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**From:** s7(2)(a)@msd.govt.nz>  
**Sent:** Tuesday, 27 April 2021 3:52 pm  
**To:** s7(2)(a) Vicki Cawte; s7(2)(a) Rosemary Viskovic; s7(2)(a)  
s7(2)(a)  
**Cc:** s7(2)(a) Ingrid Tiriana;  
s7(2)(a)  
**Subject:** RE: Daily Post media response

Thanks s7(2)(a)

Sending this version to the reporter now.

**Attribute to Karen Hocking, General Manager Housing**

Our role at MSD is to ensure people with no other housing options are supported into emergency accommodation, usually motels.

We understand motels are not a permanent solution, and some people are staying for longer periods, but many New Zealanders only use motels for a short time depending on availability in the rental market.

This is not ideal, but it is extremely important to us that people are not left to sleep rough or in cars, while the Government works to provide more housing solutions.

While compliance with the district plan is the responsibility of the local council, each agency has a specific role to play in alleviating pressure on housing.

There is a working group including Rotorua Lakes Council, Ministry of Social Development, Te Tūāpapa Kura Kāinga - Ministry of Housing Urban Development, Te Puni Kōkiri and Kāinga Ora – Homes and Communities alongside Te Arawa partners, in place to develop permanent solutions to support vulnerable children and their families out of emergency housing.

s7(2)(a) **Senior Media Advisor**

s7(2)(a)  
Ministry of Social Development, Aurora Centre, 56-66 The Terrace, PO Box 1556, Wellington 6140





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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Wednesday, 9 June 2021 12:12 pm  
**To:** s7(2)(a)  
**Subject:** RE: For review: Talking points & FAQs for moteliers  
**Attachments:** 210603\_draft\_motelier\_FAQs\_V8 RV.docx

**Rosemary Viskovic** *Kaihautū Rautaki - Strategic Development Manager- Sustainability and Social Development*

**Waea:** 07 351 8303 **M** 027 203 2196

**Īmera:** [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | **Ipurangi:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)



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**From:** s7(2)(a)@msd.govt.nz  
**Sent:** Wednesday, June 9, 2021 11:22 AM  
**To:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** FW: For review: Talking points & FAQs for moteliers

FYI

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**From:** s7(2)(a)@msd.govt.nz  
**Sent:** Tuesday, 8 June 2021 4:21 pm  
**To:** s7(2)(a)@msd.govt.nz; s7(2)(a)@msd.govt.nz; s7(2)(a)@msd.govt.nz  
**Cc:** s7(2)(a)@msd.govt.nz; s7(2)(a)@msd.govt.nz; s7(2)(a)@msd.govt.nz  
**Subject:** For review: Talking points & FAQs for moteliers

Kia ora koutou

I've attached a draft script for calls with moteliers, some general FAQs about MSD's role in this process (in case there are further questions not covered in the script, also to support the media team with any queries), and some reactive talking points. Can you please review these and send me any feedback **by 12pm tomorrow?**

I'd treat the script as more of a guide to facilitate these conversations with moteliers – the FAQs may also be helpful with this, depending on what questions moteliers have.

Just noting: I highlighted anything I was unsure of in yellow – please let me know if those bits are correct, or feel free to adjust them as needed.

Once everyone is satisfied with these, I'll circulate them to HUD/RLC.

Cheers  
s7(2)(a)

Senior Communications Advisor, Service Delivery  
Ministry of Social Development - Te Manatu Whakahiato Ora

s7(2)(a)

Te Piringa Tahī (Aurora Centre), 56 The Terrace, Wellington 6140



**MINISTRY OF SOCIAL  
DEVELOPMENT**  
TE MANATŪ WHAKAHIATO ORA

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**On behalf of the Rotorua Emergency Housing Taskforce**  
**Motelier FAQs**

**Why am I being visited?**

You may be visited for one of the following reasons:

It may be to assess your premises

- for suitability to contract solely for emergency housing, or
- to provide emergency housing in a non-contracted capacity for individuals and couples.

If you are not being visited for the above reasons, the visit may be for information gathering about the accommodation sector in Rotorua and what, if any, actions are required to ensure compliance.

**Who might visit me?**

Ministry of Housing and Urban Development (HUD) is having conversations with moteliers about their willingness and suitability to enter into a contract for the express use of emergency housing for families.

Ministry of Social Development (MSD) is talking to moteliers that may not have the required facilities to house families but are still suitable for housing singles and couples.

Rotorua Lakes Council (RLC) is currently gathering information to understand what the accommodation landscape looks like, including how long guests are staying.

You may be visited by any of three organisations however, we plan to have as little crossover as possible. These people will clearly identify themselves to you.

**Why are these visits happening now?**

Local and central government and iwi are working collaboratively to meet our short, medium and long-term goals, which include creating a safer and more managed system for emergency housing which complies with the Rotorua District Plan and Building Act.

Due to the evolving nature of this situation a phased approach is under way to ensure that any relevant requirements are met.

**What are the next steps if I agree to enter a contract to provide emergency housing?**

If you have an agreement to provide emergency housing going forward, you will need to ensure you have a resource consent and/or change of use consent to use your property for this purpose. You will be informed of which consents you need to apply for.

It is important consent applications are thorough and accurate and meet all of the legislative requirements from the outset.

An independent assessment of the activity at the specific property and its effects on the community will need to be completed. Specialists from The Property Group are available to help moteliere for this purpose.

### **What consents will I need to apply for?**

Both consent applications (Building and Resource Consent) require an independent assessment. HUD has engaged The Property Group, who are independent consultants, to help moteliere with this assessment.

In the case that you are non-compliant with either the District Plan or Building Act, you will need to contact Lyall Wilson at HUD. He will work with you through these processes.

The resource consent relates to your on-site activities as an accommodation provider and how those activities affect the community. This relates to the city's District Plan.

The change of use consent is a requirement under the Building Act and relates to keeping occupants safe and protecting other people's property (fire and earthquake).

### **Who applies for the consent and who approves it?**

As the accommodation provider, you (assisted by HUD / The Property Group) will need to apply for the appropriate consents, which will include the independent assessment. This is then reviewed by RLC, and a decision is made whether they will be notified or non-notified.

This will determine how long it will take for the consent to be granted; a non-notified application could be completed within 20 working days. A notified application – requiring community consultation and feedback – could take at least 6 months if not longer.

The length of time needed to prepare the applications will be advised by The Property Group.

### **Will I be able to go back to short-term accommodation after I am granted a change of use consent?**

Yes. Being granted a change of use consent typically does not take away any of your permitted activities as an accommodation provider. Rather, it allows for a wider scope of operation. The Property Group will be able to offer site-specific advice.

### **When do I have to have the correct consents by?**

Right now Council is focused on information gathering and education. If it is determined you require a resource consent under the District Plan, you will need to make a plan towards becoming compliant over an agreed timeframe with Council.

In the event the changes required to become compliant are not feasible, or the consent(s) is declined, HUD and MSD may identify that your facility is not suitable for emergency housing moving forward.

### **How much will this cost me?**

For motels that have agreed to contract for the sole use of emergency housing, HUD will cover the cost of having The Property Group carry out assessments for consent applications.

Other costs will include Council fees, any physical works required, legal, monitoring costs etc and will need to be covered by the accommodation owner. These are site specific costs which The Property Group will be able to provide an estimate for.





**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Friday, 2 July 2021 1:33 pm  
**To:** s7(2)(a)  
**Subject:** RE: Consent and change of use info

Hi s7(2) FYI a couple of risks from the Risk Register that the Programme Steering Group members are familiar with, relevant to this.

Motels unable or unwilling to achieve required consent for use	Unlikely	Moderate	Medium	Monitor progress of applications for change of use; seek early advice where likely unsuccessful, maintain schedule of accommodation, identify need to replace supply	Low
Legal challenge to use of motels for emergency accommodation	Rare	Major	Medium	Prepare plan to assess motel use; communicate expectation that all motels used for EH need to apply for and achieve appropriate resource consent; TPG support applications	Low

Rosemary

**Rosemary Viskovic** *Kaihautū Rautaki - Strategic Development Manager- Sustainability and Social Development*

Waea: 07 351 8303 M 027 203 2196

Īmera: [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | Ipurangi: [rotorualakescouncil.nz](http://rotorualakescouncil.nz)



**From:** s7(2)(a)@msd.govt.nz  
**Sent:** Friday, July 2, 2021 9:28 AM  
**To:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** RE: Consent and change of use info

Thanks Rosemary!

s7(2)(a) **Lead Communications Advisor – Corporate Communications**  
Ministry of Social Development, Te Piringa Tahī  
s7(2)(a)  
[www.workandincome.govt.nz](http://www.workandincome.govt.nz) | [www.msd.govt.nz](http://www.msd.govt.nz)

**From:** Rosemary Viskovic <[Rosemary.Viskovic@rotorualc.nz](mailto:Rosemary.Viskovic@rotorualc.nz)>  
**Sent:** Thursday, 1 July 2021 4:27 PM  
**To:** s7(2)(a)@msd.govt.nz  
**Subject:** Consent and change of use info

Hi s7(2)(a) below is extract agreed in comms toolkit approx. 4 weeks ago (HUD, MSD, RLC). And attached is the Motelier FAQs that were again agreed collectively, being used by our RLC staff when visiting any motels. We are only visiting motels NOT on the EH list going forward, as those which are intended to be used will be applying for resource consent.

Note the reason that HUD has contracted TPG to support ALL moteliers doing EH to apply for resource consent is because it is required for them to continue, and it is a technical process requiring planner expertise to do. Please let me know if not enough info or any other questions. The HUD contract covers the topic quite well re motelier requirements for compliance.

Rosemary

## **Q&As about council compliance conversations**

### **1. Why is the Council having conversations about the use of motels?**

As Council responded to the evolving COVID situation at the height of the pandemic, it was important it acted quickly and decisively to ensure every Kiwi family had a safe place to stay and be able to isolate when the country went into lockdown. This meant families and individuals were put into motels under emergency housing and/or assisted housing supplements.

We continue to deal with the effects of COVID, which include the exacerbation of the city's housing shortage and increased unemployment. This means some families and individuals have been unable to transition out of emergency housing in motels.

We are meeting with accommodation providers to gather information about how long their guests are staying to get a clearer picture of what needs to be done to ensure their activity is compliant under the District Plan and the building act.

### **2. How long has council known about these breaches to its District Plan?**

As the use of motels for emergency housing has increased, so too has the potential for breaches of the District Plan. This is something we have been discussing with central government as an emerging issue since late last year.

### **3. Why is Council only now having these conversations?**

At the height of the COVID pandemic, we sought immediate solutions to ensure every Kiwi family had a roof over their heads to isolate safely when the country went into lockdown.

As the Housing Taskforce works towards short, medium, and long-term solutions to Rotorua's housing challenges, the council is working to ensure that facilities for emergency housing are compliant with the District Plan.

### **4. If accommodation providers are not compliant, what happens to those living there long-term?**

If there is no immediate safety risk to occupants, Council will work with accommodation providers to bring them in line with requirements under the city's District Plan.

If a particular site is deemed unsafe under the Building Act, immediate action to remove occupants may be required.

In this case, Council will work with government agencies to ensure occupants are offered a suitable alternative.

### **5. What is the purpose of 'information gathering'?**

The purpose of these visits is to build a clearer picture of how the city's accommodation is being used, and what that looks like against the requirements of the district plan.

### **6. What will motels have to do to become compliant?**

If a motelier has an agreement to provide emergency housing going forward, they will need to ensure they have a resource consent and/or change of use consent to use their property for this purpose.

It is important consent applications are thorough and accurate and meet all of the legislative requirements from the outset.

An independent assessment of the activity at the specific property and its effects on the community will need to be completed. Specialists from The Property Group are available to moteliers for this purpose.

### **7. How long will it take to make all accommodation providers compliant under the District Plan?**

Working through compliance with accommodation providers will take time. Council will set a reasonable timeframe for motels to make the necessary changes.

The important thing here is that Rotorua families and children are safe, secure, and getting the help they need.

While compliance is important, people are more important.

8. **Why don't you just change the District Plan**

Changing the city's District Plan would be a time consuming, costly exercise and could take several years if there are appeals, therefore it is not a suitable option to address urgent issues.

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**Rosemary Viskovic** *Kaihautū Rautaki* - Strategic Development Manager- Sustainability and Social Development | *Ohu Rautaki* – Strategy Group

**Waea:** 07 351 8303 **M** 027 203 2196

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**Taunga:** 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand



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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Tuesday, 13 July 2021 1:05 pm  
**To:** s7(2)(a)  
**Subject:** 210603\_draft\_motelier\_FAQs\_V8 RV  
**Attachments:** 210603\_draft\_motelier\_FAQs\_V8 RV.docx

Hi s7(2) this is the previously agreed material that RLC staff are using. Just reviewed to ensure it is still in keeping with MSD's communication, and I think it is, however just raising with you.  
Rosemary



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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Wednesday, 28 July 2021 12:15 pm  
**To:** s7(2)(a) Geoff Williams; s7(2)(a) Gina Rangji; Jean-Paul Gaston; Jocelyn Mikaere; Sean Callis; s7(2)(a) s7(2)(a) @msd.govt.nz; s7(2)(a) Vicki Cawte; s7(2)(a) @msd.govt.nz; s7(2)(a) s7(2)(a) @msd.govt.nz; s7(2)(a) s7(2)(a)  
**Subject:** RE: Rotorua update - 28 July 2021

Kia ora s7(2) as per phone call just now, the below statement on page 3 is not correct.

*“Rotorua Lakes Council will be assessing motels on advice of the Housing Taskforce in Rotorua, which will help MSD determine where they can advise clients which motels would be most suitable for EHSNG.”*

Can you please replace it with:

*“Rotorua Lakes Council is considering how it can utilise its regulatory levers in relation to accommodation providers’ compliance with the District Plan to assist MSD to advise clients which motels would be suitable for EHSNG.”*

Many thanks, Rosemary

**Rosemary Viskovic** Programme Director, Emergency Accommodation

**Kaihautū Rautaki** - Strategic Development Manager- Sustainability and Social Development

**Waea:** 07 351 8303 **M** 027 203 2196

**Īmera:** [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | **Ipurangi:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)





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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Wednesday, 28 July 2021 4:55 pm  
**To:** s7(2)(a) @msd.govt.nz; s7(2)(a) @msd.govt.nz; s7(2)(a) s7(2)(a) Kurt Williams; Jason Ward; Simon Thurston; Chris Craig; s7(2)(a) s7(2)(a)  
**Subject:** Record of discussion 27 July re regulatory and motels  
**Attachments:** Process mapping compliance with MSD 28072021 RV notes.docx

Kia ora koutou, please find attached record of our discussions yesterday. I don't have all participants' emails so please share with those I have missed.  
Please feel free to add questions or comments and provide feedback.  
On the basis of the discussion, RLC still needs to consider the full impacts of embarking on this process. It is not yet clear that it will necessarily contribute towards achieving the programme's objectives.  
I'm sure as each partner considers its role and contribution, there will be further matters to clarify.

Ngā mihi  
Rosemary

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**Rosemary Viskovic** *Programme Director, Emergency Accommodation*

**Kaihautū Rautaki** - *Strategic Development Manager- Sustainability and Social Development* | **Ohu Rautaki** – *Strategy Group*

**Waea:** 07 351 8303 **M** 027 203 2196

**Īmera:** [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | **Ipurangi:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)

**Taunga:** 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

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**Agenda Process mapping motel compliance with MSD and HUD 27 July 2021**

<b>Steps:</b>	<b>Comments</b>	<b>Questions/ notes</b>
RLC legal letter to MSD	Advising that EH use of short term accommodation may be in breach of DP and seeking support to encourage compliance by facilities used.	
RLC letter to motels	Send to all accommodation providers to advise that if intend to provide longer term accommodation (such as EH) need to ensure compliance with District Plan for that purpose	Refer any questions about EH demand to MSD (who?) Needs to go to all visitor accommodation to be consistent and fair. Potentially may open flood gates for more wanting do MSD work.
MSD communication to clients	Recommend EH accommodation options where there are support services and where the accommodation is compliant with DP and known to have features which are more suitable for longer term accommodation (unless it really is very short term)	Small number of difficult clients may resist recommended accommodation, however majority will benefit.
MSD communication with motels/ accommodation providers	If contacted, recommend follow process to be compliant with DP	At what point might applicants be referred to HUD for TPG support?
HUD/ TPG FAQs for accommodation providers to understand what might be involved in achieving consent	Screens/ helps identify priority accommodation providers who would benefit from TPG support and are willing to invest	How is the TPG support prioritized if there is high demand? Potentially not offer this support, just FAQs
MSD communication to Hub	To recommend EH accommodation options that are DP compliant, and cease using those which are not	
Review and map the motels recommended by taskforce based on: features for longer term living, suitability for cohort, geography in relation to deconcentrating effects Fenton Street, willingness of owner/ manager, skills and understanding of owner/ manager (RV)	Recheck location of venues in relation to others and their use	
Feedback to MSD/ Hub re progress of motels achieving DP compliance or not		

RLC prioritise actions to enforce DP	Triage workload based on risk. Determine priority criteria, e.g. safety concerns, high number, high profile venue, venue with complaints already???	
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**Objectives:**

- Safe, suitable accommodation facilities are fit for purpose for longer term emergency accommodation
- Controlled placement of cohorts
- Support services enabled
- Reduce mixed use of visitor and emergency accommodation
- Compliance with regulations for accommodation

**Unanticipated consequences:**

- Accommodation providers cease AS or EH prematurely
- AS impacts unknown
- Still too many venues close together

**Risks:**

- Some applications may have to follow notified process (can be mitigated by selection of best and independent professional advice)
- Not enough wrap around support results in continued poor behavior and community outcomes
- Some accommodation providers test system, fail to complete required changes to achieve compliance
- MSD continues to use known non-compliant motels
- Increased costs for HUD's TPG if more than desired motels want to work for compliance, how to communicate priority for support?
- Capacity of RLC to process applications
- Too many consented providers results in continued mixed use and stretched support services

**Assumptions:**

- Inappropriate accommodation won't achieve compliance and will cease providing EH or AS
- Suitable facilities will achieve compliance
- Some low quality facilities risk of business failure, would have already failed?
- Some public and political opposition to any use of motels continues
- May also be aspects of Building Act compliance, not just District plan
- Applications should include 'no mixed use'.



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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Thursday, 12 August 2021 10:29 am  
**To:** §7(2)(a)  
**Subject:** RE: DP compliance -motels

Ok

Sent from my Galaxy

----- Original message -----

**From:** §7(2)(a)@msd.govt.nz  
**Date:** 12/08/21 10:24 am (GMT+12:00)  
**To:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** RE: DP compliance -motels

Anytime after that is fine.

§7(2)(a) Lead Communications Advisor – Corporate Communications Ministry of Social Development, Te Piringa  
Tahi

§7(2)(a)  
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au.mimecast.com/s/9mx8CMwGq8uYVJ0TkG5oK?domain=workandincome.govt.nz/>](https://protect-au.mimecast.com/s/9mx8CMwGq8uYVJ0TkG5oK?domain=workandincome.govt.nz/) |  
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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Thursday, 12 August 2021 10:21 AM  
**To:** §7(2)(a)@msd.govt.nz  
**Subject:** RE: DP compliance -motels

I'm meeting team at 4 so may not be finished 4.30?  
Rosemary

Rosemary Viskovic Programme Director, Emergency Accommodation  
Kaihautū Rautaki - Strategic Development Manager- Sustainability and Social Development  
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au.mimecast.com/s/99OyCP7LwNTnA6rH6XUTx?domain=rotorualakescouncil.nz/>](https://protect-au.mimecast.com/s/99OyCP7LwNTnA6rH6XUTx?domain=rotorualakescouncil.nz/)

[cid:image001.png@01D78F64.400ACC30]

From: s7(2)(a)@msd.govt.nz s7(2)(a)  
Sent: Thursday, August 12, 2021 10:19 AM  
To: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz<mailto:Rosemary.Viskovic@rotorualc.nz>>  
Subject: RE: DP compliance -motels

Great, thank you!  
If I give you a call around 4.30pm would that work?

s7(2)(a) Lead Communications Advisor – Corporate Communications Ministry of Social Development, Te Piringa  
Tahi

s7(2)(a)  
www.workandincome.govt.nz<https://protect-  
au.mimecast.com/s/9mx8CMwGq8uYVJ0TkG5oK?domain=workandincome.govt.nz/> |  
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From: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz<mailto:Rosemary.Viskovic@rotorualc.nz>>  
Sent: Thursday, 12 August 2021 10:08 AM  
To: s7(2)(a)@msd.govt.nz s7(2)(a)  
Subject: RE: DP compliance -motels

Hi s7(2)(a) working through detailed step planning with staff this afternoon. I'm trying to answer a number of questions/gaps in the process. We have legal drafted letters to finish. Definitely need to recheck back with MSD and HUD re timelines etc once we have our end detailed.  
Can come back to you after that.  
Rosemary

Rosemary Viskovic Programme Director, Emergency Accommodation  
Kaihautū Rautaki - Strategic Development Manager- Sustainability and Social Development  
Waea: 07 351 8303<tel:+6473518303> M 027 203 2196  
Īmera: rosemary.viskovic@rotorualc.nz<mailto:rosemary.viskovic@rotorualc.nz> | Ipurangi:  
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From: s7(2)(a)@msd.govt.nz s7(2)(a)  
Sent: Thursday, August 12, 2021 10:03 AM  
To: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz<mailto:Rosemary.Viskovic@rotorualc.nz>>  
Subject: DP compliance -motels

Hi Rosemary – do you have any updates on the council’s next steps re communicating with motels about DP compliance? I’m basically at my desk until the afternoon, so if you want to call when it suits, that’d be great.

s7(2)(a) [redacted] Lead Communications Advisor – Corporate Communications Ministry of Social Development, Te Piringa  
Tahi

s7(2)(a) [redacted]

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au.mimecast.com/s/R6qaCOMKvYukrO9Tr9Sol?domain=msd.govt.nz/>](https://protect-au.mimecast.com/s/R6qaCOMKvYukrO9Tr9Sol?domain=msd.govt.nz/)

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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Thursday, 12 August 2021 4:41 pm  
**To:** s7(2)(a)  
**Subject:** RE: DP compliance -motels

Hi s7(2) missed you by phone just now. I have a 5.15 appointment but can talk before or later if you call back.  
Rosemary

**Rosemary Viskovic** *Programme Director, Emergency Accommodation*

**Kaihautū Rautaki** - Strategic Development Manager- Sustainability and Social Development

**Waea:** 07 351 8303 **M** 027 203 2196

**Īmera:** [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | **Ipurangi:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)



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**From:** s7(2)(a)@msd.govt.nz  
**Sent:** Thursday, August 12, 2021 10:24 AM  
**To:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** RE: DP compliance -motels

Just to explain, I have a meeting with s7(2)(a) first thing in the am, to update them prior to their Friday Minister's Office comms meeting.

I think something s7(2)(a) said in the Tuesday Comms meeting raised some flags for them.

I just want to re-assure so they don't go creating unnecessary concern.

s7(2)(a) Lead Communications Advisor – Corporate Communications  
Ministry of Social Development, Te Piringa Tahī  
s7(2)(a)  
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**From:** s7(2)(a)  
**Sent:** Thursday, 12 August 2021 10:19 AM  
**To:** 'Rosemary Viskovic' <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** RE: DP compliance -motels

Great, thank you!

If I give you a call around 4.30pm would that work?

s7(2)(a) Lead Communications Advisor – Corporate Communications  
Ministry of Social Development, Te Piringa Tahī  
s7(2)(a)  
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**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Thursday, 12 August 2021 10:08 AM  
**To:** s7(2)(a) @msd.govt.nz  
**Subject:** RE: DP compliance -motels

Hi s7(2) working through detailed step planning with staff this afternoon. I'm trying to answer a number of questions/gaps in the process. We have legal drafted letters to finish. Definitely need to recheck back with MSD and HUD re timelines etc once we have our end detailed.  
Can come back to you after that.  
Rosemary

**Rosemary Viskovic** Programme Director, Emergency Accommodation

**Kaihautū Rautaki** - Strategic Development Manager- Sustainability and Social Development

**Waea:** 07 351 8303 **M** 027 203 2196

**Īmera:** [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | **Ipurangi:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)



**From:** s7(2)(a) @msd.govt.nz  
**Sent:** Thursday, August 12, 2021 10:03 AM  
**To:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** DP compliance -motels

Hi Rosemary – do you have any updates on the council's next steps re communicating with motels about DP compliance? I'm basically at my desk until the afternoon, so if you want to call when it suits, that'd be great.

s7(2)(a) Lead Communications Advisor – Corporate Communications  
Ministry of Social Development, Te Piringa Tahī  
s7(2)(a)  
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**From:** Vicki Cawte <Vicki.Cawte@rotorualc.nz>  
**Sent:** Thursday, 19 August 2021 3:59 pm  
**To:** s7(2)(a) MSD  
**Subject:** Responses re DC  
**Attachments:** Full list of media responses - emergency accomodation in Rotorua and District Plan - 27 April 2021 onwards.docx

Kia ora

As discussed here are the responses we've used to date. I've highlighted the responses that relate specifically to the DC.

I know Rosemary has some legal info that will also help with any responses so we can go through that tomorrow.

Have a nice arvo.

Ngā mihi

---

**Vicki Cawte**

*Kaitohu Whakapā*

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**ROTORUA**  
LAKES COUNCIL

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Tuesday 27 April 2021

I've been given a copy of a paper written by local barrister Kevin Badcock on the use of tourist accommodation as emergency housing in Rotorua.

I've attached the paper for your information in case you haven't seen it.

I'm seeking the council's response to the following questions?

1. Has the council been made aware of the paper?
2. What does the council make of the findings?
3. Does the council have concerns over the running of emergency housing in terms of compliance with the district plan?
4. Has the council done anything or is the council doing anything to make changes to the district plan to allow this practice to lawfully continue?
5. How difficult is it to change the district plan?
6. Has this paper taken the council by surprise?
7. Has the council alerted central government to the possible problems with the running of emergency housing in other areas that are zoned for tourism accommodation?
8. Has the council sought its own legal advice?

Question for mayor Steve Chadwick

1. Given the content of this paper, do you still think it's not the council's business to tell motel operators who they can and can't rent their premises to?
2. Do you have any concerns based on the content of the paper?

Can you please respond before 3pm today?

Wednesday 28 April 2021

I'd like to give the council the opportunity to answer fully the questions I asked, in particular the ones pasted below.

What you haven't made clear is whether the council has been aware all this time the practice of emergency housing is contrary to the district plan, or whether this is an issue that's just come to light as a result of the legal paper.

Can you also be any more specific about whether changes will be made to the district plan to make the practice of emergency housing compliant with the district plan.

1. Has the council done anything or is the council doing anything to make changes to the district plan to allow this practice to lawfully continue?
2. How difficult is it to change the district plan?
3. Has this paper taken the council by surprise?

Given your response came after deadline yesterday we held the story, but please let me know by no later than midday today if you would like to add anything else as requested above.

Wednesday 28 April 2021

Thanks just to clarify, I wasn't asking if you were aware of the paper as such, I was asking if the contents of the paper have taken you by surprise, as in were you aware from the beginning the emergency housing process was in breach of the district plan or has this issue just come to light as a result of the paper? Can you please clarify that point?

Tuesday 27 April 2021

**Rotorua Lakes Council Chief Executive, Geoff Williams:**

Rotorua Lakes Council is aware of and shares the community's concerns.

The Government's current approach to emergency housing does create some challenges with the district plan – this is not an issue that is confined to Rotorua. It is just one of the issues that we have worked on with relevant Government agencies and ministers.

Implementing sustainable solutions for Rotorua requires a collaborative, cross-agency approach, and council is actively co-ordinating this effort alongside those other agencies.

Rotorua's complex housing challenges were not created overnight. The situation was further exacerbated by the impacts of COVID-19, which resulted in an urgent need to accommodate families and individuals.

**Rotorua Mayor Steve Chadwick:**

I am aware of what the community is saying and the concerns that they are raising with council, including what has been outlined in Mr Badcock's paper.

I have been lobbying with a sense of increasing urgency for solutions for Rotorua and I am pleased that the Government has listened to our calls and we have a team working here in Rotorua, alongside council and iwi to develop better options for our community.

The fact is that for the first time in our country's history, we are confronted with the reality that a generation of New Zealand children is growing up in motels – this situation is untenable.

Government officials are now working together, with urgency, to establish suitable, short-term solutions so our families are safe and supported, while we also work towards medium and long-term options.

Wednesday 28 April 2021

**Response from Rotorua Lakes Council Chief Executive, Geoff Williams:**

The paper simply sets out what is already in the District Plan. Council is very aware of what's in the plan and we're focussed on working with Central Government, iwi and others to find long-term solutions that do not involve motels. We doubt that in the meantime our community wants to see children and families being turned out of motels and onto the streets.

We do not intend to change the District Plan. The current use of motels as emergency housing is not considered to be part of a viable long-term solution.

District plan changes can take several years if there are appeals.

**Re is council surprised by the paper:**

No, we were aware of the paper.

Wednesday 28 April 2021

**Response from Rotorua Lakes Council Chief Executive, Geoff Williams:**

We recognised that this situation creates the potential for breaches of the District Plan and we have been considering the best approach to address this.

We are continuing to work with Central Government to find long-term solutions that do not involve the use of motels as emergency accommodation.

I've also sent you a couple of additional points and comments in case you wanted the opportunity to respond. Let me know if you'd like to do that.

- I think it's also important to specifically see if the council wanted to respond to the suggestions the council was not complying with its obligations under the RMA and the suggestion that it's taking a "hands off" approach to enforcing non-compliance with the district plan.
- Todd McClay said he was surprised the council had not taken such breaches of the district plan more seriously. "If one of the motels put up a sign in the wrong place, the council would threaten to take them to court for breaching the district plan I'm sure. I think local people are right to think the council should be doing its job properly. This is a serious issue."

Todd McClay has come back to me with additional comment which I need to put to the council for response.

\*\*\*

He said what was happening was "totally unacceptable".

"The council can not turn a blind eye. They need to enforce the rules of the district plan and the Resource Management Act or somebody will take them to court.

"The point is what is going on is not okay for the residents in that area and we saw that with the public meeting. The council has an obligation to either enforce the Resource Management Act or urgently do something about it."

Nothing to add re Mr McClay's comments but thanks for checking.

Thursday 29 April 2021

The question is still not being answered. Did this issue come to light as a result of the legal paper or were you aware from the beginning?

So to further clarify, WHEN did you realise it was an issue with the district plan?

Thursday 29 April 2021

Here is the response from Rotorua Lakes Council Chief Executive, Geoff Williams:

As the use of motels for emergency housing has increased, so has the potential for breaches of the District Plan and this is something we have been discussing with Central Government as an emerging issues since late last year.

This is a challenging situation as we try to balance our community leadership role to be part of developing long-term solutions with our regulatory role.

Our current work alongside Central Government officials which began last month [March] as directed by Housing Minister Megan Woods, will help to manage the short-term situation and provide medium and long-term solutions.

**Clarification:**

The issue was not brought to light by Mr Badcock's paper.

Friday 30 April 2021

I have a late request after just receiving a phone call from Todd McClay who is making a follow up comment on the issue with the breaches to the district plan as a result of some emergency housing.

I realise it's late in the day but I was hoping to get a response from the council to one question by the end of the day if possible. Apologies, but as I'm sure you'll understand this is the nature of news. Please let me know if you think it's doable but I understand if it's not.

McClay is saying the following:

Friday 30 April 2021

Council has nothing further to add to what we've previously provided but thank you for checking in.

He is calling on the council to urgently contact all motel owners informing them of their obligations under the district plan and the Resource Management Act that they cannot take any more long-term emergency housing clients.

He said this meant the Government had to stop using Rotorua as a dumping ground for the country's homelessness problem and it meant that the Ministry of Social Development could start focusing on those who were already in the motels and transitioning them into more permanent accommodation that was within the law.

McClay said this latest issue with the district plan meant Rotorua should be saying "no more".

"This should be a cap and sinking lid policy and means the people being left to languish in the motels have a chance of being helped by the Government and not being left there for years and years."

Please answer the following question, as well as feel free to make any further comment.

1. Will the council do as Todd McClay suggests and contact the motels asking them to stop taking in more long-term emergency housing clients?

Wednesday 5 May 2021

[received 5 May] Hi team, I've been approached by some members of the public who are upset the lease on the Ambassador Motel on Whakaue St has been sold and the new owners, Amber Ou, from the Fernleaf Motel in Rotorua has taken it over and intends to run it for social housing/accommodation for the homeless.

I'm in the process of trying to contact Amber Ou and find out what sort of contracts they have in mind. MHUD has told me they aren't involved but MSD is yet to get back to me.

The people I have spoken to so far don't want to go on record but tell me they council will be lobbied over this, given the Government and the council is spending millions on redeveloping the Lakefront. They say this isn't a good look for Rotorua having homeless people living nearby in the Ambassador Motel (their words).

They say there will be people who will approach the council to stop the homeless being housed in the motel given it could be a breach of the district plan.

I'm sorry the details are sketchy on this so far and I'll update you more as I contact more people, but I'm wanting a response on this from the council by **1.30pm tomorrow** so just wanting to give you an early heads up. Hopefully there won't be more questions, but so far can you please answer the following question in line?

1. Is the council aware of the change of lease and the intentions of the new owner?
2. Has the council been approached to put a stop to it under the RMA?
3. What is the council's reaction to the concerns about the "look" for Rotorua and the proximity to the new lakefront development?

Thursday 6 May 2021

I've just spoken to Amber Ou who is taking over the lease of the Ambassador Motel on Whakaue St and she's outlined the intentions.

She is saying they will put "WINZ clients" in there but she said she plans to only take women with children, no single men.

She said she will ensure there are "no bad people" and they intend to do that until the borders open and visitors return.

MHUD and MSD have got back to me and confirmed they don't have planned contracts with the motel (ie transitional housing) so it'll be done similar to other motels that run emergency housing. Hope that helps.

Wednesday 5 May 2021

The reporter was informed that council was not in a position to comment without confirmation of the facts, which we did not have, and was asked to get back to us once she had that confirmation

Thursday 6 May 2021

*From CE Geoff Williams:*

Council is very concerned about homelessness in Rotorua and very aware of the wider community's concerns relating to homelessness.

We are working urgently on multiple fronts to get solutions we need to support and benefit both those in need of housing, and our wider community.

We have already seen some people making unilateral decisions to establish accommodation for the homeless without regard to the effects of their proposals. In my view that is extremely unwise and it is something that council is currently focussing on.

<p>Can I please add to question #2 and ask if the council will also consider putting a stop to it themselves based on concerns around the district plan. Looking forward to hearing from you soon.</p>	<p>We were made aware of concerns in the community regarding the Ambassador motel but had no confirmed details. If there were to be any regulatory intervention, Council would deal directly with the leaseholder and/or owner.</p>
<p><b>Wednesday 12 May 2021</b></p> <p>I've just spoken to retired policeman Phil Spackman (Ingrid knows him well!) and he lives on Sumner St, not far from a group of emergency housing motels on Fenton St.</p> <p>He's told me about how things have been for them in the past year but more specifically on Monday he was attacked by a dog running out of Aces Motel on Fenton St as he biked to the gym. Although the dog was only small, it was enough to knock him off his bike, he got back on, shooed it away and biked off and it chased him.</p> <p>When he arrived at the gym he decided to call the council's animal control team. He was later told by the team they went to the motel and issued the dog owner with an infringement for having an unregistered dog.</p> <p>Can you please answer the specific questions below in line?</p> <ul style="list-style-type: none"> <li>• Can you please confirm for me that was the case (that animal control attended and issued an infringement)?</li> <li>• Does the council get called to the emergency housing motels often for complaints about dogs?</li> <li>• Does the council do random checks at the motels looking for unregistered dogs?</li> <li>• Do you have any figures to hand about unregistered dogs in emergency housing? (Thinking this is highly unlikely but asking anyway!)</li> </ul> <p>This story is definitely a goer for tomorrow's paper so would it please be possible to get back to me by no later than <b>2pm today</b> with a response?</p> <p>Let's know how you get on, any kind of response would be appreciated even if you can't get all the details.</p> <p><i>Follow-up:</i> Apologies, I've just spoken to Peter Bentley who had a similar incident of being attacked by an unregistered dog that came rushing out of motel.</p> <p>He estimates it would about 5 weeks ago, but I have a feeling it might have been longer (I recall him trying to raise this matter as an urgent at a council meeting). Sorry I don't have a specific date.</p> <p>However, he raised the matter with the council's animal control team and was disappointed no infringement was issued to the dog owner for not being unregistered. He was also disappointed the dog wasn't destroyed given it was unregistered and attacked/rushed at him.</p> <ul style="list-style-type: none"> <li>• Are you able to also check the outcome of this one (hopefully you can search under his name since I don't have a date sorry) and confirm if that was indeed the case - that no action was taken?</li> <li>• Can you please give a response to Bentley's criticism that he felt the council turned a blind eye to this dog owner on the basis they couldn't afford to register their dog?</li> </ul>	<p><b>Wednesday 12 May 2021</b></p> <p><i>From RLC Manager, Community and Regulatory Services, Kurt Williams:</i></p> <p><b>Can you please confirm for me that was the case (that animal control attended and issued an infringement)?</b> Council's Animal Control team did attend this incident. The job was reported as a rushing complaint, rather than a dog attack. Once investigated, it was confirmed as a rushing incident. An Animal Control Officer spoke to the owner about securing the dog on the property and about registering the dog. The owner was issued an infringement for the rushing incident and has since registered the dog.</p> <p><b>Does the council get called to the emergency housing motels often for complaints about dogs?</b> Our Animal Control team has noticed an increase in complaints about dogs at motels over the past year.</p> <p><b>Does the council do random checks at the motels looking for unregistered dogs? Not currently</b></p> <p><b>Do you have any figures to hand about unregistered dogs in emergency housing? (Thinking this is highly unlikely but asking anyway!) No</b></p> <p><i>Follow-up:</i></p> <p><b>Are you able to also check the outcome of this one (hopefully you can search under his name since I don't have a date sorry) and confirm if that was indeed the case - that no action was taken?</b> This incident was reported as a roaming dog. Animal Control attended the address, the dog was being looked after by a family member. The person looking after the dog was spoken to, their details and the details of the actual owner were recorded, they were told to keep the dog contained and were given a timeframe in which the dog must be registered.</p> <p>The owner failed to register the dog. Animal Control returned to the property to seize the dog, however the family and the dog had moved out and haven't been located since.</p> <p><b>Can you please give a response to Bentley's criticism that he felt the council turned a blind eye to this dog owner on the basis they couldn't afford to register their dog?</b> Council didn't turn a blind eye. This incident was dealt as we would with any other dog/dog owner. As above, the owner was given an opportunity to register the dog. Animal Control returned to seize the dog when this didn't happen. This approach is standard practice.</p>
<p><b>Tuesday 1 June 2021</b></p> <p>I'm just wanting to drill down on what the council is doing to allow motels to legally operate under the district plan with emergency housing.</p> <p>The Government's announcement last month about the changes being worked on in Rotorua said this in the media statement:</p>	<p><b>Tuesday 1 June 2021</b></p> <p>The media release that was put out by the Government on 13 May was actually changed online later that day – see updated version here: <a href="https://www.beehive.govt.nz/release/rotorua-emergency-housing-update">https://www.beehive.govt.nz/release/rotorua-emergency-housing-update</a></p> <p>The reference they had (the one you've copied below) wasn't quite right so they updated it. See the new wording below.</p> <p>Rotorua Lakes Council will help ensure any applications for changes to consents to permit longer term stays in motels are processed efficiently. It will take several weeks to assess and engage all motels.</p>

Rotorua Lakes District Council has agreed to facilitate a temporary change in consenting to permit longer term stays for motels assessed as suitable for emergency housing. It will take several weeks to assess and engage all motels.

**Questions:**

- How will this change to the district plan work specifically?
- Is it an easy change to make?
- How long will the change take?
- Does the public need to be consulted to make the change? Why/why not?

**Follow up:**

I guess what I'm confused about is currently you can't lawfully stay in some motels for a longer term (ie emergency housing) as that's against the district plan.

So will the council be changing something to allow that to be lawful?

Currently there's an issue, as has been previously acknowledged.

The new wording in the media release indicates people can apply to change their consents to allow longer stays. So my question is, how does that happen? How can the council get around the district plan as it stands now?

**Thursday 10 June 2021**

I'm writing a story after concerns have been raised by a local accommodation provider (Kerris Browne) that Rotorua doesn't have enough beds to cater for our visitors as a result of homeless people being put in our motels.

I've sought comment from Andrew Wilson already about this who has answered from a tourism point of view.

However, one of sources has just made comment that's critical of the council itself and I'd like to put these comments to you to see if you'd like to respond.

Can you please let me know and if so respond by **10am tomorrow (Friday)?**

Velocity Valley managing director Simon Short said the Rotorua Lakes Council needed to stop allowing the motels to be used in this way.

"The second the stop doing that and make a plan, the better. I'm worried there's no end date. They need to say 'we will change things by this date'."

He said in his opinion the Government taskforce that worked with agencies locally didn't find a solution.

"All they came back with was better contracts for motels. There was nothing in there about future proofing all these rooms being taken up."

He said Tourism New Zealand's marketing team were recently in Rotorua revealing its domestic marketing campaign and many of industry leaders put their hands up and told them it was a great idea but said "what's the point, we have got nowhere to put anyone?".

**Monday 14 June 2021**

I'm seeking a comment from Steve for a story I'm doing on how much money is being spent on Emergency housing and how long people are actually staying in there.

Money spent and numbers increasing

There is no change to the DP, any consents will be processed as normal but council will work with agencies to make sure everything is processed as efficiently as possible.

**Additional response:**

Rotorua Lakes Council has provided assistance to the Taskforce to ensure that consent processes are clear and any applications for consent are processed efficiently. Any contracted motels will need to be fully assessed against the district plan and we will work alongside Government agencies, their consultants and the motellers through the consenting processes.

**Further Information provided:**

Council won't be changing any current processes which means no change to the district plan. As contracted facilities are confirmed council will assess what, if any, consent changes are required and will help to make that process as efficient as possible for all involved.

The type of consent that may be required will depend on circumstances such as the type of facility, location of the facility, and what it will be exactly used for.

**Friday 11 June 2021**

**From Jean-Paul Gaston - Deputy Chief Executive District Development -**

It's positive to see large numbers of visitors coming to our city but we are hearing the frustrations from our community and want to assure people that council is actively working alongside iwi and the Government to deliver solutions that work for Rotorua.

We have always said we need long-term solutions to address the housing crisis and the work currently underway is a good starting point. We are not prepared to see people turned out onto the street. These initial actions that will help to provide suitable accommodation for those vulnerable people who need it most, while alleviating some of the issues that have arisen from the mixed-use motels and ad hoc arrangements we have seen in the past year.

The relevant Government agencies are in the process of contracting local providers and we understand that work is progressing well. Council staff are engaged to ensure that any consenting processes happen as efficiently as possible.

**Monday 14 June 2021**

**From Mayor Steve Chadwick:**

Housing remains a key priority for this Council and there is a lot of work underway. Actions to give effect to the district housing strategy are an important part of the work Council proposes to do across the next 10 years, as part of the 2021-31 Long-term Plan, to enable the development of more housing.

In the meantime, we are continuing to work with Central Government and iwi to address emergency housing. The taskforce working on this is progressing with the actions that have been outlined to the public with Council's role to ensure efficiency and timeliness around any consenting processes that are required.

Figures from MSD show the amount of money spent on emergency housing grants in the Bay of Plenty has increased by over 2000 per cent since 2017.

\$37,657,245 was spent on emergency housing grants between April 2020 and March 2021 compared to \$1,740,900 in the same period three years ago.

In Rotorua, there were 2049 clients between April last year and March which totalled \$21,075,039 in emergency housing grants.

This increased from 363 in April 2017-March 2018, and \$895,599 in grants.

In Tauranga and the Western Bay of Plenty, there were 1281 clients between April last year and March this year which totalled \$11,317,570 in emergency housing grants.

This increased from 351 in April 2017-March 2018 and \$692,008 spent on grants.

#### Average length

Across the Bay of Plenty, an average of 13 consecutive weeks are being spent in emergency housing.

In Tauranga, an average of 11 consecutive weeks were spent in emergency housing between April last year and March.

In the Western Bay of Plenty, the stays averaged nine consecutive weeks.

In Rotorua, an average of three consecutive months were spent in emergency housing between April last year and March.

#### Money and increase

When can these people expect any sort of relief in terms of more permanent accommodation given all the money and work the council is said to be doing alongside the Government?

What is your initial response to these figures and what do they tell you?

What are your concerns about these figures and what it means for the city as a whole and the people who are suffering?

Is this kind of money justified? Why/why not?

#### Length

Is this fair?

When can these people expect any sort of relief in terms of more permanent accommodation given all the money and work the council is said to be doing alongside the Government?

What is your initial response to these figures and what do they tell you about the state of our city?

What are your concerns about these figures?

What needs to happen and when?

Any other comments are welcome!

#### Tuesday 15 June 2021

I have one that's pegged for tomorrow's paper so looking for a 2.30pm turnaround today please.

Bryce Heard from the Chamber has sent me the following thoughts for a story to offer some solutions to our housing problem, basically trying to get everyone to stop blaming each other and get on with the business of building houses/fats/apartments.

I've bullet pointed below his key points and have listed some questions below for the council.

#### Bryce's main points:

- He's done an appraisal of the situation and come up with some ways to confront it and deal with it.

Everyone agrees the current situation we have with emergency housing is not sustainable and all agencies are working hard to improve how this is managed while work to get more housing underway for our district continues. The figures [you have received] underline the urgent need for housing that exists and the need for the work that is underway.

#### Information/updates on housing mahi:

See [HERE](#) (and as reported in the RDP) re changes to emergency housing which the Taskforce is now progressing and which the mayor has referenced above.

See pages 6-9 of the draft 2021-31 Long-term Plan (LTP) consultation document, which you'll find [HERE](#) (External link), re proposed LTP actions relating to housing and note also p5 of the consultation document re work on proposed inner city incentives policy which will, in part, aim to encourage accommodation and residential development in the CBD

#### Council work that relates to housing and is underway:

Housing Strategy (developed in partnership with Te Arawa and Central Government agencies): Actions in the strategy are underway in collaboration with the relevant parties/agencies; the plan aims to deliver short, medium and long-term housing solutions and RLC is currently working closely with Central Government agencies, iwi and others to address emergency housing in Rotorua.

Investment in infrastructure upgrades including wastewater, roading and stormwater is underway throughout the city: This is ongoing and the draft 30-year infrastructure plan that will be adopted alongside the 2021-31 Long-term Plan outlines plans to invest \$424m into core infrastructure (roading, stormwater, sewerage and water supplies) across the next 10 years to ensure safe, reliable infrastructure that is able to meet current demand and support future demand and housing development.

Council is progressing a District Plan Change to facilitate housing at Pukehangi: Fast-track Plan Change was approved by Government in March this year (see [HERE](#) on RLC website and reported by RDP [HERE](#)). RLC continues to work with the developers to support the progression of their housing development plans at Pukehangi.

Council and NZTA received Government funding for roading and stormwater upgrades to support proposed housing at Wharenui: Planning for this is underway/progressing - see bottom of p64/top of p65 of the last Operations & Monitoring Committee agenda [HERE](#) re update on CIP funding provided for infrastructure to enable housing at Wharenui

Council is collaborating with Tatau Pounamu Collective on an eastside locality plan that will address the future needs, aspirations and resilience of communities there: Following approval of a draft plan developed by RLC and TPC, we have been working with the community and a finalised plan will be presented to elected members for their approval soon. See [HERE](#) for further information about this kaupapa.

Long-term infrastructure planning is underway: See above re 30-year infrastructure plan and LTP

Other mahi also underway in relation to housing: See pages 45 and 46 of the last Operations & Monitoring Committee agenda [HERE](#) re updates on housing-related mahi the council is undertaking (this includes Taskforce mahi but you'll also see reference to other work that's underway and relates to housing)

#### Tuesday 15 June 2021

#### Response from Rotorua Lakes Council

#### RLC housing-related mahi:

As you'll be aware, housing is a key plank of the proposed 2021-31 Long-term Plan which will be adopted at the end of June. See pages 6-9 of the LTP consultation document, which you'll find [HERE](#) (External link), re proposed LTP actions relating to housing.

Work on an inner city strategy is underway and note reference to CBD on p7 of the LTP consultation document + see p5 of the same document re proposed inner city incentives policy which will, in part, aim to encourage accommodation and residential development in the CBD.

- Rotorua is said to be 4000 homes short to meet its housing needs. If we do nothing about it, by 2030 population forecasts indicate that this shortage will reach 6000 houses.
- This year we have consented 209 new houses in the 10 months July 2020 to April 2021 inclusive. At this rate we will consent 251 houses for the year ending 30 June 2021. That is up quite a bit on the 170 consented for the preceding year, but it is nowhere near enough.
- If we are to build 6000 houses by the end of 2030, we need to be building at the rate of 667 houses a year every year, starting July 2021 next month. Therefore, we need to lift our game by 166%.
- If we continued to build at 251 per year, we would still be 3741 houses short by the end of 2030 year. In other words, at 251 houses per year we are just treading water and all other things equal, the homeless situation could be as bad in nine years as it is now.
- According to Stats NZ the average number of houses consented nationwide for the year ending 30 June 2020 was 7.6 consents per 1000 of population. Rotorua has a population of approximately 75,000. In 2020 we built 2.3 houses per 1000 population and this year we are running at 3.3 per 1000. To build 667 per year, we would be building at the rate of 8.8 per 1000 of population. This is not impossible. Auckland built at the rate of 8.5 per 1000 last year.
- To do this, we must enact a local solution. Unfortunately, we have no power over central government policy and it seems highly improbable that central government will build us 6000 houses in Rotorua. This government's treatment of landlords with the introduction of their new capital gains tax and removal of deductibility of interest costs, is bizarre and unhelpful for anyone – least of all the homeless. This is because landlords build almost half of the new houses required in NZ (48%) and attacking them financially will only reduce the new builds, add to the housing shortage, keep property prices high, and rental cost up as well. High levels of homeless naturally follows.
- There are three things we can do....
- 1. Continue to make every land lot available that we possibly can and encourage and support the traditional building of new houses on new subdivisions. Council policy must support this proactively. This will help, but it is mostly focussed in the middle and upper end of the housing market. We need lower end as well
- 2. We must move swiftly to convert older single dwellings on quarter acre sections into multi-unit dwellings. Most of the old sections in Rotorua can support 2-6 houses and most of the infrastructure like roads, footpaths, streetlighting, water and electricity are already in place. The swift provision of lower cost flats and houses is possible via this route. But consenting will need to keep pace, especially resource consenting. This will address the lower cost end of the market.
- 3. The many empty spaces that presently make up our CBD are just waiting for investment to convert them into flats, apartments, parking lots and inner city living. The same rule applies as for the second option above, most of the infrastructure is already there.
- What is holding us up? Probably only three things. The first is nimbyism and second is a brave plan for the CBD redevelopment. The final requirement is speedy policy making and consenting.
- Let's all stop playing the blame game and get to work on it!

#### Questions for the council:

1. Is the council investing extra resourcing to help speed up consenting processes? Do you think this is needed? Why/why not?
2. Is there a "brave plan" for the CBD redevelopment that looks at empty CBD buildings in the hope of turning them into apartments/flats?
3. Do you think it is doable to build 667 houses a year in Rotorua until 2030?
4. What is the council doing to attract developers/builders to build houses in Rotorua?

I've just spoken to Todd McClay and he's made a couple of suggestions the council might like to respond to.

- Both the council and the Government bear the responsibility for this and they have the ability to do something about it.
- The Government should make urgent changes to the RMA to push through consents more quickly to speed up the processes. Developers are frustrated and are walking away. (Have put this to the Government too)
- Taupo District Council is smaller but he said the rates it issues consents is greater than Rotorua's. He said other councils are issuing consents at greater rates and he said this could suggest it is to do with processes. He also wondered if stormwater or wastewater was struggling because of a lack of investment?
- He said Rotorua's council should ask Taupo how they do it.

#### Also underway are actions outlined in the Draft Economic Development Strategy Framework which includes actions relating to the CBD:

- Build investment and development confidence in the CBD through an Inner City Plan and targeted incentives
- Partner with major investors and developers to establish 2 place making CBD projects that support inner city residential living
- Partner with Central Government to ensure investment supports city vibrancy and resilience

For your reference, you'll find the Draft Economic Development Strategy [HERE](#)

#### Updates re information previously provided about Council work that relates to housing and is underway (updates in red):

- Housing Strategy (developed in partnership with Te Arawa and Central Government agencies) Actions in the strategy are underway in collaboration with the relevant parties/agencies; the plan aims to deliver short, medium and long-term housing solutions and RLC is currently working closely with Central Government agencies, iwi and others to address emergency housing in Rotorua.
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- Long-term infrastructure planning is underway See above re 30-year infrastructure plan and LTP

**Other mahi also underway in relation to housing:** See below excerpts from pages 45 and 46 of the last Operations & Monitoring Committee agenda (agenda is [HERE](#)) re updates on housing-related mahi the council is undertaking (this includes Taskforce mahi but you'll also see reference to other work that's underway and relates to housing)

#### Emergency Housing

The Rotorua Housing Taskforce, Te Rākau Taumatua, was established in response to pressing issues related to housing, in particular homelessness and emergency housing, which was exacerbated by the need to house people quickly through the COVID-19 lockdown.

The Taskforce brings together staff from Council with Te Arawa representatives and senior officials from Ministry of Housing and Urban Development, Ministry of Social Development, Te Puni Kōkiri, Kāinga Ora, with involvement also from Rotorua Police and the Lakes District Health Board.

The aim is to ensure vulnerable tamariki and their whanau in emergency housing are well-supported and have access to the facilities they need while more permanent housing solutions requiring more time to develop are achieved.

In the short-term the goal is to provide safe, appropriate temporary emergency accommodation for tamariki and whanau in need.

The medium-term goal is to increase the pool of transitional housing available in Rotorua to provide fit-for-purpose, secure homes and ensure access to wrap-around support and services. The ultimate goal is to help families regain control over their housing situation and create attainable pathways into permanent housing and home ownership.

Government Ministers have endorsed four Taskforce recommendations that are being progressed immediately:

- Contracting specific motels for the express purpose of emergency accommodation, to ensure the motels being used are good quality, suitable and safe for families.
- Contracting additional wrap-around support services to meet the needs of families in those motels. MSD will also improve support available for those in other motels.
- Strengthened assessment and placement processes for families and individuals.
- Establishment of a physical Housing Hub where people and families will be assessed to identify what type of housing support and additional support is needed.

· Conversations with motels about contracting have begun and motels will be guided through the Change of Use consenting process to bring their operations in line with Rotorua's District Plan.

· Approximately 200 households with tamariki will be carefully placed into emergency housing accommodation (motels) contracted by HUD. While work is initially focusing on these whanau, any additional support available will focus on young people, disabled persons and those escaping domestic violence situations.

· Each agency has a specific role to play in alleviating pressure on housing but no single agency can do it alone. By taking a cross-agency collaborative approach, the taskforce is working towards shared short, medium and long-term goals for the entire community.

#### **National Policy Statement for Urban Development**

Work has continued on establishing a programme to support implementation of the National Policy Statement for Urban Development 2020. A Key focus of the programme is outlining the pathway for enabling housing delivery, urban growth and the development of well-functioning communities. Currently we have mapped the key initiatives through to the next Long-term Plan (for 2024-2034) starting with understanding gaps in the operative District Plan relating to enabling intensification. A report outlining the proposed programme will be presented to a subsequent Strategy, Policy & Finance Committee meeting.

#### **Housing and Business Capacity Assessment (HBA)**

The HBA provides an evidence base to inform spatial planning decisions across the Rotorua District. In short, the assessment estimates the demand for dwellings and business land and the supply of development capacity to meet that demand. This determines whether there is sufficient capacity to meet needs over the next 30 years. To date we have agreed on a spatial framework as it relates to urban land and we are now developing the model to inform the assessment. Significant amounts of data have been prepared and compiled as input for the modelling, to ensure the best quality outcomes from the exercise. An Eastside market assessment has been developed concurrently to provide a market assessment of potential land uses within this area. This is to help determine if re-zoning through a future plan change would be commercially feasible, reasonably expected to be realised and supports the needs of the current and future Eastside community.

#### **Development Support**

A development support manager's role has recently been created to support developers through council development processes, including consenting. The role also focuses on connecting developers, land owners and technical capability to ensure development opportunities are realised. Feedback has been positive around this additional level of support.

#### **Housing Acceleration Fund**

Following recent announcement of the Government's upcoming Housing Acceleration fund, the District Development team have begun assessing projects and initiatives that could be potential candidates for funding support, in preparation



	<p>for further information about the fund criteria and deadlines. A number of residential development areas may meet funding criteria and staff are confirming current timelines and infrastructure barriers with developers in advance of the application process</p>
<p><b>Monday 5 July 2021</b></p> <p>I am seeking a response to the comments made regarding the emergency housing changes in Rotorua</p> <p><i>Hospitality NZ Bay of Plenty branch president and Hennessy bar owner Reg Hennessy said people were "pissed off" as the motel shakeup was a way for the Government and council to "buy time".</i>  <i>"It's still 30 motels out of our system," he said, which he believed would start to add up over time.</i>  <i>"I would've thought in the two years they've had, they would have thought of something a little more imaginative than keeping people in our motels."</i>  <i>He said the community and businesses needed to know where the motels were as they needed to know where to recommend people to stay.</i>  <i>And with international tourism still on shaky grounds, he said domestic tourism would once again be crucial for the bread and butter of many</i>  <i>He said the reputation of Rotorua was "destroyed" and was thought of by out-of-towners as a dangerous place, where visitors would ask what time they should be home by.</i>  <i>Housing people in proper housing, and freeing up beds for the tourism industry, was what would change the reputation.</i>  <i>"There are genuine homeless who we all feel for, and it's a shame the Government couldn't fast-track something a lot more practical than just motels," he said.</i>  <i>"Hopefully, if one thing comes out of it, the children are looked after a bit better ... people have been screaming and shouting at them to do something about it.</i>  <i>"Let's hope they've got it right."</i></p> <ul style="list-style-type: none"> <li>• Why was something else other than motels not thought of in terms of the way people are housed in emergency housing?</li> <li>• Will the council be putting things in place to prevent the number of motels being used as no more than 30?</li> <li>• Any other comments to the above statements are welcomed.</li> </ul> <p>I have a deadline of 3pm. Thanks in advance.</p>	<p><b>Tuesday 6 July 2021</b></p> <p><b>Response from Jean-Paul Gaston, District Development - Deputy Chief Executive:</b></p> <p>Council is well aware of the community's concerns and that knowledge has helped shape the taskforce's recommendations that have been approved by the Government, and are now in action.</p> <p>The Government's work to contract motels will effectively reduce the number of motels used for emergency housing from 45 to less than 30, will reduce the concentration of effects by distributing the contracted motels evenly across Rotorua, and most importantly, will ensure local whānau will have safe, suitable accommodation while longer-term permanent housing solutions are developed.</p> <p>The number of units available (excluding motels used for emergency housing and managed isolation facilities) is around 2000 units across the city. This also does not include campgrounds, backpacker type accommodation or private accommodation such as Airbnb. The reduction in emergency housing facilities, and the move to exclusive use, will ensure that people have more clarity about where they can stay when they visit Rotorua.</p> <p>Any contracted motels will need to be fully assessed against the district plan and we are working alongside the Government agencies, their providers and the moteliors to make sure that process is managed efficiently.</p>
<p><b>Wednesday 14 July 2021</b></p> <p>I am seeking a response from the council on the number of houses built and bought in Rotorua in the last 3 years.</p> <p><i>More houses have been built than originally planned, and more are on the horizon as Government fast tracks housing in the city.</i>  <i>Figures provided to the Rotorua Daily Post under the Official Information Act by Kāinga Ora revealed 73 houses have been added in the last five years, all of which happened from July 2018.</i>  <i>This broke down to 12 houses built and 61 redevelopments.</i>  <i>A Kāinga Ora spokeswoman said redevelopments were state homes were demolished and replaced with a higher density of new homes on the site.</i>  <i>The Public Housing Plan 2018 - 2022 stated up to 275 homes would be built across the region by the end of next year.</i>  <i>The plan was that 60 would be built in Rotorua by Kainga Ora.</i>  <i>They've also bought eight houses to be used for public housing, costing \$4,810,000.</i></p> <ul style="list-style-type: none"> <li>• What would you say the housing need is in the city?</li> <li>• What are your thoughts on the above stats?</li> </ul>	<p><b>Thursday 15 July 2021</b></p> <p><b>From Jocelyn Miakaere – Community Wellbeing, Deputy Chief Executive:</b></p> <p>Housing is a key priority for council and we have seen a significant amount of work happen in the past few months to begin to put into place the right actions for Rotorua.</p> <p>It's positive to see more homes becoming available but we know there is a lot more work to do to enable the development of the thousands of houses of all types that Rotorua needs. We need a range of new development across the city with the appropriate infrastructure and amenities to support the growth in our community.</p> <p>We are committed to delivering what has been set out in the 2021-2031 Long-term Plan but we've always said that we cannot achieve this by ourselves, so the partnerships we have with Central Government, relevant agencies and iwi are key to keeping the momentum going.</p> <p><b>RE: Council's role in creating homes (general, not just specific to Kainga Ora houses):</b></p>

- What is the council's role in the partnership of creating the homes?
- Would you say the above is helping?
- Do you think this is enough, fast enough?
- Any other comments are welcomed.

I have a deadline of COB today, thanks in advance!

Housing is a key plank of the proposed **2021-31 Long-term Plan** which was adopted at the end of June. See pages 14 - 16 of the LTP [HERE](#) re actions relating to housing. As set out in the LTP, the target for building and developing new homes is 3000 in 5 years (6000 by 2030) and additional land available for 4000 residential sections.

Work on an **inner city strategy** is underway. Please note reference to CBD on p16 of the LTP document re **proposed inner city incentives policy** which will, in part, aim to encourage accommodation and residential development in the CBD.

**Also underway are actions outlined in the Draft Economic Development Strategy Framework which includes actions relating to the CBD:**

- Build investment and development confidence in the CBD through an Inner City Plan and targeted incentives
- Partner with major investors and developers to establish 2 place making CBD projects that support inner city residential living
- Partner with Central Government to ensure investment supports city vibrancy and resilience

For your reference, you'll find the Draft Economic Development Strategy [HERE](#)

**Other mahi currently underway**

- **Housing Strategy (developed in partnership with Te Arawa and Central Government agencies)**  
Actions in the strategy are underway in collaboration with the relevant parties/agencies; the plan aims to deliver short, medium and long-term housing solutions and RLC is currently working closely with Central Government agencies, iwi and others to address emergency housing in Rotorua.
- **Investment in infrastructure upgrades including wastewater, roading and stormwater is underway throughout the city;**  
This is ongoing and the 30-year infrastructure plan that was adopted alongside the 2021-31 Long-term Plan outlines plans to invest \$424m into core infrastructure (roading, stormwater, sewerage and water supplies) across the next 10 years to ensure safe, reliable infrastructure that is able to meet current demand and support future demand and housing development.
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Planning for this is underway/progressing - see bottom of p64/top of p65 of the 3 June Operations & Monitoring Committee agenda [HERE](#) re update on CIP funding provided for infrastructure to enable housing at Wharenui
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Following approval of a draft plan developed by RLC and TPC, we have been working with the community and a finalised plan will be presented to elected members for their approval soon. See [HERE](#) for further information about this kaupapa. The final plan was presented at the SP&F meeting on 8 July and the committee recommended that it go to full Council for approval later this month.
- **Long-term infrastructure planning is underway**  
See above re 30-year infrastructure plan and LTP

**Other mahi also underway in relation to housing:** See below excerpts from pages 45 and 46 of the 3 June Operations & Monitoring Committee agenda (agenda is [HERE](#)) re updates on housing-related mahi the council is undertaking (this includes Taskforce mahi but you'll also see reference to other work that's underway and relates to housing)

**Wednesday 21 July 2021**

It's Emma Houpt from the Rotorua Daily Post here.

I am working on a story about the purchase by Kāinga Ora of the Boulevard Motel on Fenton St, which will provide over 80 people with short term transitional housing with wraparound support services. I was hoping Mayor Steve Chadwick would be able to provide some comment around this.

My story deadline is 2pm today, and I will put some questions below.

What are your thoughts on this purchase by Kāinga Ora?

How are council working with Kāinga Ora and other agencies involved to ensure this short term transitional housing is successfully implemented?

Please feel free to add any other comments you wish to add.

**Wednesday 21 July 2021**

As advised both the Mayor and Deputy Mayor are unavailable for comment today.

In terms of the Housing Taskforce here is some information that may help you understand how the taskforce works in collaboration and where council's role sits amongst that.

**News items –**

13 May – Rotorua Housing update – Statement from Mayor Chadwick and media release from Housing Minister Megan Woods and Minister of Social Development Carmel Sepuloni <https://www.rotorualakescouncil.nz/our-council/news/news?item=id:2e4ve4hyn17q9s31zi50>

30 June – Statement from Mayor and Statement from Housing Minister Megan Woods - <https://www.rotorualakescouncil.nz/our-council/news/news?item=id:2emyygaet17q9syii7cw>

1 July – committee hears updates on CBD plan process and housing - <https://www.rotorualakescouncil.nz/our-council/news/news?item=id:2ekomtkow17q9s5ndgmm>

This information was provided to Ciria which also may help you understand council's role in creating more housing:

**RE: Council's role in creating homes (general, not just specific to Kainga Ora houses):**

Housing is a key plank of the proposed **2021-31 Long-term Plan** which was adopted at the end of June. See pages 14 - 16 of the LTP [HERE](#) re actions relating to housing. As set out in the LTP, the target for building and developing new homes is 3000 in 5 years (6000 by 2030) and additional land available for 4000 residential sections.

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**Friday 23 July 2021**

From Rotorua Daily Post –

I am following up a story that came out this week regarding Kainga Ora purchasing The Boulevard Motel on Fenton St. Tamati Coffey told Newstalk ZB last night and has since confirmed it with us that the housing provider is looking to buy another motel.

Previously, when Kainga Ora took the control of the motels from MSD, Steve said that motel accommodation was not a long-term solution.

I am looking for comment on this current situation, deadline is 2pm thanks.

Previously, Steve has said: "I called for the Government to focus its attention on Rotorua and to have a presence here on the ground because of the untenable situation of mothers and children living in motels. That was the burning platform to get a priority focus for our district.

"These first steps are the building blocks to addressing the long-term housing pipeline challenges that we need to solve here in Rotorua."

- Is the purchasing of motels the idea Steve had when calling on the government to help?
- What is your opinion on the latest move by the government?
- Todd McClay has said this is ruining the reputation of the town, do you agree with his sentiments?
- If motel accommodation is not the long-term solution what is?

**Friday 23 July 2021**

The reporter was also advised to check facts re the line in the enquiry "Previously, when Kainga Ora took the control of the motels from MSD" as MSD was not running/controlling any motels and Kainga Ora has not been involved in contracting of motels, that is the role of MHUD.

*From Mayor Steve Chadwick:*

In the short term we said we needed better management of motels being used for emergency accommodation and that these places needed to have wrap-around support services. That is now being put in place.

In the medium term, we need more transitional housing so that people aren't in emergency accommodation long-term and that is what Kainga Ora is working on. Converting what used to be a motel into housing is just one part of that – as they've said, they are also working on building more houses.

More houses is the ultimate goal, of course, but that can't happen overnight so we need a variety of solutions in the meantime and solutions is what we've all got to be focussed on.

Any potential for reputational damage is of course a concern and addressing perception issues is part of ongoing Rotorua marketing campaigns. Addressing our social issues is also important, which is why we continue to work closely with Central Government, iwi and others to address the likes of Rotorua's housing challenges, and is why housing and community safety are key priorities of Council's Long-term Plan.

I look forward to Todd taking up the offer, as he's indicated he would, to receive a briefing on housing and other local government matters.

**From Kainga Ora to NZME and Newstalk ZB**

**To be attributed to Darren Toy, Regional Director Bay of Plenty, Kāinga Ora – Homes and Communities**

We continue with urgency to actively explore a wide range of options around increasing housing supply in Rotorua so whānau, tamariki and mokopuna will have warm, dry and modern homes to live in.

This includes purchase of land and existing properties, partnering with other land owners including iwi and hapu, redevelopment of our own existing properties, and leasing options.

These plans are progressing, and involve ongoing commercial discussions and processes with various groups that need to be worked through when we're looking at either redeveloping a site, or purchasing one where we can provide more new, warm dry and safe housing.

When we're in a position to provide more information on these plans we will, like we did with the Boulevard Motel purchase.

In addition to the purchase of this motel, Kāinga Ora recently also purchased around 2ha of vacant land on the corner of Ranolf Street and Malfroy Road where medium density public housing is planned to be built in the immediate future. We are also currently planning redevelopment work at a number of existing Kāinga Ora sites in Rotorua where more new warm dry homes will be built.

With all opportunities significant due diligence is undertaken, and in the case of purchases independent valuation is carried out. The price paid for the Boulevard Motel is in line with a market valuation provided by an independent valuer. It is not a reflection of current market value to join together the rateable valuations (capital values (CV)) of the six individual lots for this property. Those valuations are part of a mass valuation process used to apportion rates between properties; they are not specific to this site and they do not reflect the opportunities created by amalgamating sites. They are also dated as rateable valuations are always at least six months old given the mass valuation process and these were introduced in 2020, and they do not reflect the value of any businesses operating on a site.

These purchases and land development is part of the Kāinga Ora programme across the country to increase land supply to allow the delivery of more warm, dry and modern homes.

- More about the [Ranolf/Malfroy purchase](#)

**11 August 2021**

I'm requesting comment on a story for tomorrow's newspaper which I've just been advised about, apologies for the late request but such is the nature of news.

A land use consent has been submitted for: "Use existing Wylie Court Motor Lodge site and buildings for transitional housing at 345 Fenton St".

This property is owned by Te Arawa Properties Ltd Partnerships, which is registered to Te Arawa Group Holdings.

Can the council please respond to the following questions?

**11 August 2021**

**Response from Jean-Paul Gaston, Deputy Chief Executive District Development.**

What stage is the consent application at?

It has been lodged with Council and is currently being processed.

Will it be publicly notified?

How will the proposed development be granted consent given the District Plan does not allow for permanent housing?  
This information will be determined as part of the processing of the application.

**Response from Darren Toy, Bay of Plenty Regional Director, Kāinga Ora – Homes and Communities**

We continue, with urgency, to look at a range of opportunities to increase housing for people in Rotorua.

<p>1. What stage is the consent application at?  2. Will it be publicly notified?  3. How will the proposed development be granted consent given the District Plan does not allow for permanent housing?  4. Feel free to add any additional comments.</p> <p>I realise this is a quick turnaround but can I please be given a response before 2.30pm.</p>	<p>We have not purchased the Wylie Court Motor Lodge, but have recently bought the vacant land on the corner of Ranolf Street/Malfroy Road, and the Boulevard Motel for housing.</p> <p>We will be happy to share future plans around other opportunities being explored when we are in a position to.</p>
<p><b>12 August 2021</b>  can I please seek comment from Steve on the following story before 1pm today?</p> <p><a href="https://www.nzherald.co.nz/rotorua-daily-post/news/government-plans-to-turn-vacant-fenton-st-motel-into-transitional-housing/OR5SSOHJTEUVKIQMCAFQU4XCMI/">https://www.nzherald.co.nz/rotorua-daily-post/news/government-plans-to-turn-vacant-fenton-st-motel-into-transitional-housing/OR5SSOHJTEUVKIQMCAFQU4XCMI/</a>  Government plans to turn vacant Fenton St motel into transitional housing - NZ Herald  The Government is planning to turn a large, vacant, Māori-owned motel on Fenton St into transitional housing but to do so it will need Rotorua Lakes Council approval. A resource consent ...  www.nzherald.co.nz</p> <p>Questions:</p> <ol style="list-style-type: none"> <li>1. Do you support transitional housing being established at Wylie Court?</li> <li>2. You have said in the past living in motels shouldn't be a long-term solution. Do you think this proposal is different?</li> <li>3. Locals have expressed concern about having transitional housing on Fenton St given it is the gateway to Rotorua. What do you say to that?</li> </ol>	<p><b>12 August 2021</b>  Thanks for your enquiry however it would be inappropriate for the Mayor to comment on a live consent application that is going through a statutory process.</p>
<p><b>16 August 2021</b>  I have some follow up questions for the council on the Wylie Court resource consent submitted by Kainga Ora as a result of a letter circulating Glenholme residents at the weekend.</p> <p>The letter makes several claims, including that it is "without question" the council has tried to keep this quiet, calling it "very naughty" and most likely not legal". The letter says it would have been approved unnoticed if a resident hadn't noticed it a few weeks ago.</p> <ol style="list-style-type: none"> <li>1. Do you have anything to say in response to that claim?</li> </ol> <p>The letter is urging residents to contact the council and sign a petition asking the council to make the application notifiable, as well as any other applications involving Government housing on Fenton St. I asked the council last week if it would make the application publicly notifiable and the response was that it would be considered as part of the application. Given the public pressure starting to mount, I'm asking the question again in case the response has changed.</p> <ol style="list-style-type: none"> <li>2. Will the council consider making this a notifiable consent? What is the council's reaction to the response from Glenholme residents?</li> <li>3. The Government has recently announced it has bought the Boulevard Motel. Did the Government make a similar application for land use change for this motel to operate as transitional housing and if so, when was this application approved? If a land use consent was required for the Boulevard Motel, why wasn't this application process publicly notified?</li> </ol> <p>Can I please have a response the above questions by <b>no later than 2pm tomorrow (Monday)</b>.</p>	<p><b>12 August 2021</b>  You can attribute this to Jean-Paul Gaston, Deputy Chief Executive District Development.</p> <ol style="list-style-type: none"> <li>1. Do you have anything to say in response to that claim?   The suggestion that Council is not following the legislative process for this application is absolutely incorrect.</li> <li>2. Will the council consider making this a notifiable consent? What is the council's reaction to the response from Glenholme residents?   Whether a consent is notified or not is always a consideration for the processing planner. As previously confirmed, this consent is currently being processed and no decisions, including whether it will be notifiable, have been made as yet.   We expect that the decision around notification is likely to be made within the next three to four weeks.</li> <li>3. The Government has recently announced it has bought the Boulevard Motel. Did the Government make a similar application for land use change for this motel to operate as transitional housing and if so, when was this application approved? If a land use consent was required for the Boulevard Motel, why wasn't this application process publicly notified?   A Land Use Consent was granted 9 July 2021.   The Rotorua District Plan allows through the resource consent process for motels on Fenton Street to be converted to housing.   In assessing any consent, Planners consider the level of effects of the new activity against the District Plan and the Resource Management Act and whether it would be significant enough to require notifying neighbours and/or the wider community.</li> </ol>

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**Subject:** FW: FW: Rotorua District Plan application to the utilisation of tourist accommodation for emergency or transitional accommodation  
**Attachments:** Rotorua District Plan application to the utilisation of tourist accommodation for emergency or trans.pdf

From: Theresa Le Bas <Theresa.LeBas@tompkinswake.co.nz>  
Sent: Friday, August 20, 2021 3:11 PM  
To: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jason Ward <Jason.Ward@rotorualc.nz>  
Subject: FW: Rotorua District Plan application to the utilisation of tourist accommodation for emergency or transitional accommodation

Kia ora kōrua,

Attached for your information is the letter we have sent to Mike Bryant of MSD.

Ngā mihi  
Theresa.

Theresa Le Bas Partner

[cid:image001.jpg@01D798E4.1C108890]

P: +64 7 838 6009Ham 07 349 8702Rot

s7(2)(a)

tompkinswake.com<[https://protect-au.mimecast.com/s/rTGrCyoj4PC31x3FZSn\\_5?domain=tompkinswake.com](https://protect-au.mimecast.com/s/rTGrCyoj4PC31x3FZSn_5?domain=tompkinswake.com)>

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From: Theresa Le Bas  
Sent: Friday, 20 August 2021 3:07 PM  
To: Mike Bryant s7(2)(a)@msd.govt.nz s7(2)(a)  
Subject: Rotorua District Plan application to the utilisation of tourist accommodation for emergency or transitional accommodation

Tēnā koe Mike,

Please see our attached letter.

Ngā mihi  
Theresa

Theresa Le Bas Partner

[cid:image002.jpg@01D798E4.1C108890]

P: +64 7 838 6009Ham 07 349 8702Rot

s7(2)(a)

tompkinswake.com<https://protect-au.mimecast.com/s/rTGrCyoj4PC31x3FZSn\_5?domain=tompkinswake.com>

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[cid:image003.jpg@01D798E4.1C108890]<https://protect-au.mimecast.com/s/z1NZCANpLDU5Qk5s9Mtlg?domain=linkedin.com> [cid:image004.jpg@01D798E4.1C108890]  
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<https://protect-au.mimecast.com/s/D711CE8wgRUj7EjfQtE5q?domain=instagram.com/>



20 August 2021

theresa.lebas@tompkinswake.co.nz

Ministry of Social Development

Partner: Theresa Le Bas

File Ref: 222361-455

**For: Mike Bryant  
Regional Commissioner for Social Development**

Dear Mike

**Rotorua District Plan application to the utilisation of tourist accommodation for emergency or transitional accommodation**

We act for Rotorua Lakes Council (RLC). In this capacity we assist RLC with both changes to the Rotorua District Plan and the application of the District Plan to land use, development and subdivision proposals within the Rotorua District.

We understand that Government initiatives to utilise tourist accommodation in Rotorua to respond to emergency or transitional accommodation needs is likely to continue for some months, and possibly some years. We do therefore wish to highlight the need for such initiatives to comply with the District Plan. This is because section 84 of the Resource Management Act 1991 (RMA) imposes a statutory obligation on RLC to enforce its District Plan; RLC has no residual discretion to ignore this obligation and must consider its enforcement options under the RMA whenever it becomes aware of an actual or potential breach of its District Plan.

RLC is concerned about the change of use of tourist accommodation to emergency or transitional accommodation because it may not meet the standards required or be considered appropriate, potentially resulting in negative impacts on the wellbeing of those in need as well as the local community.

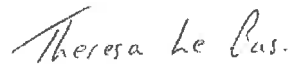
To ensure a smooth transition in the change of use of tourist accommodation, we consider it would be prudent and helpful for the Ministry to alert relevant owners, occupiers, operators and service providers involved in the provision of emergency or transitional accommodation that prompt District Plan compliance is essential. This will ensure that both Government and RLC are seen by the community to uphold the requirements of the RMA and the District Plan. We ask the Ministry accordingly to encourage owners, occupiers, operators and service providers to engage early with RLC to enable Council officers to assist parties and their professional advisers to identify how they can comply with the District Plan.

We further request that the Ministry requires, as a condition of its ongoing utilisation of tourist accommodation, that any owners, occupiers, operators and service providers providing such accommodation for the purposes of emergency or transitional accommodation take steps to apply for

any required resource consents quickly and that the Ministry first utilises emergency and transitional accommodation which is fully compliant with the District Plan.

We appreciate your assistance in this matter and confirm that we are available to discuss or clarify the points raised in this letter if needed.

Yours faithfully  
**TOMPKINS WAKE**

A handwritten signature in cursive script that reads "Theresa Le Bas." The signature is written in black ink and is positioned below the printed name.

**Theresa Le Bas**  
Partner

---

**From:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Sent:** Wednesday, 22 December 2021 12:15 pm  
**To:** s7(2)(a)  
s7(2)(a) Jean-Paul Gaston; s7(2)(a) @msd.govt.nz); s7(2)(a)  
s7(2)(a) @msd.govt.nz)  
**Subject:** FW: email for the Housing taskforce  
**Attachments:** form\_KSHAN-3389c0a4-9024-46b2-8f1f-f40bfc5bbafacd0c0d83-19ac-4a15-b463-507687a3c909.pdf

Please see below email and attached information FYI.  
Rosemary

**Rosemary Viskovic** *Director- Thriving Communities*  
**Waea:** 07 351 8303 **M** 027 203 2196  
**Īmera:** [rosemary.viskovic@rotorualc.nz](mailto:rosemary.viskovic@rotorualc.nz) | **Ipurangi:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)



---

**From:** Jason Ward <Jason.Ward@rotorualc.nz>  
**Sent:** Wednesday, December 22, 2021 11:59 AM  
**To:** Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>  
**Subject:** email for the Housing taskforce

Hi Rosemary,

As discussed, we have been continuing to consider how to treat motels being used as temporary accommodation and whether this constitutes a change of use under the Building Act. As such, we are seeking MBIE's assistance through a request for a Determination on this matter. A copy of our application will be sent to you in the New Year for your information.

Also, we have written to accommodation providers to remind them of their obligations with regards to ensuring that their buildings are safe, particularly in the event of a fire. A copy of this letter is attached for your information.

Can you please send this on to the Housing Taskforce for their information.

Regards,

---

**Jason Ward** *Manager, Planning & Development Solutions*  
**P:** 07 351 8119  
**E:** [jason.ward@rotorualc.nz](mailto:jason.ward@rotorualc.nz) | **W:** [rotorualakescouncil.nz](http://rotorualakescouncil.nz)  
**A:** 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand





22 December 2021

RDC-1215734

Dear Sir/Madam

A recent fire in a local motel has provided a timely reminder of the danger fire poses to building occupants and the importance of fire safety systems in buildings.

With the holiday season upon us Council would like to take the opportunity to remind accommodation operators that you have an obligation under the Building Act to ensure that the use of your buildings are safe and users have adequate means of escape from fire. There are serious legal ramifications for failing to adhere to this requirement.

In relation to fire this highlights the need to ensure that all warning systems are in good working order and their operation checked regularly and that all passive systems such as fire separations are intact and able to provide the life safety protection they are meant to.

Buildings that have a compliance schedule will have an independently qualified person engaged to regularly check fire safety attributes in the building. In all cases it is the person controlling the premise that holds the responsibility for ensuring that the building is safe.

There is a list of [fire designers](#) on Councils web site should you require independent advice on means of escape.

As an accommodation provider you are also required to adhere to Fire and Emergency New Zealand (FENZ) evacuation scheme requirements under separate legislation. Further information can be found on the [FENZ web site](#).



Darrell Holder  
Manager, Building Services



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**From:** Kurt Williams <Kurt.Williams@rotorualc.nz>  
**Sent:** Thursday, 10 February 2022 8:49 am  
**To:** Chris Craig  
**Subject:** FW: Rotorua Lakes Council enquiry to motel operators providing emergency or transitional accommodation  
**Attachments:** Ltr to Ministry of Social Development Rotorua District Plan application to the utilisation of touri.pdf; SC36804206 21122214550.pdf

Hi Chris, FYI.

**KURT WILLIAMS** *Manager, Community & Regulatory Services*  
P: [07 351 8194](tel:073518194) | M: [027 705 1919](tel:0277051919) | E: [kurt.williams@rotorualc.nz](mailto:kurt.williams@rotorualc.nz) | W: [rotorualakescouncil.nz](http://rotorualakescouncil.nz)

**From:** Theresa Le Bas <Theresa.LeBas@tompkinswake.co.nz>  
**Sent:** Friday, January 28, 2022 4:19 PM  
**To:** Jason Ward <Jason.Ward@rotorualc.nz>; Kurt Williams <Kurt.Williams@rotorualc.nz>  
**Cc:** Craig Tiriana <Craig.Tiriana@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>  
**Subject:** FW: Rotorua Lakes Council enquiry to motel operators providing emergency or transitional accommodation

FYI, we have advised MSD of RLC's current enquiries with motel operators providing emergency or transitional accommodation.

Theresa Le Bas Partner

**TOMPKINS  
WAKE**

P: +64 7 838 6009Ham 07 349 8702Rot  
s7(2)(a)  
[tompkinswake.com](http://tompkinswake.com)

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**From:** Theresa Le Bas  
**Sent:** Friday, 28 January 2022 4:16 pm  
**To:** Mike Bryant <[mike.bryant001@msd.govt.nz](mailto:mike.bryant001@msd.govt.nz)>  
**Subject:** Rotorua Lakes Council enquiry to motel operators providing emergency or transitional accommodation

Dear Mike,

Please see our **attached** letter regarding recent Rotorua District Council enquiries to a number of motel operators providing emergency or transitional accommodation in Rotorua.

Regards, Theresa Le Bas

Theresa Le Bas Partner



P: +64 7 838 6009Ham 07 349 8702Rot

s7(2)(a)

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28 January 2022

Partner: Theresa Le Bas

Ministry of Social Development

File Ref: 222361-439

**For: Mike Bryant  
Regional Commissioner for Social Development**

Dear Mike

**Rotorua District Plan application to the utilisation of tourist accommodation for emergency or transitional accommodation**

Further to our letter to you dated 20 August 2021.

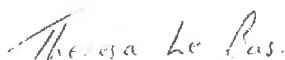
As a matter of courtesy, we wish to inform the Ministry that Rotorua Lakes Council is contacting certain motel operators in Rotorua requesting an explanation of the accommodation activity taking place on their premises. A copy of Council's correspondence is **attached** for your information and has been sent to the following motel operators:

s7(2)(a)



It is hoped that the information provided in response to Council's enquiries will assist it to form a view on the activity status of the current use of those motels under the Rotorua District Plan.

Yours faithfully  
**TOMPKINS WAKE**



**Theresa Le Bas**  
Partner



22 December 2021

File Ref: P05471-OTHER

Doc No: RDC-1215818

Civic Centre  
1061 Haupapa Street  
Private Bag 3029  
Rotorua Mail Centre  
Rotorua 3046  
New Zealand

s7(2)(a)



Dear Sir/Madam,

**Rotorua District Plan: use of tourist accommodation for emergency housing accommodation needs**

Rotorua Lakes Council (RLC) is aware that Government initiatives to use tourist accommodation in Rotorua for emergency or transitional accommodation needs are likely to continue for some time yet.

RLC is also aware that this activity currently fills an important community need to provide shelter for those in need during these uncertain times. While this remains important, Council is also obligated to attend to its wider community responsibilities including those that fall under the Rotorua District Plan (planning rules) and the Building Act (building code rules).

Section 84 of the Resource Management Act 1991 (RMA) imposes a statutory obligation on RLC to enforce its District Plan; RLC must investigate and consider its enforcement options under the RMA whenever it becomes aware of an actual or potential breach of its District Plan.

As such, RLC is increasing its engagement with tourist accommodation operators like yourself in a phased manner to ensure everyone understands the need for such uses to comply with the abovementioned requirements and for RLC to ensure its own understanding of how individual sites are being used is up to date.

In a number of instances, the District Plan is likely to require a resource (land use) consent to be granted to allow tourist accommodation to be used for the alternative land use of emergency or transitional accommodation. In order to help you understand whether or not you may need a resource consent to use your tourist accommodation for short to medium term emergency or transitional accommodation under the District Plan, RLC encourages you to proactively contact its duty planner for further advice.

Please contact the Duty Planner free of charge via email at [info@rotorualc.nz](mailto:info@rotorualc.nz) and provide a short summary of the emergency/transitional accommodation occurring on your site. Alternatively if you are not currently providing any emergency or transitional accommodation we still would appreciate hearing from you to confirm this.

The Duty Planner will then consider the information provided and aim to respond to you by late January 2022.

If RLC has not heard from you within 1 month of the date of this letter, you will be contacted by RLC compliance staff to assist in clarifying and confirming your intentions for the use of your tourist accommodation facility.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Craig Tiriana', written in a cursive style.

**Craig Tiriana**  
Deputy Chief Executive, Chief Executive's Group

A handwritten signature in black ink, appearing to read 'Jason Ward', written in a cursive style.

**Jason Ward**  
Manager, Planning & Development Solutions

A handwritten signature in black ink, appearing to read 'Kurt Williams', written in a cursive style.

**Kurt Williams**  
Manager – Community & Regulatory Services

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**From:** Darrell Holder <Darrell.Holder@rotorualc.nz>  
**Sent:** Tuesday, 1 March 2022 10:30 am  
**To:** Jason Ward  
**Cc:** Lorelle Barry; Kurt Williams  
**Subject:** FW: Acceptance Letter - Determination s7(2)(a) [REDACTED]  
**Attachments:** Acceptance Letter - s7(2)(a) [REDACTED] Bound Application documents (1).pdf

Morena,

FYI

**Darrell Holder** Manager Building Services, Planning & Development Solutions  
P: 07 3518063 | M: 0272941944 | E: Darrell.Holder@rotorualc.nz | W: rotorualakescouncil.nz



File ref: 3352

23 February 2022

Rotorua Lakes Council  
Darrell Holder  
Manager Building Services  
[darrell.holder@rotorualc.govt.nz](mailto:darrell.holder@rotorualc.govt.nz)

s7(2)(a)

Tēnā koutou

**Application for determination concerning** s7(2)(a) **Rotorua**

This letter is to notify you, as required under section 184 of the Building Act, that an application for determination has been accepted for processing. Our reference number is 3352. An invoice has been requested with our finance team and should be released to Rotorua Lakes Council shortly for payment.

A copy of this application, supporting documents and a partly completed Part Two form should have been sent to the other parties. It is my understanding that Council held a postal address only for one of the owners. Accordingly, I have attached a copy of those documents with this letter for the benefit of all the parties.

The owners are asked to complete Part Two of the application form and return it to us by email to [determinations@mbie.govt.nz](mailto:determinations@mbie.govt.nz). Please also confirm that we have the correct contact details for you as soon as practicable.

I am of the view that the Ministry of Social Development would not meet the test of being a party under section 176 of the Building Act, but that the Ministry may have obligations that are affected by the outcome of the determination. We are currently in the process of finding an appropriate contact at that Ministry to inform them of this application and they will be invited to participate in the process as a person with an interest.

### **Matter for determination**

The matter for determination, as provided for under sections 177(1)(b) and 177(3)(e) of the Building Act, is whether Rotorua Lakes Council is correct in its proposal to issue a notice to fix to the owners of the **s7(2)(a)** for contravening the Building Act.

Council is of the view the motel has undergone a 'change of use' as that term is defined in the *Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations*, on the ground that 13 units in the motel are being occupied on a long term basis as individual households and therefore the motel is now a multi-unit dwelling.

For the benefit of other parties involved, the key legislative references for defining the use of a building or part of a building are:

- Uses related to sleeping activities, Schedule 2 of the *Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations*
- Clause A1 Classified Uses (Community service and Multi-unit dwelling), Schedule 1 The Building Code, *Building Regulations 1992*

You can access legislation at [www.legislation.govt.nz](http://www.legislation.govt.nz)

### **Determination process**

The application has now been allocated to a case manager. They may contact the parties to ask for further information to inform the decision.

The determination will be made based on the information provided or obtained – that is submissions and information provided by the parties and persons with an interest. A draft determination will be sent to the parties for their comment and response.

Those involved in the determination may send in submissions or provide further information at any stage before the determination is made.

The final determination will be placed on the Ministry of Business, Innovation and Employment website for public access. This document will name the parties involved (initial and surname of individuals), as well as the street address of the building. Past determinations are published online to provide guidance for similar issues in the future. If you have any concerns, please contact the Ministry.

It is important that all parties are given a copy of any correspondence sent to the Ministry relating to this application.



**It is important** that all parties are given a copy of any correspondence sent to the Ministry relating to this application. Any correspondence sent to the Ministry regarding this determination should be copied to the parties as shown at the top of this letter. We will provide contact details for the Ministry of Social Development when this is available.

Please contact the Determinations team on 0800 242 243 or [determinations@mbie.govt.nz](mailto:determinations@mbie.govt.nz) if you have any questions.

Yours sincerely

Peta Hird  
**Principal advisor determinations**  
**Ministry of Business, Innovation & Employment**



---

**From:** Jason Ward <Jason.Ward@rotorualc.nz>  
**Sent:** Monday, 7 March 2022 9:16 am  
**To:** Jean-Paul Gaston; Theresa Le Bas  
**Subject:** FW: Application for determination concerning s7(2)(a)  
Rotorua (Ref 3352) [IN-CONFIDENCE: RELEASE-EXTERNAL]  
**Attachments:** Letter - inclusion of MSD as person with interest.pdf

Ata marie,

Fyi and discussion.

Nga mihi,

**Jason Ward** Manager, Planning & Development Solutions  
P: 07 351 8119 | E: [jason.ward@rotorualc.nz](mailto:jason.ward@rotorualc.nz) | W: [rotorualakescouncil.nz](http://rotorualakescouncil.nz)

---

**From:** Darrell Holder <Darrell.Holder@rotorualc.nz>  
**Sent:** Monday, 7 March 2022 8:01 AM  
**To:** Jason Ward <Jason.Ward@rotorualc.nz>  
**Subject:** FW: Incorrect Email Address Used for D Holder FW: Application for determination concerning s7(2)(a)  
Rotorua (Ref 3352) [IN-CONFIDENCE: RELEASE-EXTERNAL]

Morena Jason,

MBIE have listed MSD as a person with an interest opposed to being a party.  
We can discuss in light of your meeting on Friday.

Regards

**Darrell Holder** Manager Building Services, Planning & Development Solutions  
P: 07 3518063 | M: 0272941944 | E: [Darrell.Holder@rotorualc.nz](mailto:Darrell.Holder@rotorualc.nz) | W: [rotorualakescouncil.nz](http://rotorualakescouncil.nz)



# BUILDING PERFORMANCE

**BUILDING.GOV.TZ**

FREEPHONE 0800 24 22 43

FROM OVERSEAS +64 4 238 6362

PO Box 1473

Wellington 6140

New Zealand

File ref: 3352

4 March 2022

To:

s7(2)(a)

Ministry of Social Development

s7(2)(a)

[@msd.govt.nz](mailto:s7(2)(a)@msd.govt.nz)

Copied to:

Rotorua Lakes Council

Darrell Holder

Manager Building Services

[darrell.holder@rotorualc.govt.nz](mailto:darrell.holder@rotorualc.govt.nz)

s7(2)(a)

Dear s7(2)(a)

This letter is to notify you that an application for determination has been lodged in relation to a property that is being used for emergency housing at s7(2)(a) **Rotorua** (known as s7(2)(a))

A determination is a decision made under the Building Act 2004 and is binding on the parties. More information on determinations can be found at <http://www.building.govt.nz/determinations>.

Section 176 of the Building Act sets out those people who can be parties to a determination. The parties in this case are the motel owners and Rotorua Lakes Council in its role as the relevant territorial authority. The Ministry of Social Development (MSD) does not meet the test of being a party but may be affected by the outcome of the determination. For that reason, MSD is being invited to participate in the determination process as a person with an interest.

As part of making a determination, the Ministry is required to adhere to the principles of natural justice – this means that along with the parties you will be copied into all correspondence relating to this determination and will receive a copy of the draft determination, and you may make a submission on the matter if you wish. However, as you are not a party you are not be able to appeal the determination.

I have attached for your information a copy of the application that was made, along with relevant correspondence to date.



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HĪKOMA WHIRIHĪTUTUHI

New Zealand Government

### **Matter for determination**

The matter for determination is whether Rotorua Lakes Council is correct in its proposal to issue a notice to fix to the owners of the s7(2)(a) [REDACTED] for contravening the Building Act.

Council is of the view the motel has undergone a 'change of use' as that term is defined in the *Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations*, on the ground that 13 units in the motel are being occupied on a long term basis as individual households and therefore the motel is now a multi-unit dwelling. For the benefit of those not familiar with the Building Act, I have attached a copy of the relevant provisions that concern requirements when changing the use of a building. You can access legislation at [www.legislation.govt.nz](http://www.legislation.govt.nz)

The key legislative references for defining the use of a building or part of a building are:

- Uses related to sleeping activities, Schedule 2 of the *Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations*
- Clause A1 Classified Uses, Schedule 1 The Building Code, *Building Regulations 1992*

In summary: a building has changed its use for the purpose of sections 114 and 115 of the Building Act, if there has been a change in the use under Schedule 2 and the requirements for compliance with the Building Code in relation to the new use are additional to or more onerous than the requirements for compliance with the Building Code in relation to the old use.

The requirements for compliance with the Building Code are linked to a building's classified use (Clause A1 of the Building Code) - in this case the relevant ones in question being "Community service" and "Multi-unit dwelling."

For the benefit of all involved, previous determinations that consider changes of use and classified uses of buildings are available on our website:

<https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/>

Although the circumstances differ to this case, Determination 2019/045 may be useful for the parties to read as it discusses issues involved in determining a building's classified use, such as whether there is 'self-care and service' and the meaning of 'household'.

### **Determination process**

The application has been allocated to Emma Watson-Eykel as a case manager. She may contact the parties to ask for further information to inform the decision.

The determination will be made based on the information provided or obtained – that is submissions and information provided by the parties and MSD. A draft determination will be sent to the parties and MSD for comment and response.

Those involved in the determination may send in submissions or provide further information at any stage before the determination is made.

The final determination will be placed on the Ministry of Business, Innovation and Employment website for public access. This document will name the parties involved (initial and surname of individuals) and MSD as a person with an interest. It will also identify the street address of the building. Past determinations are published online to provide guidance for similar issues in the future. If you have any concerns, please contact the Ministry.

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Please contact the Determinations team on 0800 242 243 or [determinations@mbie.govt.nz](mailto:determinations@mbie.govt.nz) if you have any questions.

Yours sincerely

Peta Hird  
**Principal advisor determinations**  
**Ministry of Business, Innovation & Employment**

## BUILDING ACT 2004

### *Change of use, extension of life, and subdivision of buildings*

#### **114 Owner must give notice of change of use, extension of life, or subdivision of buildings**

- (1) In this section and section 115, change the use, in relation to a building, means to change the use of the building in a manner described in the regulations.
- (2) An owner of a building must give written notice to the territorial authority if the owner proposes—
  - (a) to change the use of a building; or
  - (b) to extend the life of a building that has a specified intended life; or
  - (c) to subdivide land in a manner that affects a building.
- (3) A person who fails to comply with subsection (2)—
  - (a) commits an offence; and
  - (b) is liable on conviction,—
    - (i) in the case of an individual, to a fine not exceeding \$5,000;
    - (ii) in the case of a body corporate, to a fine not exceeding \$25,000.

#### **115 Code compliance requirements: change of use**

An owner of a building must not change the use of the building,—

- (a) in a case where the change involves the incorporation in the building of 1 or more household units where household units did not exist before, unless the territorial authority gives the owner written notice that the territorial authority is satisfied, on reasonable grounds, that the building, in its new use, will comply, as nearly as is reasonably practicable, with the building code in all respects; and
- (b) in any other case, unless the territorial authority gives the owner written notice that the territorial authority is satisfied, on reasonable grounds, that the building, in its new use,—
  - (i) will comply, as nearly as is reasonably practicable, with every provision of the building code that relates to the following:
    - (A) means of escape from fire, protection of other property, sanitary facilities, structural performance, and fire-rating performance;
    - (B) access and facilities for persons with disabilities (if this is a requirement under section 118); and
  - (ii) will,—
    - (A) if it complied with the other provisions of the building code immediately before the change of use, continue to comply with those provisions; or
    - (B) if it did not comply with the other provisions of the building code immediately before the change of use, continue to comply at least to the same extent as it did then comply.



---

**From:** Ingrid Tiriana <Ingrid.Tiriana@rotorualc.nz>  
**Sent:** Thursday, 28 April 2022 9:08 am  
**To:** s7(2)(a)  
s7(2)(a) @msd.govt.nz; s7(2)(a)  
**Subject:** HEADS UP re accommodation operators compliance action  
**Attachments:** Doc 28 April 2022.docx

Kia ora koutou,

We have a Council meeting this morning, starting 9.30am, and a previously confidential item regarding enforcement action by RLC re tourist accommodation operators providing emergency housing may come out into public.

See attached document outlining what's happening re compliance, key messaging and FAQs so far, for your reference in case you are approached for comment.

I'll keep you posted and send you the link to this part of the meeting if it happens. Alternatively you can watch the meeting live via council's YouTube channel – not sure where on the agenda this item would come up but I think it would be early on.

As an aside, there has so far been a reasonable response from operators who have received their final request to engage with RLC re compliance. The 10 working days they were given to respond is up next Tuesday.

After that, letters will be sent to the other uncontracted operators. This will be their first invitation to engage with RLC.

nga mihi  
Ingrid

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**Ingrid Tiriana** *Kaihautū Whakapā/Council Communications Manager*  
P: 07 351 8110 | M: 021 190 8868  
E: [ingrid.tiriana@rotorualc.nz](mailto:ingrid.tiriana@rotorualc.nz) | W: [rotorualakescouncil.nz](http://rotorualakescouncil.nz)  
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

**ROTORUA**  
LAKES COUNCIL

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Re accommodation compliance:

**What's happening:**

Tourist accommodation operators providing emergency housing are being asked to contact Rotorua Lakes Council to arrange checks for compliance with building safety regulations and District Plan provisions.

This is a natural progression from the work undertaken by the Housing Taskforce which is focussed on providing better support and outcomes for people living in emergency housing or at risk of homelessness.

Use of tourist accommodation such as motels and backpackers for emergency housing is not considered a long-term solution but it is acknowledged an appropriate interim system is needed while more homes are built.

Council has already corresponded with 9 operators who have now received their final request to engage with Council or face possible legal action. These operators were able to be easily identified some time ago.

Council now also has a clearer understanding of the extent of emergency housing being provided in the wider tourist accommodation sector and these operators will also be asked to engage with Council to ensure they are complying with their statutory obligations under both the Building Act and the Resource Management Act.

Some operators who choose to continue providing emergency accommodation may need to make changes and undertake work in order to continue providing emergency accommodation in a way that ensures people who need emergency housing are in safe and appropriate accommodation.

Council understands that this needs to be well managed to mitigate or minimise any adverse impacts on both those in emergency accommodation and the wider community.

If required, Council will pursue legal action through the Environment Court or through Building Act processes and/or the District Court if operators refuse to engage on compliance.

**Steps taken to date:**

The work of the taskforce has to date resulted in MHUD contracting 13 motels to exclusively provide emergency housing for families with access to support services. All 13 currently going through a resource consent process to ensure compliance with the District Plan (see [Emergency Housing - Resource Consent Applications - Rotorua Lakes Council](#)). Building Act compliance for these 13 motels is to be addressed separately.

We have seen the establishment of a housing hub, Te Pokapū, which aims to place people into safe and appropriate emergency accommodation while Kāinga Ora – Homes and Communities works to urgently deliver more public housing in Rotorua.

Council is engaging with uncontracted emergency housing operators to discuss regulatory compliance in relation to this use as opposed to accommodating visitors which has different requirements under the Building Act and regulations, the Resource Management Act and Council's District Plan.

Council has made several attempts to engage with some tourist accommodation operators in relation to District Plan compliance, but without success to date and these 9 operators have now received a final request from Council to either enter into discussions or face enforcement action via the Environment Court in relation to District Plan compliance.

Council has had engagement with one motel operator regarding Building Act compliance and is currently working through a process with that owner. Council will shortly begin engaging with other owners regarding Building Act compliance.

Council is taking a staged approach to compliance to ensure that people who need emergency housing can be accommodated while any work is undertaken to bring their accommodation into compliance with the Building Act and Resource Management Act.

In the meantime, all taskforce partners will continue to work on medium and long-term housing solutions for Rotorua that do not require the use of tourist accommodation.

**Key messaging:**

- RLC has always been aware of potential compliance issues but the initial focus was on dealing with an acute situation, made more difficult by the pandemic and related restrictions and uncertainty.
- Council has never gone straight to a regulatory approach – we always try to work through requirements with the parties involved first however we had no progress with the initial 9 operators following invitations to engage with us so now need to move to a regulatory approach if there is still no response from the final invitation.
- Taking this action now is a natural progression from the work of the emergency housing taskforce which has resulted in improvements, notably the direct contracting of 13 operators.
- We now have a clearer picture of the extent of emergency housing being provided in the wider tourist accommodation sector.
- We couldn't move more quickly given the situation with COVID and we did not want to risk forcing people into worse housing situations.
- Now, with international tourism set to return, is a valid time for accommodation operators to be asked to choose which business they want to be in and seek to avoid mixed use.
- The focus for Council is on safety and appropriateness of facilities.
- Ultimately, this is about ensuring people are in safe and appropriate accommodation which is a goal shared by our taskforce partners.
- We have always taken the view that emergency accommodation needs to be safe and appropriate for those needing housing with appropriate support in place and that it needs to be well managed to mitigate/minimise any adverse impacts on both those in emergency accommodation and the wider community.
- Use of tourist accommodation such as motels and backpackers for emergency housing is not a long term solution but we acknowledge the need for an interim system to be in place while we more homes are built.

**FAQs**

### **Why now, why has this not happened earlier?**

Council has always been very aware of its regulatory role and obligations but we were initially in a crisis situation with stringent COVID restrictions in place.

The taskforce formed with government agencies and iwi got some immediate action underway, resulting in the contracting of 13 motels and establishing good management around those. The taskforce work also resulted in the establishment of Te Pokapū hub which wants to ensure people are placed in safe, appropriate emergency accommodation.

That has always also been our goal.

Council has been attempting to engage with 9 known uncontracted emergency housing operators in relation to District Plan compliance since December last year but this had been unsuccessful and last month (April) we sent a final request and indicated an enforcement approach would be taken if there were still no engagement. The period of 10 working days they were given to respond is not yet up but several of the 9 have already responded.

While we were able to identify these operators earlier, we needed time to develop a clear understanding of the wider extent and nature of emergency housing being provided in tourist accommodation. We now believe we have that information and are ready to engage with the wider group of uncontracted emergency housing operators.

The wider group will receive letters from next week and will be asked to engage with council around compliance.

### **Has this action been prompted by pressure from Restore Rotorua in relation to the emergency housing activity breaching the District Plan?**

No. We have always acknowledged the community's concerns about issues created by the unmanaged placement of emergency housing clients into tourist accommodation such as motels and backpackers and we have always acknowledged the potential for regulatory non-compliance this creates.

It has always been Council's stance that people should be in safe, appropriate accommodation with wrap-around support services in place.

Given what's been able to be put in place through the taskforce and the changed COVID settings now is the appropriate time for this action.

### **How many operators have received a final request from Council to engage and who are they?**

There are 9 tourist accommodation operators who have received a final request from Council to engage. These were previously identified

If engagement does not occur within the required timeframe, Council will start enforcement proceedings in the Environment Court. It would not be appropriate for Council to name those operators until or unless Court proceedings start.

**What will this enforcement action cost RLC?**

There will be considerable time and resources required to engage with the uncontracted emergency accommodation operators.

Any costs incurred for enforcement action that may be required will be dependent on the response we get from operators.

**What budget will the cost come from?**

It would be an unbudgeted cost that would have to be covered by existing operational budgets.

**Could this lead to people being out on the street if providers decide to get out of emergency housing rather than face the cost that could be involved with regulatory compliance?**

The intention in requiring compliance with the Building Act and Resource Management Act in a staged manner is to ensure people are in safe and appropriate accommodation at all times.

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**From:** s7(2)(a)@msd.govt.nz>  
**Sent:** Friday, 29 April 2022 4:47 pm  
**To:** Ingrid Tiriana; s7(2)(a)  
s7(2)(a)  
**Cc:** Media (MSD)  
**Subject:** Media response from MSD re council reviewing consent for EH motels

Hi, all. Letting you know that our media team has sent the following response to Kelly M this evening.

Regards

s7(2)(a)

Lead Advisor, Corporate Affairs, MSD

s7(2)(a)

### **Council reviewing consent for EH motels – Rotorua Daily Post**

**Query:** Kelly Makiha asked us about the Rotorua Lakes Council’s decision to enforce compliance of resource consents for emergency accommodation providers. Kelly asked us how many people are currently getting EH grants to stay in non-contracted emergency accommodation providers; whether MSD was doing anything to make these motels compliant; and if these motels are forced out of the emergency housing business, where will our clients live.

**Response:** Attributed to Mike Bryant, Bay of Plenty Regional Commissioner

Our top priority is the welfare of our clients and their whānau who are in emergency housing. We want them to have secure and safe accommodation while more permanent housing solutions are found.

Motels that provide non-contracted emergency accommodation are private businesses so any steps to comply with council regulations would be for them to take. However, we keep in regular contact with accommodation suppliers and will be encouraging them to engage with Rotorua Lakes Council on this.

We acknowledge the council’s role in overseeing the Resource Management Act and the Building Act in its area, but we also acknowledge that enforcement action may affect our clients. We hope to be able to work with the council to avoid a situation where enforcement action leads to our clients and their whānau having to leave their emergency housing. Should this happen, we will do our best to relocate those affected in the Rotorua area.

We will also continue to support agencies that are working together in Rotorua to resolve the area’s many housing problems and increase the supply of homes.

Around 350 households are being supported by Emergency Housing Special Needs Grants in Rotorua for non-contracted emergency housing.

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**From:** Ingrid Tiriana <Ingrid.Tiriana@rotorualc.nz>  
**Sent:** Friday, 29 April 2022 4:56 pm  
**To:** s7(2)(a)  
Rosemary Viskovic  
**Cc:** Media (MSD)  
**Subject:** RE: Media response from MSD re council reviewing consent for EH motels

Kia ora koutou,

Following our statement yesterday outlining RLC's compliance approach to operators providing emergency housing, we were approached today by Rotorua Daily Post's Kelly Makiha for comment. No questions, just a "right of reply" – see below and see also our response below.

### **From Rotorua Daily Post:**

Hi there,

I've sought comment from Restore Rotorua and Todd McClay regarding the council's action with emergency housing motels and they have just responded now with some points that need to be put to you for right of reply. Sorry, I know it's later in the day but can you please take a look and let me know if you'd like to respond. Your statement covers off a lot of the criticism.

- Restore Rotorua is pleased to hear the RDC is eventually taking some action against motels that are not complying. Rotorua is a mess and locals are not happy with the very slow and secretive approach of the Mayor and RDC. I have no idea why this has been dealt with in secret closed meetings except this seems to be the way our Council operates.
- Why has Rotorua District Council taken so long to act.
- The hearing of the 13 Resource Consent Applications to turn motels into permanent emergency housing seems a very long and slow process with MHUD being allowed to delay the process with more extended timeframes. The information the RDC has asked MHUD for should have been provided as part of their application. And why was none of this information requested for the Boulevard Motel Resource Consent application.
- RDC and the Government should be completely open and transparent with local residents and tell us what the Housing Taskforce's plan is to resolve this growing problem, how they are going to achieve it, what the timeframes are and which Minister is going to stand and take responsibility to ensure it happens?

Todd McClay says this

- There has been too much secrecy in the council's decisions around Fenton St.
- The fact it can only be made public when the mayor says so is extremely worrying for local ratepayers.
- Ratepayers are pulling their hair out not knowing what it is the council is actually doing.
- We have ratepayers incensed they haven't been approached about the plan for housing on reserves and now and now they learn they are actually threatening some motels with court action if they don't get in touch with them.
- It all feels like too little too late and it should have been in the public domain months and months ago.

- Rotorua has lost confidence in the council and we are a dumping ground for the Government's homeless problem.
- I call on the council to release all information they have had closed door meetings on to the public and give reasons for their decisions.

## Response:

Hi Kelly,

Additional to the statement sent to you yesterday, see below. You can attribute to Jean-Paul Gaston, Deputy CE District Development:

**Re the regulatory approach previously being a confidential discussion:** The previous discussion related to legal matters so was dealt with in confidential. *(Kelly, this was explained by JP during his presentation yesterday)*

There are times when for various reasons, including commercial sensitivity or for legal reasons, matters are dealt with in confidential during meetings until they can be made public.

### Re the Housing Taskforce and its plan:

#### **From May 2021 Ministers' announcement:**

The Government has announced a suite of changes to emergency housing provision in Rotorua:

- Government to directly contract motels for emergency accommodation
- Wrap around social support services for those in emergency accommodation to be provided
- Grouping of cohorts like families and tamariki in particular motels separate from other groups
- One-stop Housing Hub for access to services and support to be established

*Kelly, the above is what the taskforce was tasked with achieving. You can see the full announcement [here](#)*

*The above is part of the Housing Taskforce information that is publicly available [on RLC's website](#).*

### Re what else council is doing:

Housing is an absolute priority for Council – as set out in the 2021-31 Long-term Plan – and Council is progressing a comprehensive work programme to support Council's housing and growth response.

The housing taskforce, which focuses on emergency housing, is one part of the work Council is currently undertaking to address Rotorua's critical housing shortage.

Updates on housing-related work are provided on a regular basis via news releases, news items on Council's website and through the monthly Operational Report that goes to the Operations & Monitoring Committee with presentations also regularly made on various aspects of housing-related work the Council is undertaking.

Housing-related work that is underway includes:

- Supporting and engaging with land owners and developers (as reported in last month's Operational report there are currently 26 major residential development opportunities (major residential

development is greater than 20 lots or houses) at different stages in the development pipeline. Six are Maori led and include a range of proposed housing types including papakāinga and kaumātua housing.

- Work on a Future Development Strategy and Intensification Plan Change;
- Applying for funding (eg via the Government's Infrastructure Acceleration Fund) to fast-track planned infrastructure that will support housing;
- Stormwater management plan to support planned housing development at Pukehangi following the Pukehangi Heights Plan Change;
- Workshops with developers, iwi/hapu, local consultants and community stakeholders;
- Compliance approach to operators providing emergency housing (as outlined in statement);
- Housing taskforce

**Re "plan for housing on reserves":** No decisions have been made. Residents would be informed of any formal proposal for consideration and would have the opportunity to make submissions.

Significant due diligence is required prior to any formal proposal being presented for consideration and/or public consultation.

Have a good weekend all.

nga mihi  
Ingrid

---

**Ingrid Tiriana** *Kaihautū Whakapā/Council Communications Manager*  
P: 07 351 8110 | M: 021 190 8868  
E: [ingrid.tiriana@rotorualc.nz](mailto:ingrid.tiriana@rotorualc.nz) | W: [rotorualakescouncil.nz](http://rotorualakescouncil.nz)  
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

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**Caution:** The content of this email is confidential and may be legally privileged. If it is not intended for you, please email the sender immediately and destroy the original message. You may not copy, disclose or use the contents in any way. Thank You.

**From:** s7(2)(a) @msd.govt.nz>

**Sent:** Friday, 29 April 2022 4:47 PM

**To:** Ingrid Tiriana <[Ingrid.Tiriana@rotorualc.nz](mailto:Ingrid.Tiriana@rotorualc.nz)>; s7(2)(a)

s7(2)(a)

s7(2)(a)

s7(2)(a) @msd.govt.nz>; s7(2)(a)

**Cc:** s7(2)(a) @msd.govt.nz>

**Subject:** Media response from MSD re council reviewing consent for EH motels

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Regards

s7(2)(a)

Lead Advisor, Corporate Affairs, MSD

s7(2)(a)

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**Response:** Attributed to Mike Bryant, Bay of Plenty Regional Commissioner

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Around 350 households are being supported by Emergency Housing Special Needs Grants in Rotorua for non-contracted emergency housing.

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-----