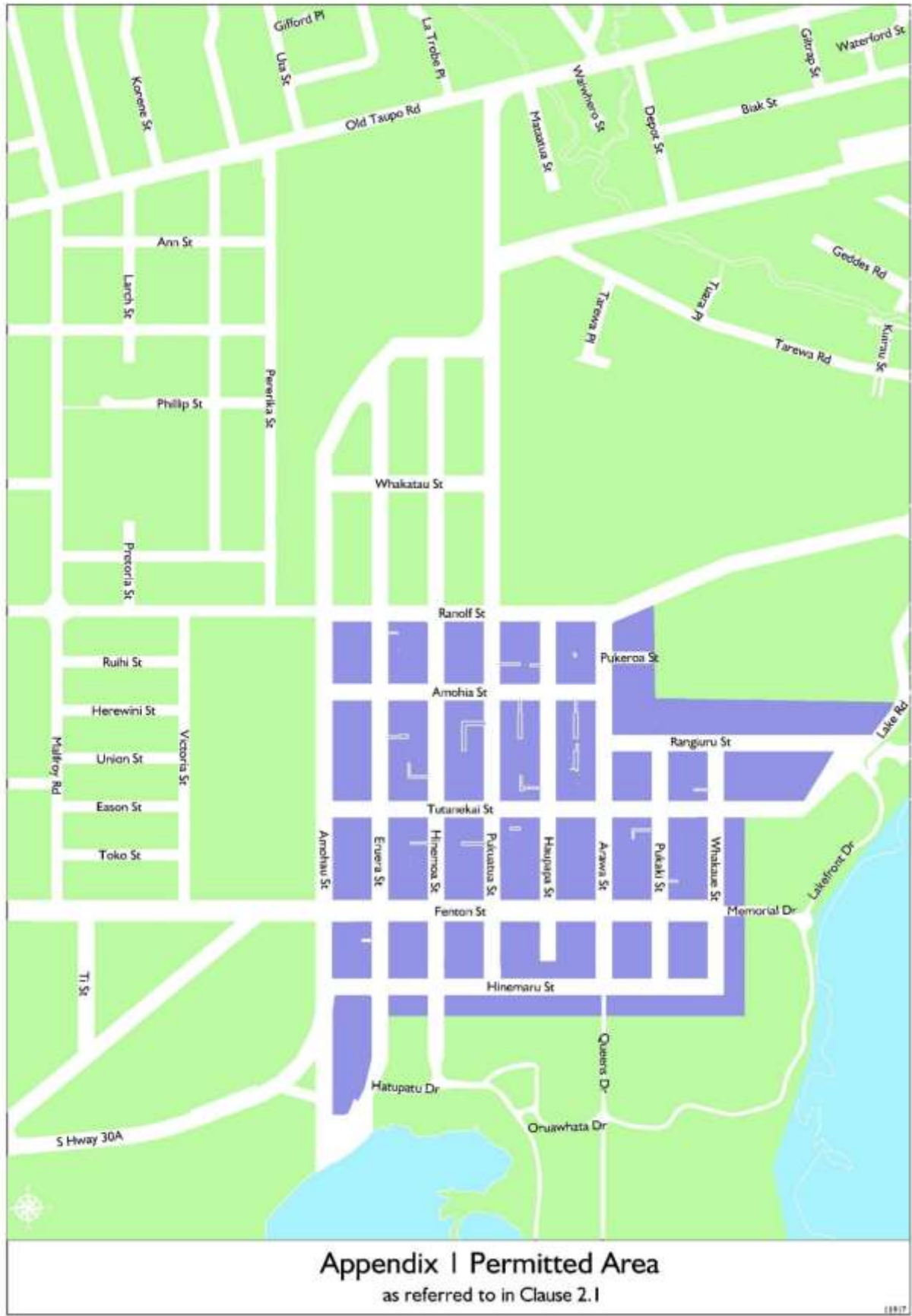
- 3.1 Subject to clause 3.2, no person may place, or allow to remain in place on or in any building or structure in the district a sign that advertises or informs the public of the availability of commercial sexual services.
- 3.2 No person may place, or allow to remain in place on or in any building or structure in the district a sign that advertises or informs the public of a brothel or other commercial sex premises unless –
- (a) In respect of a brothel, the brothel holds a consent under clause 2.6 or it is a brothel to which clause 2.7 applies; and
  - (b) The sign is located on the premises comprising that brothel or other commercial sex premises; and
  - (c) The sign only contains the name of that brothel or other commercial sex premises; and
  - (d) The person has obtained written approval for the sign from the Council.
- 3.3 An application for an approval for a sign must be in writing and be accompanied by a fee of \$200, or such other fee as the Council may determine using the special consultative procedure.

- 3.4 Subject to clause 3.5, the council may grant an approval for a sign on such terms and conditions as it thinks fit. When considering whether or not to grant or refuse an approval, the Council may have regard to the size of the sign and the cumulative effect of the sign in its environment.
- 3.5 Council will not grant an approval for a sign if it does not meet District Plan rules or if one or more of the following applies:
- (a) the sign contains neon lighting; or
  - (b) the sign contains offensive or sexually explicit words, images (including video) or pictures; or
  - (c) there is already another sign in relation to the brothel or commercial sex premises.
- 3.6 The Council may by written notice served on the owner or operator of any brothel or other commercial sex premises require that owner or operator to remove or alter any sign that contravenes clause 3.1 or clause 3.2 within the time specified in the notice.
- 3.7 If the owner or operator of any brothel or other commercial sex premises has been served with a notice under clause 3.6, that owner or operator must comply with that notice within the time specified in the notice.
- 3.8 If the owner or operator fails to comply with the notice under clause 3.6, within the specified time, the Council may remove or alter the sign. The owner or operator is liable for the Council's cost in removing or altering the sign.
- 3.9 No person may distribute written material advertising Commercial Sex Premises or Commercial Sexual Services, or verbally advertise a Commercial Sex Premises, in a Public Place within the Rotorua District.
- 4. NUISANCE**
- 4.1 The activity related to a SOOB shall not result, in the opinion of an authorized officer, in a more than minor reduction of amenity and good order to the immediate community.
- 5. BREACH OF BYLAW**
- 5.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002 being a fine not exceeding \$210,000.

The Common Seal of the  
**ROTORUA DISTRICT COUNCIL**  
was hereunto affixed in  
the presence of:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive





**Attachment 3: Clean copy of the recommended Rotorua District Council Sex Workers Bylaw 2020**



# ROTORUA DISTRICT COUNCIL SEX WORKERS BYLAW 2020

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## 1. INTRODUCTION

- 1.1 SHORT TITLE
- 1.2 COMMENCEMENT
- 1.3 REVOCATION
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- 1.5 INTERPRETATION

## 2. LOCATION OF BROTHELS

## 3. ADVERTISING OF COMMERCIAL SEXUAL SERVICES AND COMMERCIAL SEX PREMISES

## 4. NUISANCE

## 5. BREACH OF BYLAW

## APPENDIX 1: "MAP SHOWING PERMITTED AREA WITHIN ROTORUA CBD"

## 1. INTRODUCTION

PURSUANT to the powers contained in the Local Government Act 2002, and the Prostitution Reform Act 2003 and their amendments and regulations, and of all and every other power and authority in that behalf enabling it, Rotorua District Council hereby resolves to make the following Bylaw.

### 1.1 SHORT TITLE

This Bylaw shall be known as “The Rotorua District Council Sex Workers Bylaw 2020”.

### 1.2 COMMENCEMENT

This Bylaw shall come into force on and take effect on the tbc<sup>th</sup> day of tbc 2020.

### 1.3 REVOCATION

The Rotorua District Council Prostitution Bylaw 2009 shall hereby be revoked.

### 1.4 OBJECTIVES

The objectives of this Bylaw include:

- ☑ The control of the location of Brothels and other Commercial Sex Premises in the District and the placement and establishment of signage relating thereto.
- ☑ The prohibition of soliciting for commercial sexual services.

### 1.5 INTERPRETATION

In this bylaw:

**brothel** means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere.

**commercial sex premises**

- (a) means premises used or intended to be used primarily for exposing, selling, or hiring goods or services related to sexual behaviour; and
- (b) to avoid any doubt includes brothels, strip clubs, strip bars, rap parlours, peep shows, lap dancing bars, massage parlours, escort agencies, adult bookshops, adult video shops, adult cinemas, sex shops; but
- (c) does not include hospitals, healthcare services, chemists, community welfare facilities, or premises where therapeutic massage is offered;
- (d) does not include a residential dwelling, located within any of the residential zones as defined in the Rotorua District Plan, from which no more than two sex workers are providing commercial sexual services.

**commercial sexual services** means sexual services that –

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services of another person);

**Council** means the Rotorua District Council

**distance** means the measurement taken from the nearest boundary of one premise to the nearest boundary of another.

**home-based business** within the Rotorua District Plan is defined as: any home arts crafts, professional, trade or consultancy business, other than Prohibited Activities, which is carried out by a resident or residents incidentally to the primary use of the site and complies with the following in all respects:

- (f) The performance standards for the Zone in which the business is located;
- (g) No more than one person living away from the site can be employed on site at any one time;
- (h) The business does not involve outdoor storage of goods, or waste materials;
- (i) The business does not involve the parking of heavy vehicles on site; and
- (j) No display or retail of goods for sale may take place from the site”

**permitted area** means that part of the Central Business District of the City of Rotorua as depicted on map comprising Appendix 1 of this Bylaw.

**public place** means a place that –

- (c) is open to, or being used by, the public, whether admission is free or on payment of a charge and whether any owner or occupier of the place is lawfully entitled to exclude or reject a person from that place; and
- (d) includes any aircraft, hovercraft, ship, ferry or other vessel, train or vehicle carrying or available to carry passengers for reward;

**sensitive site** means Education Facilities, Marae, churches, or other building habitually used for religious purposes:

Education Facilities means sites used primarily for education, such as pre-school, primary, secondary and tertiary institutions and institutes delivering educational services for groups such as people who are unemployed, youth, elderly or groups with special educational needs.

Marae means community meeting places or surrounds. Marae customarily means the open space in front of a meeting house upon which various ceremonial occasions are centred. For the purpose of this Bylaw, a Marae also consists of wharenui (Māori meeting house) and or wharekai/hall, together with the surrounding area of open ground. It includes buildings normally used in conjunction with the meeting house or hall, the whole being located on a defined parcel or parcels of land and administered by legally appointed trustees of a trust body for the common use or benefit of a defined group of Māori people

**Rotorua CBD** means the area as outlined in Appendix 1 to this Bylaw;

**sign** means any word, figure, image, poster, advertising device or appliance, or thing of a similar advertising nature intended principally to attract attention, whether it is placed on or affixed to any land or building or incorporated within the design of any building, and which is visible from a public place.

**small owner-operated brothel** means a brothel:

- (a) at which not more than four sex workers work; and
- (b) where each of those sex workers retains control over his or her individual earnings from prostitution carried out at the brothel.

Although up to four sex workers are allowed to operate from a SOOB, District Plan rules still apply. Resource consent would be required if more than 1 non-resident sex worker were to work from a SOOB. A ‘resident’ is defined as a person for whom the SOOB is their normal place of residence.

## 2. LOCATION OF BROTHELS

- 2.1 No person may establish or operate a brothel anywhere in the district outside the permitted area of the Rotorua CBD as defined in the map comprising Appendix 1 of this Bylaw.
- 2.2 The location restrictions in clause 2.1 of this Bylaw do not apply to small owner-operated brothels.
- 2.3 No person may establish or operate a brothel within the Rotorua CBD without first having obtained a permit for that brothel from the Council.
- 2.4 An application for a permit for a brothel must be in writing. Council may prescribe fees or charges to be charged for any permit or inspection by Council under the provisions of this Bylaw in accordance with s150 of the Local Government Act.
- 2.5 No brothel (including SOOBs) is permitted to be located:
- (c) 100 metres or less from a sensitive site; or
  - (d) 100 metres or less from any other brothel or commercial sex premises.
- 2.6 No brothel within the permitted area may be located at ground level (for the purposes of this clause a brothel is located at ground level if any part of the premises other than a staircase or entrance foyer is located at ground level)
- 2.7 The Council may decline to grant a permit for a brothel where the Council considers that the brothel would significantly detract from the existing character of the street on which, or the area in which, the brothel would be located.
- 2.8 The Council may grant a permit for a brothel for a period set out in the licence not exceeding 5 years.
- 2.9 Clause 3.2 does not apply to any brothel that, on the day this bylaw comes into force:
- (b) holds any resource consents required under an operative or proposed district plan, or a certificate of compliance under the Resource Management Act 1991, or has existing use rights under that Act; and
  - (b) is operated by a person who holds a current certificate issued under section 35 of the Prostitution Reform Act 2003.

## 3. ADVERTISING OF COMMERCIAL SEXUAL SERVICES AND COMMERCIAL SEX PREMISES

- 3.1 Subject to clause 3.2, no person may place, or allow to remain in place on or in any building or structure in the district a sign that advertises or informs the public of the availability of commercial sexual services.
- 3.2 No person may place, or allow to remain in place on or in any building or structure in the district a sign that advertises or informs the public of a brothel or other commercial sex premises unless –
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- 3.3 An application for an approval for a sign must be in writing and be accompanied by a fee of \$200, or such other fee as the Council may determine using the special consultative procedure.
- 3.4 Subject to clause 3.5, the council may grant an approval for a sign on such terms and conditions as it thinks fit. When considering whether or not to grant or refuse an approval, the Council may have regard to the size of the sign and the cumulative effect of the sign in its environment.
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- 3.9 No person may distribute written material advertising Commercial Sex Premises or Commercial Sexual Services, or verbally advertise a Commercial Sex Premises, in a Public Place within the Rotorua District.

## 4. NUISANCE

- 4.1 The activity related to a SOOB shall not result, in the opinion of an authorized officer, in a more than minor reduction of amenity and good order to the immediate community.

## 5. BREACH OF BYLAW

- 5.1 Every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002 being a fine not exceeding \$10,000.

The Common Seal of the  
**ROTORUA DISTRICT COUNCIL**  
was hereunto affixed in  
the presence of:

\_\_\_\_\_ Mayor

\_\_\_\_\_ Chief Executive



ROTORUA LAKES COUNCIL

Mayor  
Chairperson and Members  
STRATEGY, POLICY AND FINANCE COMMITTEE

### 6.3 Hearing and Deliberations on Proposed Revocation of Pūruru Reserve North

**Report prepared by:** Stephanie Kelly, Recreation Planner

**Report reviewed by:** Gina Rangī, Manahautū Māori

**Report approved by:** Geoff Williams, Chief Executive

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#### 1. TE PŪTAKE PURPOSE

The purpose of this report is for the Committee to:

- Receive and hear submissions on the proposal to revoke the reserve classification of Pūruru Reserve North and vest the land as a Māori Reservation in trustees representing the people of Taharangi Marae; and
- Deliberate on submissions and make recommendations to Council on the proposal to revoke the reserve classification of Pūruru Reserve North and vest the land as a Māori Reservation in trustees representing the people of Taharangi Marae.

#### 2. HE TŪTOHUNGA RECOMMENDATION

1. That the report 'Hearing and Deliberations on Proposed Revocation of Pūruru Reserve North' be received.
2. That the submissions on the proposal to revoke the reserve classification of Pūruru Reserve North be received.
3. That the Committee recommends to Council that pursuant to Section 24 of the Reserves Act 1977 the reserve classification of Pūruru Reserve North, being Part Tarewa 6B Block and Part Tarewa 6C Block, be revoked.



### **3. TE TĀHUHU BACKGROUND**

At its meeting on 12 September 2019 Council resolved to commence public consultation on a proposal to revoke the reserve classification of Pūruru Reserve North and vest the land as a Māori Reservation in trustees representing the people of Taharangi Marae.

The Reserve was gifted to the Council in 1964 by the late Pat Ruhi, senior kaumatua of Ngāti Kearoa Ngāti Tūara. The tennis courts located on the site was built by the people of Taharangi Marae, but have not been used for some time and have not been maintained to a high standard. There is also a high provision of open space within this area with Kuirau Park being located across the road. On this basis it was considered that Pūruru Reserve North is no longer required for recreation purposes.

Pūruru Reserve North was never formally classified as a Recreation Reserve pursuant to Section 17 of the Reserves Act 1977. However the reserve is still considered a recreation reserve and subject to the provisions of Act because it meets the definition of a reserve under the Act and it is included in an approved Reserve Management Plan. Subsequently the process outlined under Section 24 of the Reserves Act 1977 is applicable.

The process includes a requirement to undertake public consultation and provide an opportunity for submitters to speak to their submissions. Council's intention to revoke the classification of the reserve was publicly notified on 29 February 2020 in the Rotorua Daily Post. In addition consultation was undertaken through Council's online engagement portal and information was sent directly to surrounding residents. Submissions closed on 30 March 2020.

### **4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

A total of nine submissions were received, with three indicating they wish to be heard. All submissions are in support of the proposed revocation. The summary of submissions is included as Attachment 1.

Under the Reserves Act 1977 Council, as the administering body of the reserve is required to consider all submissions received and make a resolution. In response to the strong support for the proposed revocation of the classification of the reserve, it is recommended that the Committee recommend to Council that the classification of Pūruru Reserve North be revoked.

If Council resolve to revoke the classification of the reserve, copies of all submissions received along with the Council resolution is required to be sent to the Minister of Conservation for final approval pursuant to Section 24(2)(e) of the Reserves Act 1977.

If the revocation of the reserve is approved by Council and the Minister of Conservation, it is proposed to vest the land as Maori reservation pursuant to Section 338 of Part 17 of the Te Ture Whenua Māori Land Act 1993, in trustees representing the people of Taharangi Marae. This will require a formal application to the Māori Land Court.

## **5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

The proposal to revoke the reserve classification of Pūruru Reserve North is not considered significant under Council's Significance and Engagement Policy 2017. However the vesting of the land is trustees representing the people of Taharangi Marae is significant to Ngāti Kearoa Ngāti Tūara.

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

Formal consultation on the proposal was undertaken under the Reserves Act 1977. This included a formal public notice in the Rotorua Daily Post, consultation through Council's online engagement portal and information sent directly to surrounding residents.

A total of nine submissions were received.

## **7. HE WHAIWHAKAARO CONSIDERATIONS**

### **7.1 Mahere Pūtea Financial/budget considerations**

There are financial considerations with the decision to vest the land as a Māori reservation which includes a formal application to the Māori land court.

### **7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications**

The proposed revocation of the classification of Pūruru Reserve North alignment with Council's 2030 of Resilient Communities.

Under the Rotorua Operative District Plan 2016, Pūruru Reserve North is designated as a Neighbourhood Reserve. On revocation of the reserve classification Council, as the requiring authority under the designation, will need to make a formal request for the designation to be lifted pursuant to the Resource Management Act 1991.

### **7.3 Tūraru Risks**

There is a risk that the proposed revocation will not be approved by the Minister of Conservation.

### **7.4 Te Whaimana Authority**

A Committee of Council has the authority to make a recommendation to full Council to resolve to revoke the classification of a reserve. Authority for final approval on a proposal to revoke the classification of a reserve is held by the Minister of Conservation.

Full Council has the ultimate and only authority to approve / make a resolution for the disposal of Council owned property.

**8. TĀPIRINGA  
ATTACHMENT**

Attachment 1: Summary of submissions – Proposed revocation of Pūruru Reserve North  
(RDC-1063830)

64-33-070  
RDC-1063830**Submissions on proposal to classify Pururu Reserve as a Maori reservation and have the land vested in trustees representing the people of Taharangi Marae**

Submission#	Date rec'd	Submitter	Wish to speak?	Submission	How submitted
1	4 March 2020	Peter Faulkner General Manager Pukeroa Oruawhata Group	No	POT has reviewed proposal and has no objections to it.	Submission form
2	6 March 2020	Aroha Bray	Yes	Thank you for vesting this particular piece of land back to the people of Taharangi Marae, we are happy. I would also like to formally speak to this submission please.	Submission form
3	10 March 2020	Tawhiri Morehu	Yes	1. Who is Responsible for the drain between the kohanga reo and the Tennis courts? 2. Could the drain be (piped)/culverted?	Submission form
4	12 March 2020	Alastair Johnson	No	I 100% support and applaud the proposal.	Submission form
5	13 March 2020	Stuart F Carle	No	No objections to this submission.	Submission form
6	13 March 2020	A F Carle	No	I have no objection to the Pururu Reserve being vested to the Taharangi Marae.	Submission form
7	18 March 2020	Maureen Jehly	No	I approve the vesting of the pururu reserve to trustees representing Taharangi Marae.	Email
8	26 March 2020	Hine Kahukura Ehau	No	I am pleased that this proposal to classify Pururu Reserve as a Maori Reservation and be vested in Taharangi Marae. I am of Ngati Kea, Ngati Tuara descent. We are not Ngati Kearoa. Kearoa is our tupuna.	Submission form
9	29 March 2020	Mary Puti Corbett	Yes	My name is Mary Corbett. I am the daughter of Patu Raharuhi, the person who donated the land to the Council. I live at 24 Tarewa Road in the home that was built for my grandparents and then the home that I was raised in.  In the 1960's my father began the renovation of the Tarewa Marae which was left to him and his sister Hepora Young. My father like his father before him	Korero Mai

				<p>was a rangatira of Ngati Kearoa, Ngati Tuara. Our hapu lived at Tarewa and Horohoro, and to this day we still have whanau in those areas. Currently our whanau (Raharuhi) have been the caretakers of Tarewa Marae. We are a Charitable Trust using the principles of the Trust Deed written by my father to guide us in how we operate. My father like his father was about people.</p> <p>My submission is to support the return of the reserve to the Taharangi Marae Trust Board to be put under a Common Law Trust with trustees from the marae to look at ways of supporting the community. Discussions with immediate whanau have been unanimous in the return.</p>	
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ROTORUA LAKES COUNCIL

Mayor  
Chairperson and Members  
STRATEGY, POLICY AND FINANCE COMMITTEE

**6.4 Economic Recovery Project 2 - Te Pūtake o Tawa Investment**

**Report prepared by:** Blair Simm, Business Development Manager (RED) & Tristan Adams, Strategy Advisor

**Report reviewed by:** Jean-Paul Gaston, Group Manager Strategy

**Report approved by:** Geoff Williams, Chief Executive

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**1. TE PŪTAKE  
PURPOSE**

This paper is intended to seek approval for funding of \$500,000 to further develop and build infrastructure and the trail network on and around the Te Pūtake o Tawa / Forest Hub 2 site and support commercial operations ready for the summer season.

Funds will be applied to:

- a stand-alone deck and hard shelter area at Te Pūtake o Tawa (alongside investment from commercial operators) ,
- approximately 4.8km of new trail adjacent above and away from Lake Rotokākahi to complete the Forest Loop trail.
- Additional track and trail building near the Te Pūtake o Tawa site, in line with approved Trails Trust master trails plan.

**2. NGĀ TŪTOHUNGA  
RECOMMENDATIONS**

1. That the report **ECONOMIC RECOVERY PROJECT 2 - TE PŪTAKE O TAWA INVESTMENT** be received.
2. That the Committee recommends to Council to approve funding of \$500,000 from the Economic Recovery funds allocated in the Annual Plan for investment into deck and hard shelter area, new trail for the round the forest loop, and trails at Te Pūtake o Tawa (Forest Hub 2).

**3. TE TĀHUHU  
BACKGROUND**

In 2018 the Whakarewarewa Forest PGF project was successful in obtaining \$6m grant funding (and \$1.5m loan) for a group of projects in the forest, including the construction and implementation of a new forest access site at Te Pūtake o Tawa. Following an RFP process, phase one was awarded to Higgins Contractors Limited at \$2.76m (plus GST) and included:

- A new forest access point with the creation of parking for 440 cars & 4 busses
- 2 event areas, and a shared footpath from Tarawera Rd to the event areas

- Upgraded entry roading which includes right turning bays and street lights
- Stormwater control and drainage, streetlights, water, sewer and power services.

There was an additional \$600k contract for toilet and change facilities (not included in Higgins contract), that was completed via a contract with GRB Construction Ltd.

A key intention of these works was to prepare the site for commercial operations, providing a third major access point to the forest and relieving increasing pressure on the facilities at Waipa and Longmile.

It is important to note that Council has replicated the approach used previously at Waipa in undertaking this development. Specifically, Council has paid for public infrastructure (car parking areas and toilets) on private land to provide recreational access. Council holds a lease under a heads of agreement with Red Stag and similar arrangements have now been established with CNI. Both leases are for a peppercorn rental but all commercial returns at both locations are retained exclusively by the land owner.

Both contracts in Phase One have now been completed and the Te Pūtake o Tawa site was officially opened on 17 October.

In April 2020, a \$13.9m submission was made to the CIP 'shovel ready' process for the next phase of commercial development at Te Pūtake o Tawa, as well as a significant trail construction and maintenance programme. This submission included construction of a significant \$4.5m commercial building and \$9.5m of trail construction and maintenance.

With this submission being unsuccessful, and the overall economic climate uncertain due to COVID-19, the decision was made to proceed with an interim commercial option comprising removable containers/buildings, with a view to proceeding with permanent commercial construction in 2-3 years once the commercial metrics of the site have been tested.

In line with this revised strategy, and concurrent with the completion of the carpark and facilities, a commercial Request for Proposal process was run on behalf of CNI Land Management to identify commercial operators for the site.

These operators have been identified and confirmed, and will be offering a combination of mountain bike hire, retail, and café/food & beverage offerings at Te Pūtake o Tawa.

As part of the negotiations it has been agreed that the operators will invest private capital in the form of buildings & fit out for their commercial operations. This negates the requirement for council to extensively invest in buildings to activate the site.

It is proposed that the appearance of planned container/removal buildings would be significantly enhanced by the provision of a covered deck area. The intention is that this area would be used as a covered stage / event area in the longer-term once the temporary buildings were removed and more permanent buildings established.

The track and trail network near the site also requires further investment to fully unlock the site's potential and maximise the usage possibilities for forest users. A number of trails have been approved but the Trails Trust has been unable to complete these tracks because of funding raising challenges across the lockdown. It is proposed that Council provide additional funding to the Trails Trust to complete these trails and, in conjunction with on-going maintenance agreements for forest trails and the national cycle ways, seek to provide employment opportunities for mana whenua.

Part of the 2018 PGF application was an allocation to complete the trails that would complete the round forest loop, targeted for Great Ride status with Ngā Haerenga / The New Zealand Cycle Trail. On confirmation of the funding, a commitment was made to PGF to complete the trail.

The nature of this large, family-friendly trail and the marketing benefit associated with becoming a great ride will be another large asset to the forest.

Separately, issues have arisen with the Lake Rotokākahi Board related to bike riders and walkers swimming in the lake. The Lake Rotokākahi Board have asked that the Te Kōtukutuku track, which currently runs along the hill face above Lake Rotokākahi and terminates on Lakefront Road, be realigned closer to Tikitapu Rd and stay well clear of Lakefront Rd and the lake. Lake Rotokākahi is considered tapu and no access for swimming, fishing, or boating of any kind is permitted.

Following incidents of forest users violating the tapu of Lake Rotokākahi, this track was temporarily closed in late 2019 while alternative options were explored. This closure has affected a number of trails, including the Forest Loop that is aimed for great ride status. It is intended to use Tikitapu Rd as an interim route until the new 4.8 km section is completed. The new trail, done in the same style as the current Te Kōtukutuku track, will be an exceptional addition to the total loop experience.

It is intended that the 4.8km of track be built by a local trail building company, who can work successfully in redeploying tourism staff for other businesses (eg. rafting companies) and hence ensure the most support locally for tourism workers effected by Covid-19 impacts.

#### **4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS**

Further investment from Council of \$500,000 is now proposed in the following three areas:

##### **4.1 Built infrastructure to support commercial operations at Te Pūtaka o Tawa:**

Following negotiations with the commercial operators successful in the RFP process, the construction of a stand-alone deck structure has been identified as the optimum solution to facilitate rapid establishment of the operations at Te Pūtaka o Tawa. The ~140m<sup>2</sup> structure with overhead shelter would be constructed adjacent to the existing carpark, around which the commercial operators will place their portable buildings. (Attachment 3)

Construction of this deck and shelter will:

- Provide a central point around which commercial operations will be grouped, creating a commercial hub and generating vibrancy for the site
- Assist in achieving a minimum level of quality and consistency in built infrastructure on the site
- Provide a sheltered area that allows forest users and visitors to enjoy the commercial services on offer even in adverse weather conditions
- Protect and leverage the significant existing investment in the Te Pūtaka o Tawa site by working alongside commercial operators to maximise site impact and utility

Investment in the deck & shelter structure is alongside commercial operators' substantial investment in the site, which covers their own portable buildings/containers and all required fit-out.

CNI Land Management's longer term plans for Te Pūtaka o Tawa include a substantial commercial building development to house commercial operations. When that investment is made the existing



operators' portable commercial structures will be removed and the deck & shelter will remain in place, providing a public asset as a picnic site, event stage, meeting point etc.

Concept designs are held, and the total project cost are estimated at up to \$185,000.

#### **4.2 Lake Rotokākahi / Green Lake track realignment for great ride completion**

Following the incidents of forest users violating the tapu of Lake Rotokākahi, Te Kōtukutuku track was temporarily closed in late 2019 while alternative options were explored. (Attachment 4)

A 4.8km extension of Te Kōtukutuku track is now proposed, which will keep users further away from the lake shore and rejoin Lakefront Rd further to the south. This will achieve the dual purpose of reducing opportunity for users to directly access the lake edge while retaining the visual and environmental amenity value for track users.

This track will also form a crucial link in the Forest Loop ride which is nearing completion and is targeted for Great Ride status with Ngā Haerenga / New Zealand Cycle Trails (NZCT).

The trail has been planned and marked and is approved by the Recreation Management Group. Total project costs are estimated at up to \$125,000.

#### **4.3 Whakarewarewa Forest track & trail investment**

Rotorua is widely recognised as New Zealand's premier mountain biking destination, and it is one of our domestic tourism strengths. Mountain bikers have been shown to stay longer and be repeat visitors, making them a critical part of our market. (Attachment 1)

A number of other New Zealand and global destinations have been investing heavily in their trail networks and event facilities. Notably, Australia has made and is continuing to make multi-million dollar investments to create a number of international mountain bike destinations.

Destinations are increasingly turning to lower volume higher value segments such as mountain bikers, who are evidenced by Tourism New Zealand to spend more per day and stay longer.

To protect and grow our existing domestic market, as well as retain our position as New Zealand's premier mountain biking destination, investment in track and trail upgrades and new builds is an ongoing requirement.

A package of trail builds has been identified, that have been strategically selected to maximise the usage of the Te Pūtake o Tawa site and leverage the significant public and private sector investment there. This includes new low-to-moderate grade trails to increase site accessibility for a wider range of users and upgrades/amendments to some existing trails to prioritise that location.

While the trail work is centred on expanding Rotorua's core mountain biking strength, a significant portion is also focused on improving and expanding the offering for walkers and trail runners, previously identified as key growth segments.

Importantly, the proposed new and amended trails have been approved by the Recreation Management Group, and are in alignment with the trail plans of the Rotorua Trails Trust.

The package of trail builds has been planned and marked and is approved by the Recreation Management Group. Total project costs are estimated at up to \$200,000.

Opportunities for track building contractors to provide training and development schemes for Tūhourangi youth as part of these build projects are also being explored.

Table 1- Options for Te Pūtaka Tawa / Forest Hub 2 investment

Options	Funding req.	Anticipated Outcome
<b>1: Fund \$500,000 for built infrastructure + track &amp; trail network at Te Pūtaka Tawa / Forest Hub 2 - Recommended</b>	\$500k	<ul style="list-style-type: none"> <li>Commercial operations can begin at Te Pūtaka Tawa within 8-10 weeks</li> <li>Site will have a unified, high quality 'look and feel', representative of intended brand for Whakarewarewa forest</li> <li>Structure will provide a high quality frontage for iwi operators</li> <li>Multi-functional design will ensure the structure will remain a valuable asset should future development (permanent tender buildings) be built at the site</li> <li>Round forest loop trail (Great Ride) will be opened, fulfilling obligations to PGF. It can then be marketed as a high value asset in the forest</li> <li>Closure of Te Kōtukutuku track resolved and tapu of Lake Rotokakahi protected</li> <li>Improvements/additions to trail network increase attractiveness of Te Pūtaka o Tawa (including options for walkers/runners) and relieves pressure on existing facilities at Waipa</li> </ul>
2: Fund built infrastructure only	\$185k	<ul style="list-style-type: none"> <li>Benefits for commercial operations as above</li> <li>Round forest loop trail remains incomplete and commitment of trail completion to PGF not met</li> <li>NZCT great ride status not obtained</li> <li>Te Pūtaka Tawa trail network remains weak compared to Waipa side</li> </ul>
3: No funding at Te Pūtaka Tawa / Forest Hub 2	N/A	<p>As 2, and:</p> <ul style="list-style-type: none"> <li>Start of commercial operations at Te Pūtaka Tawa likely delayed</li> <li>Overall site look and feel will be of lower quality</li> <li>Operators investment in infrastructure not complimented by council</li> </ul>

## 5. TE PŪTAKETANGA O TE HAUMITANGA PŪTEA INVESTMENT RATIONALE

The proposed project is aligned with the key intended outcomes as identified by the Economic Recovery taskforce and endorsed by the advisory group.

**Immediate and sustainable job creation:** All track and trail development would be tendered locally and create local employment. Tūhourangi members have stated interest in developing trail building expertise.

**Increased economic resilience:** Pūtaka o Tawa is a key asset in maintaining domestic tourism appeal, critical to buoyancy of the local visitor economy. The round forest loop, if achieving the targeted great ride status with NZCT will be add to this and will form a key destination asset on the return of international tourism also.

**Immediately delivered impact:** Impact from all initiatives listed would be delivered within 6 months of investment approval

#### Leverage of external funding:

- The Pūtake o Tawa investment compliments the heavy investment from the provincial growth fund and immediately intended investment from Tūhourangi operators.
- The successful delivery of the forest loop will also assist with investments already made at Waipa, where the large commercial building remains largely untenanted and a number of other private investment have been made in tourism infrastructure e.g. Secret Spot. As Council will be aware, the official start and finish of the loop will be from the Waipa car park (Red Stag lands).
- By establishing complementary infrastructure alongside commercial operators, and by continuing to upgrade the trail network adjacent to the site, Council would be assisting in de-risking the overall investment case for Te Pūtake o Tawa, allowing the commercial metrics for the location to be proven and informing further iwi investment in the long term.
- Rerouting of Te Kōtukutuku will complete the round forest loop, meeting the commitment made to PGF in the 2018 forest investment application.
- Investment in to track and walking trails would complement funds charitably raised by the Rotorua Trails Trust.

#### Strengthened Te Arawa Partnerships:

- The redirection of trails at Rotokākahi will bring resolution of Te Kōtukutuku track closure and protection of at the tapu at Lake Rotokākahi, important for the local iwi.
- Investment in to built infrastructure at Te Pūtake o Tawa will support the establishment of several iwi operated business.

Increased community wealth: As above, completion of Te Pūtake o Tawa infrastructure enables several locally run businesses to expand their operations to a new site.

## **6. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE**

Council has consulted on the availability of the economic recovery funding. The allocation of that funding to individual projects may require additional consultation with stakeholder group/partners. This is likely to be limited to specific project details and is unlikely to require wider consultation.

## **7. NGĀ KŌRERO A TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

Proposed projects have involved discussions with all partners or key stakeholders at a preliminary level, as well as additional direct engagement with CNI as a partner and long term investor in the Te Pūtake o Tawa site. Further consultation may be required with key groups as the projects advance.

## **8. NGĀ WHAIWHAKAAROTANGA CONSIDERATIONS**

### **8.1 He Whaiwhakaarotanga Mahere Pūtea / Financial/budget considerations**

- Council has established the economic recovery funding across the 2020/21 and 2021/22 financial years.

- Funding allocated for this project has been balanced alongside the indicative allocations to other key economic recovery projects. These projects and allocations are commercially sensitive and hence cannot be detailed in this report. A detailed breakdown is given in the associated report 'Economic Recovery Project 3' to be discussed in confidence in this S,P&F session.

## 8.2 Ngā Kaupapa Here me ngā Hiraunga Whakariterite / Policy and planning implications

This proposal is aligned to:

- Existing PGF contracts (Whakarewarewa forest)
- Existing key priority projects of LTP
- Approved strategies of economic recovery – Build Back Better

This proposal also includes elements submitted to Council as part of the CIP 'shovel ready' process.

## 8.3 Ngā Tūraru / Risks

**Unproven site:** Te Pūtaka o Tawa is a new and therefore unproven site in terms of visitor numbers, usage, and expenditure. The risk is significantly mitigated by continued growth in forest user numbers, and the broadening of the offering at the site to include a wider range of user groups.

## 8.4 Te Whaimana / Authority

Approval is sought to facilitate the swift progression of development and capitalise on the positive profile created by the recent site opening. Council will be updated on final investment and funding position as projects progress.

## 9.0 TE WHAKAKAPINGA CONCLUSION

This investment in and around the Te Pūtaka o Tawa site will complete the overall medium-term commercial investment proposition for the Whakarewarewa Forest. This funding will leverage PGF & Council investment already made into infrastructure on the site and continue the forest project journey committed to with the PGF.

The funding will contribute to maintaining Whakarewarewa Forest's pre-eminence as an outdoor activity destination, providing for an improved visitor experience, additional user amenity, and enhancement of world class trail assets, all underpinned by strong partnership with mana whenua and the principle of manaakitanga.

## 10. NGĀ TĀPIRNGA ATTACHMENTS

- Attachment 1: Forest usage statistics and commentary  
Attachment 2: Te Pūtaka o Tawa site  
Attachment 3: Concept plan for deck structure  
Attachment 4: Plans for Rotokākahi (Green Lake) trail extension

## **ATTACHMENT 1: DOMESTIC TOURISM & FOREST USAGE STATISTICS AND COMMENTARY**

Rotorua is home to one of the oldest mountain bike networks in the country, with over 180km of continually evolving trails in the Whakarewarewa Forest. The trails cater for all levels of ability and fitness ranging from the family friendly Kids Loop and grade 2 (beginner) trails through to grade 6 (expert).

Respondents from New Zealand and Australia surveyed regarding destination visitor perception indicated 25% of visitors associate Rotorua with Mountain biking and cycling. Anecdotally the number of bike racks seen on cars and growth in forest use indicate that it is increasingly a key driver of visitation to Rotorua (in addition to being a motivator for some to live in the destination).

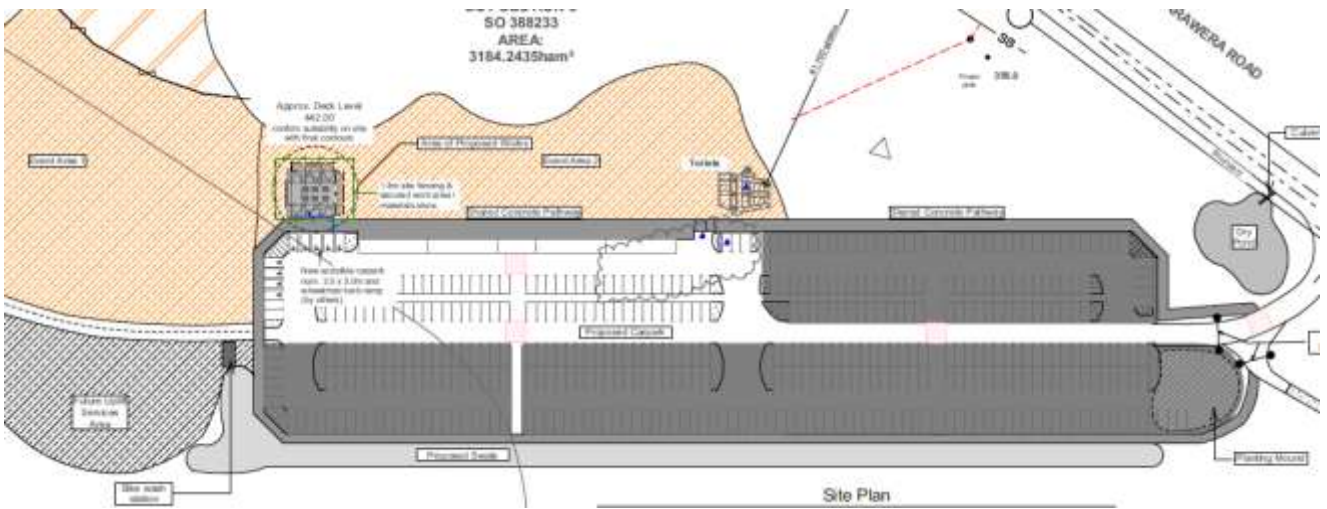
In the 12 months prior to Covid-19 lockdown, counters at the Waipa forest entrance recorded 195k mountain bike movements in to the forest: A year-on-year increase of 22% and a 43% increase on the year (Feb '17 – Feb '18) prior to that. Since moving to alert level 2 (and the restart of domestic tourism) the counters show a year on year growth of 49% from the equivalent period in 2019. Recent surveying at Waipa found that 45% of mountain bikers to be day-trip visitors, 45% overnight visitors and 10% locals.

As domestic tourism becomes increasingly prevalent, it is becoming clear that smaller towns and villages are seeing rapidly increasing domestic visitation as they actively position themselves to attract domestic tourists. This is creating competition for local tourism and the need to respond to by investing in new facilities and attractions that keep visitors returning to our city and our economy.

Domestically post Covid-19 competition for high value domestic visitors is likely to be achieved through greater focus on comparative advantages. Tourism NZ has already said that its domestic tourism promotion will focus on “passion points” and for Rotorua, Mountain Biking, will play a key part in compelling reasons to visit Rotorua year round.

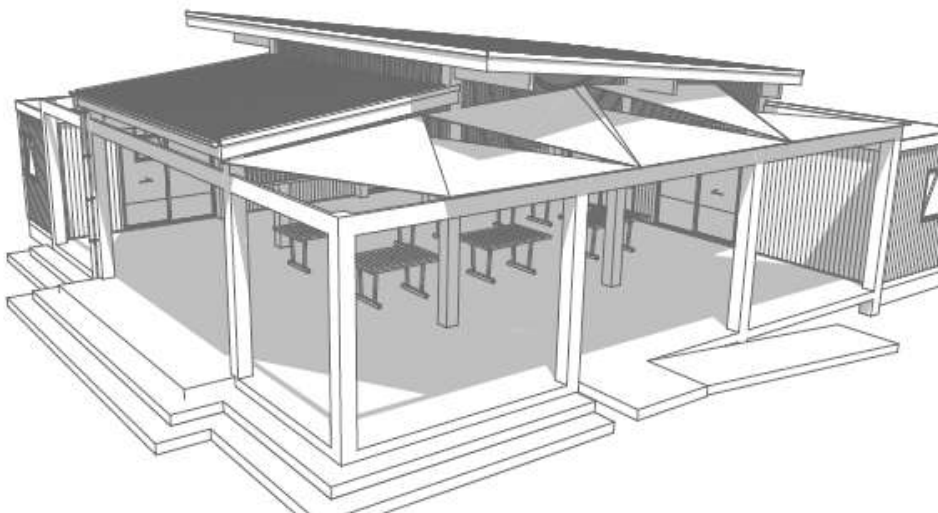
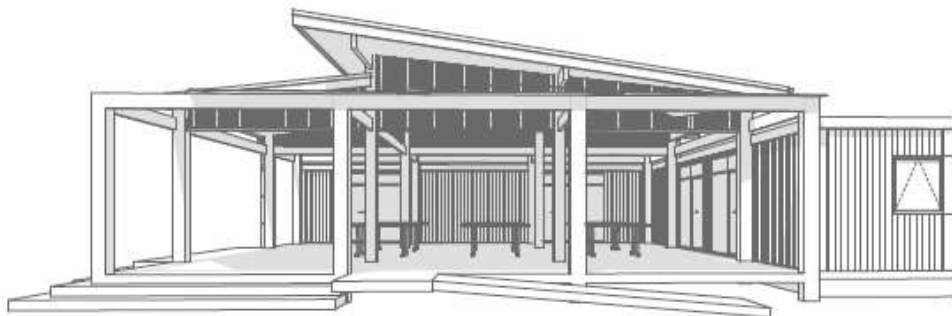
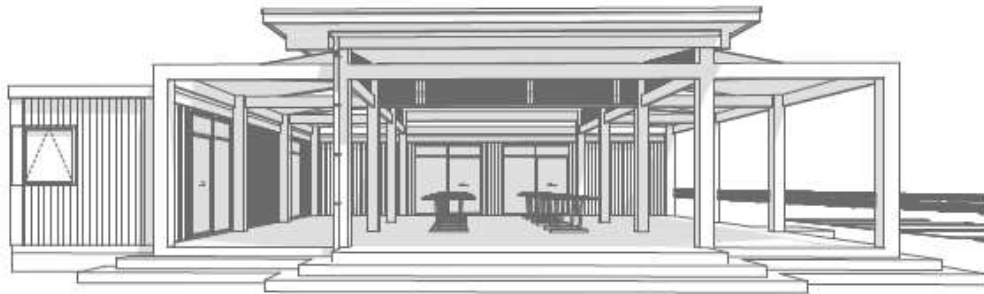
Rotorua Lakes Council’s most recent conservative estimate of spending generated by mountain biking is between \$26m and \$43m per annum. The strength of mountain biking is important to the retention of employment across a number of sectors, including the accommodation, retail and hospitality.

### ATTACHMENT 2: SITE PLANS FOR TE PŪTAKE O TAWA



**ATTACHMENT 3: CONCEPT PLAN FOR DECK & SHELTER STRUCTURE**

Rotorua Lakes Council  
**Forest Hub Canopy**  
Tarawera Road Forest Hub Carpark Rotorua



### ATTACHMENT 4: DESIGNS FOR ROTOKAKAHI (GREEN LAKE) TRAIL COMPLETION





## 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
CONFIDENTIAL MINUTES STRATEGY POLICY AND FINANCE COMMITTEE MEETING HELD ON 8 OCTOBER 2020	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
ECONOMIC RECOVERY PROJECT 3	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)
KING STREET STORMWATER UPGRADE	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)

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.