

ROTORUA DISTRICT COUNCIL

His Worship the Mayor
Chairperson and Members
PARKS, RECREATION AND COMMUNITY SERVICES COMMITTEE

GIFTED RESERVES PROTOCOL

Over the past two years negotiations have been undertaken with the Pukeroa Oruawhata Trustees on behalf of Ngati Whakaue to develop and agree on a protocol for the ongoing management of the reserves gifted by Ngati Whakaue at the time of the establishment of the township. Progress and initial drafts have been reported to Council who have agreed in principal with the direction taken.

The final draft has now been approved by Ngati Whakaue and it remains for Council to give its approval before signing.

The final draft protocol is attached. A formal signing ceremony will be arranged.

RECOMMENDATION 7

THAT COUNCIL APPROVE THE DRAFT PROTOCOL DATED 26 APRIL 1996.

A.E. Hansen
District Manager

24 May 1996

PROPOSED FINAL 26/04/96**PARTIES:**

1. **PUKEROA ORUAWHATA TRUST**
2. **THE ROTORUA DISTRICT COUNCIL**

AGREEMENT:

This agreement which is dated the day of 1996 between the **ROTORUA DISTRICT COUNCIL** ("the Council") as territorial local authority having legal jurisdiction by virtue of the Local Government Act 1974, the Reserves Act 1977 and the Resource Management Act 1991 and other enactments in that behalf as the case may be in respect of the reserves set out in the schedule hereto ("the reserves") and **PUKEROA ORUAWHATA TRUST** of behalf of Ngati Whakaue for and on behalf of the original owners of the Pukeroa Oruawhata Block (known as the City of Rotorua) and their descendants.

PURPOSE OF THE PROTOCOL:

1. For the purpose of this protocol the term "significant or important decisions which the Council may intend to make hereafter with regard to a change of status of any such Reserve" shall mean the drafting and adopting of, or the amendment to from time to time, of a Reserve Management Plan which is the recognised document for the management of a Reserve. The Management Plan shall be in accordance with the spirit of the original terms of the gift of land.
2. This protocol arises out of the spiritual and historical interest to Ngati Whakaue by virtue of which Pukeroa Oruawhata Trust will be consulted with regard to significant or important decisions which the Council may intend to make hereafter and the process of consultation will be as follows:
 - a) Upon outlining a draft or amendment to a management plan, the Council will notify the Pukeroa Oruawhata Trust and discuss the proposal with the Trust before the plan or amendment is submitted to the Council for consideration.
 - b) After the Council adopts a draft or amendment to a Management Plan the Council will call for public submissions and all submissions received will be referred to the Pukeroa Oruawhata Trust for consideration and recommendation before consideration by the Council.
 - c) All submissions received which require formal hearing will be considered by the Statutory Hearings Subcommittee of the Council which will for that purpose co-opt a representative of the Pukeroa Oruawhata Trust as an ex-officio community representative, and who shall have the same rights as an elected representative while acting as a Subcommittee member.
3. The understanding between the parties is that so far as it may lawfully do so the Council will not effect any changes of status with respect to any such reserves or take steps to dispose of or alienate any of them without first obtaining the consent in writing of Pukeroa Oruawhata Trust following prior negotiation and consultation on an equal standing basis with the Pukeroa Oruawhata Trust. It is understood that if such Reserves should not be used for their original purpose then they should be returned to Pukeroa Oruawhata Trust on behalf of Ngati Whakaue unless there is agreement otherwise.

4. Notwithstanding the process outlined in Clause 2 of the protocol it is desirable that there be casual or other regular meetings (at least six monthly) between representatives of the parties hereto to discuss or report upon the said reserves and any future planning for the same.

5. The Council and the Pukeroa Oruawhata Trust agree that this Protocol may be amended from time to time but only by mutual agreement to provide for:

- a) Any additional lands that may be established as being included in the original gift of land by Ngati Whakaue to the Council.
- b) Any land that the Pukeroa Oruawhata Trust may wish to have transferred to the Council and included as a Reserve under the appropriate reserve designation.

This Protocol has been executed by the parties hereto on the day year first hereinbefore written following due resolution of the Council and Pukeroa Oruawhata Trust respectively.

EXECUTION

The COMMON SEAL of the)
 ROTORUA DISTRICT COUNCIL)
 was hereto affixed in the)
 presence of:)

..... MAYOR

..... DISTRICT MANAGER

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 For and on behalf of Pukeroa
 Oruawhata Trustees

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 for and behalf of Pukeroa
 Oruawhata Trustees

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 For and on behalf of Pukeroa
 Oruawhata Trustees

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 Oruawhata Trustees

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 for and behalf of Pukeroa
 Oruawhata Trustees

SCHEDULE

(LAND SHOWN IN GREEN)

- a) Lakefront Reserve.
- b) Government Gardens.
- c) Sanitorium Reserve (including PT Town Belt & PT Sanitorium Reserve).
- d) Kuirau Park.
- e) Arawa Park (Arawa Park Race Course and Fenton Park).
- f) Cemetery Reserve.
- g) Town Belt.
- h) Municipal Reserve.
- i) Pukeroa Reserve.
- j) Medical Officers Reserve (Pukuatua Street).

RECOMMENDATION

THE COMMITTEE RECOMMENDS THAT THE MINIMUM AGE THAT ANYONE BE PERMITTED TO SUPERVISE CHILDREN AT THE AQUATIC CENTRE BE 14 YEARS.

11. PUKETAWHERO PARK CHARGES - RUGBY LEAGUE (6447060)
Clause 6.4, page 3/3/21-22

The Committee considered a request from the Rotorua Midland District Super League Inc, who use six rugby league fields at Puketawhero Park, to reduce the ground charges on the two charge grounds.

The Committee advises that two fenced charge grounds are provided on the basis that 20% of gross gate takings are paid to Council, with a minimum of \$3,000 per year. The application seeks that this percentage be reduced to 15% for the 1996 season, due to cashflow problems and an inherited financial deficit.

The Committee recalled that a similar request from City Soccer for Linton Park was approved in 1995, and since that time that the Club's cashflow problems appear to have been remedied. The Committee believes that as Midlands Super League has implemented set procedures to rectify the financial situation, and in view of the earlier precedent, the request should be approved.

Accordingly the Committee RESOLVED that Rotorua Midlands Rugby League Inc request for a reduction in ground charges for the two charge grounds at Puketawhero Park set at 20% of gross gate take be reduced to 15% for the 1996 season.

12. GIFTED RESERVES PROTOCOL (0138100)
Report, page 3/3/29

The Committee received the final draft of the protocol developed with, and agreed on by the Pukeroa Oruawhata Trustees, for the ongoing management of the reserves gifted by Ngati Whakaue at the same time the Rotorua township was established.

The Committee noted that a formal signing ceremony will be arranged.

The Committee RESOLVED that Council approve the Draft Protocol dated 26 April 1996.

13. CEMETERY DEVELOPMENT RESERVE (7513050)
Report, pages 3/3/30-31

The Committee received the report of the Manager, Accounting, in which he provided details on the establishment and evolution of the Cemetery Development Reserve, which commenced in the late 1960s.

The Committee was advised that after 26 years, the Cemetery Development Reserve had accumulated \$1,284,000 as at 30 June 1995. The principal portion of the reserve must be used for the original purpose for which the reserve was established, whilst there is no legal restriction over the use of future interest earned on the reserve. Currently the interest is added to the reserve in compliance with Council's accounting policy.