
From: Jean-Paul Gaston <jean-paul.gaston@rotorualc.nz>
Sent: Tuesday, 6 April 2021 6:23 am
To: Dan Shenton; Rosemary Viskovic
Subject: Reserves

Dan

We have recently developed and are about to confirm an open space policy.

Policy details neighbourhood requirements for reserves, playgrounds etc.

Rotorua historically had a distributed network of sports fields. In the 80s a number of sports parks were developed for the main codes. As a consequence we have a number of former sports field sized neighbourhood reserves as well as other reserves in excess of what is required.

We are planning to reduce the size of these reserves or completely revoke them and either sell or change their purpose to social housing.

All are recreation reserves under Reserve Act. Long process as to remove status requires public process, including submissions and hearing. Final step under reserves act is off of Minister of conservation.

I'll find some sizes.

Cheers

Jp

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From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, 7 April 2021 11:53 am
To: Matt Pilkinton
Subject: Re: Reserves

Yep that works for me

Sent from my iPhone

On 7/04/2021, at 10:11 AM, Matt Pilkinton <Matt.Pilkinton@hud.govt.nz> wrote:

No worries. I don't normally get in to the office until 9am so could you give me a call some time between 9 and 10 though?

-----Original Message-----

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
 Sent: Wednesday, 7 April 2021 10:03 am
 To: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
 Subject: Re: Reserves

Hi Matt,

Perhaps easier if I call you first thing tomorrow when I am back in the office? 8.30am?

Thanks,

Steph

Sent from my iPhone

On 7/04/2021, at 9:54 AM, Matt Pilkinton <Matt.Pilkinton@hud.govt.nz> wrote:

Hi Stephanie,

Would you be free to give me a call sometime between 11.30 and 12.30 or between 1 and 3? Otherwise, I'm happy to wait till you're back at work tomorrow.

Cheers,
 Matt

Matt Pilkinton (he/him)

Senior Policy Advisor | Urban Development Regulatory Tools Place-based Policy and Programmes matt.pilkinton@hud.govt.nz | Phone: s7(2)(a)

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-----Original Message-----

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 6 April 2021 7:58 pm
To: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: Re: Reserves

Hi Matt,

I actually don't work Wednesday's but if you let me know when your likely to be available I will try and give you a call.

Thanks,

Stephanie

Sent from my iPhone

On 6/04/2021, at 4:27 PM, Matt Pilkinton <Matt.Pilkinton@hud.govt.nz> wrote:

Hi Stephanie,

What would be a good time tomorrow to give you a quick call?

Cheers,
Matt

-----Original Message-----

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 6 April 2021 3:33 pm
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: RE: Reserves

Thanks Stephanie,

Matt Pilkinton (who I've cc'ed into this email) is holding the pen on advice to the Minister on the potential use of the potential use of local Bill to resolve the reserves act issue - in Rotorua. He'll be in contact very soon to get a bit more clarity about the specific barriers/ problems with the current process.

Thanks

Dan

-----Original Message-----

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Tuesday, 6 April 2021 2:40 PM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>

Cc: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Subject: Re: Reserves

Hi Dan,

We have not yet done the work to determine that. The reserves are all within existing residential areas and have an underlying zone of residential with a reserve designation.

Stephanie

Sent from my iPhone

On 6/04/2021, at 2:12 PM, Dan Shenton <Dan.Shenton@hud.govt.nz> wrote:

Ok thanks Kelly – how many sections roughly are we looking at for the 13 sites? Also are the sites next to residentially zoned land?

Thanks

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Tuesday, 6 April 2021 12:44 PM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>

Cc: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Subject: RE: Reserves

Kia ora Dan,

All of the Reserves that could be considered to be partly or fully divested for housing will require a reserve revocation process under the Section 24 of the Reserves Act. Following consultation with the Minister (delegated to District Operations level) Council is required to notify its intention to revoke the status of a reserve and the reasons for the proposal and call for objections. Council will clearly need to evidence that the reserve is surplus to requirements and our new Open Space Policy is helpful in that respect, but it is likely that in many instances the community (particularly where they are directly affected) will not share this view and as you have already identified this is likely to be the biggest obstacle. Any proposal to divest land for housing is likely to be very controversial. Final approval sits with the Minister.

Prior to this we will also need to investigate how Council obtained the land. Where we received

it from the Crown, upon revocation the land will automatically go back to the Crown who in most instances (and depending on how it was acquired) will have an obligation to offer it back to the original owners. If the land was gifted to Council for reserve purposes, there is also an obligation on Council to offer the land back to the original land owners.

We have started working through our reserves to identify what could be divested in full or in part and so far have identified 13 sites, equating to about 6 hectares, that could be considered in full or part. Some of these sites are leased or are likely to be difficult to develop due to ground conditions.

We have a further workshop on Thursday to assess the rest of the reserves.

At this stage our assessment is still very high level and I will keep you informed as we work through this. In the meantime let me know if you have any queries.

Nga mihi

Stephanie Kelly Kaiurungi Rautaki - Senior Strategic Advisor, District Development
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz
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From: Dan Shenton <Dan.Shenton@hud.govt.nz<mailto:Dan.Shenton@hud.govt.nz>>
 Sent: Tuesday, 6 April 2021 10:30 AM
 To: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz<mailto:Jean-Paul.Gaston@rotorualc.nz>>; Rosemary Viskovic
 <Rosemary.Viskovic@rotorualc.nz<mailto:Rosemary.Viskovic@rotorualc.nz>>; Stephanie
 Kelly <Stephanie.Kelly@rotorualc.nz<mailto:Stephanie.Kelly@rotorualc.nz>>
 Subject: RE: Reserves

Kia ora again,

It would also be good to understand what the specific barriers are under the reserves Act - from a RLC perspective in terms of changing the use of the land to housing. I understand it's the consultation requirements - but it would be good to know what this refers to specially under the Act i.e - what specific requirements under Sections 24 and 24A (looking at the Act now I assume it's these sections) of the Act are barriers. I know Kāinga Ora has talked about leasing Reserve Act land - it would be good to understand whether this is possible or not.

Thanks

Dan

-----Original Message-----

From: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz<mailto:Jean-Paul.Gaston@rotorualc.nz>>
 Sent: Tuesday, 6 April 2021 7:41 AM
 To: Dan Shenton <Dan.Shenton@hud.govt.nz<mailto:Dan.Shenton@hud.govt.nz>>; Rosemary
 Viskovic <Rosemary.Viskovic@rotorualc.nz<mailto:Rosemary.Viskovic@rotorualc.nz>>;
 Stephanie Kelly <Stephanie.Kelly@rotorualc.nz<mailto:Stephanie.Kelly@rotorualc.nz>>
 Subject: Reserves

Hi

Missed infrastructure. These are all urban and infrastructure no more difficult than any infill housing. We would need to enhance remaining reserve areas to compensate for a perceived loss of service level.

I'll ask Stephanie Kelly to sent some example reserves which could be considered. Any revocation needs to be proceeded by a check on how the land was acquired and if any hand back provisions exist.

Cheers

Jp

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From: Jean-Paul Gaston
Sent: Wednesday, 7 April 2021 6:58 pm
To: Stephanie Kelly
Subject: Re: Further info for Reserves Act advice to the Minister

Hi
 I did roll my eyes when I read that. I think the simple answer is we've just started. It will take weeks as you've said to determine whether these are feasible reserves for any form of discussion. Then we'd be able to say we now face the mountain of reserves act process and the real community reaction. We just aren't ready for what they want to help us with!
 Talk tomorrow
 Jp

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From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, April 7, 2021 6:51:30 PM
To: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: FW: Further info for Reserves Act advice to the Minister

Hi JP,

Can we discuss tomorrow? It's not realistic to provide all of the information requested below by next week. Some of this is going to require a land status report for each site that can often take weeks.

Are we comfortable with a what they are proposing in terms of a local bill given the biggest obstacle will be community opposition and therefore any proposed bill would need to address this?

Chat tomorrow.

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
 P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 7 April 2021 5:07 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>
Subject: Further info for Reserves Act advice to the Minister

Kia ora Stephanie,

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- The specific problems (legislative, operational, or open to legal challenge) with the current process to revoke reserve status, and the potential to utilise current reserves within Rotorua. This will enable us to articulate a clear problem definition (as well as objectives sought) to justify the need for a legislative approach to resolving the specific issues within Rotorua.
- The nature of the identified sites this includes-
 - where are they, size etc; zoning issues
 - the current and former owner
 - whether they are subject to an RFR with iwi
 - potential proposed housing use (public housing, pensioner)
 - zoning issues
 - infrastructure needs
 - any protection rights (birds etc)
 - easement / access rights
- Copies of the title (may not need this just yet).
- **Fiona/ Matt** – let me know if I've missed anything.

I'm currently in the Rotorua Council offices in the Rotorua Housing taskforce group so happy to have a chat too if that's quicker. But am keen to get as much context info as we can on the specific sites and reasons for a legislative solution, to inform advice to our Minister – due within the next week or so.

Ngā mihi


Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | s7(2)(a)

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He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

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From: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Sent: Thursday, 8 April 2021 9:21 am
To: Stephanie Kelly
Subject: RE: Further info for Reserves Act advice to the Minister

Hi Stephanie,

Dan's first bullet point below (issues with the current process to revoke reserves status) is what I wanted to have a quick chat to you about. The deadline for report we need to send to the Minister on this has been delayed until next week, so if you need some more time to think about it, happy to delay our call until later this afternoon or tomorrow?

Cheers,
 Matt

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 7 April 2021 5:07 pm
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>
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Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | s7(2)(a)

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He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Thursday, 8 April 2021 10:00 am
To: Stephanie Kelly
Subject: FW: Further info for Reserves Act advice to the Minister

Kia ora Stephanie,

Could you also invite - Fiona.McCarthy@hud.govt.nz as well as Matt – and they'll need to zoom or teams in. Should only need half an hour hopefully.

Thanks

Dan

From: Dan Shenton
Sent: Wednesday, 7 April 2021 5:07 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>
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Just following on from a discussion I had with HUD colleagues today about the info we'd need to brief the Minister- and propose a local Bill solution, (and realise your currently workshopping with your colleagues on appropriate reserves sites that could be used for housing), it would be great if you could provide the following -

- The specific problems (legislative, operational, or open to legal challenge) with the current process to revoke reserve status, and the potential to utilise current reserves within Rotorua. This will enable us to articulate a clear problem definition (as well as objectives sought) to justify the need for a legislative approach to resolving the specific issues within Rotorua.
- The nature of the identified sites this includes-
 - where are they, size etc; zoning issues
 - the current and former owner
 - whether they are subject to an RFR with iwi
 - potential proposed housing use (public housing, pensioner)
 - zoning issues
 - infrastructure needs
 - any protection rights (birds etc)
 - easement / access rights
- Copies of the title (may not need this just yet).
- **Fiona/ Matt** – let me know if I've missed anything.

I'm currently in the Rotorua Council offices in the Rotorua Housing taskforce group so happy to have a chat too if that's quicker. But am keen to get as much context info as we can on the specific sites and reasons for a legislative solution, to inform advice to our Minister – due within the next week or so.

Ngā mihi

Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | s7(2)(a)

www.hud.govt.nz | 7 Waterloo Quay, Wellington



He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Thursday, 8 April 2021 10:58 am
To: Stephanie Kelly
Subject: RE: Reserves Act Process

Cool – can I be added to the invite once it's updated to suit Fiona and Matt's availability.

Thanks

From: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>
Sent: Thursday, 8 April 2021 10:46 AM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Reserves Act Process

Kia ora Stephanie,

Unfortunately Matt and I have a clash at that time tomorrow.

We're both available before 10:30, or 1-4:30.

Ngā mihi

Fiona

Fiona McCarthy [\(she/her\)](#)

Principal Policy Advisor | Urban Development Regulatory Tools

Place-based Policy and Programmes

fiona.mccarthy@hud.govt.nz | [s7\(2\)\(a\)](#)

www.hud.govt.nz | 7 Waterloo Quay, Wellington, 6011, New Zealand



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-----Original Appointment-----

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 8 April 2021 10:09 am
To: Sean Callis; 'daniel.ngawhika@wsp.com'; Fiona McCarthy; Matt Pilkinton
Cc: Rosemary Viskovic
Subject: Reserves Act Process
When: Friday, 9 April 2021 10:30 am-11:30 am (UTC+12:00) Auckland, Wellington.
Where: Mamaku Meeting Room (Ground Floor)

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Thursday, 8 April 2021 4:14 pm
To: Stephanie Kelly
Subject: RE: Reserves

Kia ora Stephanie,

Could you send a meeting request for the reserves hui tomorrow with a zoom link.

-----Original Message-----

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 6 April 2021 2:40 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: Re: Reserves

Hi Dan,

We have not yet done the work to determine that. The reserves are all within existing residential areas and have an underlying zone of residential with a reserve designation.

Stephanie

Sent from my iPhone

On 6/04/2021, at 2:12 PM, Dan Shenton <Dan.Shenton@hud.govt.nz> wrote:

Ok thanks Kelly – how many sections roughly are we looking at for the 13 sites? Also are the sites next to residentially zoned land?

Thanks

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 6 April 2021 12:44 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: RE: Reserves

Kia ora Dan,

All of the Reserves that could be considered to be partly or fully divested for housing will require a reserve revocation process under the Section 24 of the Reserves Act. Following consultation with the Minister

(delegated to District Operations level) Council is required to notify its intention to revoke the status of a reserve and the reasons for the proposal and call for objections. Council will clearly need to evidence that the reserve is surplus to requirements and our new Open Space Policy is helpful in that respect, but it is likely that in many instances the community (particularly where they are directly affected) will not share this view and as you have already identified this is likely to be the biggest obstacle. Any proposal to divest land for housing is likely to be very controversial. Final approval sits with the Minister.

Prior to this we will also need to investigate how Council obtained the land. Where we received it from the Crown, upon revocation the land will automatically go back to the Crown who in most instances (and depending on how it was acquired) will have an obligation to offer it back to the original owners. If the land was gifted to Council for reserve purposes, there is also an obligation on Council to offer the land back to the original land owners.

We have started working through our reserves to identify what could be divested in full or in part and so far have identified 13 sites, equating to about 6 hectares, that could be considered in full or part. Some of these sites are leased or are likely to be difficult to develop due to ground conditions.

We have a further workshop on Thursday to assess the rest of the reserves.

At this stage our assessment is still very high level and I will keep you informed as we work through this. In the meantime let me know if you have any queries.

Nga mihi

Stephanie Kelly Kaiurungi Rautaki - Senior Strategic Advisor, District Development

P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Frotorualakescouncil.nz%2F%3Futm_source%3DStationery%26utm_medium%3DEmail%26utm_content%3DStephanie%252BKelly%26utm_campaign%3DStationery&data=04%7C01%7Cdan.shenton%40hud.govt.nz%7C0298205411754c1debf808d8f8a5543c%7C9e9b30203d3848a69064373bc7b156dc%7C1%7C0%7C637532736266970302%7CUnknown%7CTWfpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C1000&data=1ZdoBPdeHKldw6iVIGXU1AtxA6tYiGiSFOnqI9GsWXk%3D&reserved=0

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Tuesday, 6 April 2021 10:30 AM

To: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: Reserves

Kia ora again,

It would also be good to understand what the specific barriers are under the reserves Act - from a RLC perspective in terms of changing the use of the land to housing. I understand it's the consultation requirements - but it would be good to know what this refers to specially under the Act i.e - what specific requirements under Sections 24 and 24A (looking at the Act now I assume it's these sections) of the Act are barriers. I know Kāinga

Ora has talked about leasing Reserve Act land - it would be good to understand whether this is possible or not.

Thanks

Dan

-----Original Message-----

From: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz<mailto:Jean-Paul.Gaston@rotorualc.nz>>

Sent: Tuesday, 6 April 2021 7:41 AM

To: Dan Shenton <Dan.Shenton@hud.govt.nz<mailto:Dan.Shenton@hud.govt.nz>>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz<mailto:Rosemary.Viskovic@rotorualc.nz>>; Stephanie Kelly <Stephanie.Kelly@rotorualc.nz<mailto:Stephanie.Kelly@rotorualc.nz>>

Subject: Reserves

Hi

Missed infrastructure. These are all urban and infrastructure no more difficult than any infill housing. We would need to enhance remaining reserve areas to compensate for a perceived loss of service level.

I'll ask Stephanie Kelly to sent some example reserves which could be considered. Any revocation needs to be proceeded by a check on how the land was acquired and if any hand back provisions exist.

Cheers

Jp

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Android<<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2FAAb9ysg&data=04%7C01%7Cdan.shenton%40hud.govt.nz%7C0298205411754c1debf808d8f8a5543c%7C9e9b30203d3848a69064373bc7b156dc%7C1%7C0%7C637532736266970302%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwiLCJXVCI6Mn0%3D%7C1000&data=a97bgsLKJ%2B14SVVSJXvyikiY7bSYPIIdqsjiCnTETBRQ%3D&reserved=0>>

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 14 April 2021 9:45 am
To: Stephanie Kelly
Cc: s7(2)(a) Sean Callis; Matt Pilkinton; Fiona McCarthy
Subject: RE: Process to Revoke the Classification of a Reserve

Thank you for this Stephanie,

I've passed this onto Matt who is currently drafting the relevant content for the Ministers paper. He may be in touch with questions.

Ngā mihi

Dan

-----Original Message-----

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 12 April 2021 3:53 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: s7(2)(a) Sean Callis <Sean.Callis@rotorualc.nz>
Subject: Process to Revoke the Classification of a Reserve

Kia ora Dan,

Attached is a detailed summary of the process we will need to follow to consider the revocation of reserves for sale. I have tried to include as much detail as possible to make it clear the requirements and dependencies at each step, of which there are a lot.

Each step of the process will refine the list of reserves. The process could be terminated at a number of stages.

Let me know if there are any further queries.

Nga mihi

Your message is ready to be sent with the following file or link attachments:

Process to Revoke the Classification of a Reserve

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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Reserve Revocation Process

Stage	Step	Indicative Timeframe	Dependencies
Due Diligence	Initial identification of possible reserves, informed by: <ul style="list-style-type: none"> - Application of Open Space Policy to determine alignment of individual reserves with level of service standards - Assessment of reserves by Council Infrastructure team to determine role in managing stormwater and any critical in-ground infrastructure 	6 weeks	Availability of necessary Council staff
	Land status check to determine: <ul style="list-style-type: none"> - If the land is subject to the Reserves Act - How Council acquired the land (e.g. subdivision, gifting, vested from the Crown, purchase) previous ownership and ability for Council to dispose of it - Any restricting covenants 	Tbc	<ul style="list-style-type: none"> • Resourcing • Timeliness of information being provided by government agencies (LINZ, Maori Land Court)
	Finalise proposal to revoke the reservation including: <ul style="list-style-type: none"> - Final list of reserves to be considered - Reasons for the revocation - Manner and purpose of disposal 	2 weeks	
Reserves Act Process	Engagement with the Minister of Conservation (delegated to District Operations level)	1 week	Availability of appropriate DoC staff
	Resolution of Council to begin the process	4 weeks	Committee/Council meeting date and agenda availability
	Consultation with Iwi	Tbc	<ul style="list-style-type: none"> • Number of reserves requiring consultation • Ability of Iwi to participate

	Public notice and submission period (based on minimum Reserves Act req)		4 weeks	<ul style="list-style-type: none"> Treaty obligations
	Council to consider and make a resolution on objections		4 weeks	Need to consider whether it would be more appropriate to run a full community consultation process
	Provide necessary information to the Department of Conservation and receive decision from the Minister of Conservation		Tbc	Committee/Council meeting date and agenda availability
	Notification in the NZ Gazette (Undertaken by DoC if revocation approved)		Tbc	Capacity/resourcing within DoC
	Preparation of subdivision consent applications (for reserves where it is proposed to revoke the status of only part of the reserve)		4 weeks	Engagement and capacity of a consultant planner
	Statutory consent processing time		4 weeks	
Disposal	Disposal could take a number of forms: <ul style="list-style-type: none"> <i>Council to sell</i> – if originally acquired by Council through subdivision or purchase <i>Return to Crown</i> – if originally vested by Crown <i>Return to Iwi or other party</i> – if originally gifted 		Tbc	Process following a return of a reserve to the Crown is not clear and will be dependent on the specific Ministry the land is returned to, where and process for how it was originally acquired and treaty obligations.

* Legal advice is required to determine at what stage subdivision should be completed for reserves where it is proposed to revoke the status of part of the reserve. Council potentially to run concurrently with Reserves Act process.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 21 April 2021 12:41 pm
To: Gina Rangi
Cc: Jocelyn Mikaere; Jean-Paul Gaston; Matt Pilkinton
Subject: RE: Rotorua reserves content for the Ministers paper

Much appreciated Gina. Matt Pilkinton who is drafting this section, will incorporate RLC views into the paper.

From: Gina Rangi <Gina.Rangi@rotorualc.nz>
Sent: Wednesday, 21 April 2021 11:32 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Jocelyn Mikaere <Jocelyn.Mikaere@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: RE: Rotorua reserves content for the Ministers paper

Hi Dan

That looks good. Our views:

- Suggest editing the statement “1. Rotorua Lakes Council have identified some reserves land that are surplus to requirements and could instead be used for housing.” Any potential surplus reserves will need to be assessed in terms of engineering and geo-tech constraints. The number of reserves and potential # houses (particularly for permanent disposal) may be underwhelming.
- The time-limited power to use reserves for temp housing gives us the ability to quickly get the temp housing in place while working with our govt partners on other more permanent solutions. Does this require a full legislative process or is it a legislative amendment?
- We also note that reserves used on a temporary basis may be required for 3 – 5 years or more (because of the slow release of private land for development) so ‘temporary’ needs to be seen in this context.
- While the appendix notes the process to revoke a reserve under the Reserves Act, that is not in our experience how long it takes. In our experience this can take months, or years. We also note that judicial review is a real issue because the basis on which DOC can make a decision is constrained under the Reserves Act and Conservation Act.
- Typo at bullet point 4 of the document “~~this option would not require~~ would not require the Council “

At an implementation level, we would need to work with mana whenua to ensure their support for placing accommodation on specific reserves. The temporary nature of the accommodation may make this easier, however its still a process we need to work through.

G

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 20 April 2021 2:56 PM
To: Gina Rangi <Gina.Rangi@rotorualc.nz>
Cc: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: Rotorua reserves content for the Ministers paper

Kia ora Gina,

Following our chat on Friday. Please find attached the proposed reserves text let me know if RLC have any additions/ feedback on the proposed content. Would need any feedback by tomorrow midday-ish/ early afternoon if possible.

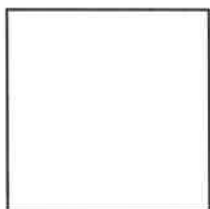
Happy to discuss,

Thanks

Dan

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Executive summary

- a) Undertaking further work on possible legislative amendments to give Rotorua Lakes Council a time-limited power to use reserves for temporary housing.

Recommendations

1. **Note** using a local Bill to revoke the status of reserves land is unlikely to provide any significant advantages over the process for revoking reserves in the Reserves Act 1977.
2. **Agree** to officials undertaking more work on a possible legislative amendment to give Rotorua Lakes Council a time-limited power to use reserves land for temporary housing.

Legislative options to free up additional land - such as reserves

1. Rotorua Lakes Council have identified some reserves land that are surplus to requirements and could instead be used for housing. Quick access to this reserves land could therefore enable faster delivery of housing in Rotorua. Two legislative options for enabling these reserves to be used for housing are discussed below. These options are:
 - a. Using a local Bill to revoke the status of the reserves; and
 - b. Giving the Council a time-limited power to use reserves for temporary housing.
2. At this stage HUD would not recommend using a local Bill to revoke the status of the reserves land. There is already a process in the Reserves Act 1977 (the Reserves Act) for revoking the status of reserves land and HUD does not consider that using a local Bill would provide any significant advantages over following this process. In particular, a local Bill is unlikely to result in the reserves status being revoked faster than if the process in the Reserves Act is followed. Annex C provides a comparison of using the Reserves Act or a local Bill to revoke reserves.
3. Conversely, using legislation to give the Council a time-limited power to use reserves for temporary housing without revoking the reserves status is an option worth exploring further. This would enable the Council to begin using reserves land for temporary housing while they consider whether to revoke the reserves status permanently. A similar power was given to Christchurch City Council, Selwyn District Council and Waimakariri District Council following the 2011 Christchurch earthquake.
4. Unlike using a local Bill to revoke reserves status, this option would not require would not require the Council to have identified and undertaken due diligence on the exact reserves it wants to use before legislation could be introduced and enacted. Instead, the legislation would just need to identify the types of reserves, rather than the specific reserves, that the Council could use for temporary housing.
5. If Ministers are interested in this option, HUD will discuss it further with the Council, Kāinga Ora and the Department of Conservation before providing further advice. This further advice would include the types of reserves that should be eligible for use for temporary housing, the process the Council would need to undertake to use a reserve for temporary housing, how long the Council should retain this time-limited power, and how beneficial this option would be for Rotorua.

Annex C: Comparison of the Reserves Act and a local Bill to revoke reserves

	Reserves Act process	Local Bill process
Time	<p>Due diligence: 3-4 months minimum</p> <ul style="list-style-type: none"> Identifying the specific reserves to be revoked. Identifying any issues with this land including any restricting covenants or rights that previous owners may hold if the reserves status is revoked. Council agreeing to a resolution to begin the process to revoke the reserves. <p>Formal process: 3+ months</p> <ul style="list-style-type: none"> Mandatory 1 month consultation period. Time for the Council to consider any submissions. Time for the Department of Conservation and Minister of Conservation to consider and approve the revocation. 	<p>Due diligence: 3-4 months minimum</p> <ul style="list-style-type: none"> Identifying the specific reserves to be revoked. Identifying any issues with this land including any restricting covenants or rights that previous owners may hold if the reserves status is revoked. Council agreeing to a resolution to introduce a local Bill to revoke the reserves. <p>Legislative process: 12+ months</p> <ul style="list-style-type: none"> Drafting legislation Public notification of the local Bill two weeks before introduction. Full legislative process Time could be reduced through the use of urgency or a truncated select committee process.
Council willingness	The Council could decide not to continue with the revocation in response to public opposition.	The Council could choose to withdraw its support for the local Bill in response to public opposition. If this occurs the local Bill would be immediately withdrawn and could not be considered further by Parliament.
Judicial review	Minister of Conservation's decision to revoke reserves could be judicially reviewed. Judicial review should not be a concern as long as the process prescribed by the Reserves Act is properly followed.	Parliament is sovereign so a local Bill could not be judicially reviewed.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Monday, 31 May 2021 1:55 pm
To: Stephanie Kelly; Matt Pilkinton
Cc: Fiona McCarthy; Michael Hurley; s7(2)(a); Jean-Paul Gaston
Subject: RE: Enabling Rotorua Reserves to be used for temporary housing draft memo

Kia ora,

Some of the non-reserve land could be current potentially surplus Council infrastructure land – that JP has mentioned a couple of times, which may be considered. But I'm not sure of the process for this, and it would be something that RLC led.

Thanks

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 31 May 2021 1:33 PM
To: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Michael Hurley <Mike.Hurley@hud.govt.nz>; s7(2)(a); Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: RE: Enabling Rotorua Reserves to be used for temporary housing draft memo

Ok thanks Matt. I don't think we have much non-reserve land to offer.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Sent: Monday, 31 May 2021 1:23 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Michael Hurley <Mike.Hurley@hud.govt.nz>; s7(2)(a); Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: RE: Enabling Rotorua Reserves to be used for temporary housing draft memo

Hi Stephanie

There's probably other potential solutions but the one that immediately comes to mind is using non-reserves land for temporary housing. If the Council has enough non-reserves land that could be used for temporary housing then there is less need to enable reserves to be used for temporary housing.

Cheers,
Matt

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Monday, 31 May 2021 1:19 pm

To: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>

Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Michael Hurley <Mike.Hurley@hud.govt.nz>; s7(2)(a)

s7(2)(a) Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Subject: RE: Enabling Rotorua Reserves to be used for temporary housing draft memo

Thanks Matt. When you say “*whether that ends up being using legislation (either a local Bill or a Government Bill) to give the Council the power to use reserves for temporary housing or some other solution*”, what would another solution look like?

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>

Sent: Monday, 31 May 2021 12:58 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>

Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; Michael Hurley <Mike.Hurley@hud.govt.nz>; s7(2)(a)

s7(2)(a) Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Subject: RE: Enabling Rotorua Reserves to be used for temporary housing draft memo

Kia ora Stephanie,

Rotorua Lakes Council is fully entitled to begin the process of progressing a local Bill. However, I think it would be prudent to wait until we have reported to Minister Woods to test her appetite for giving Rotorua Lakes Council the time limited power to use reserves for temporary housing.

The key outcome we are looking for is freeing up land that can quickly enable the building of temporary houses – ideally within the next 12 months – 18 months given the high-need for public housing in Rotorua. We therefore need to use the best/quickest process to enable that – whether that ends up being using legislation (either a local Bill or a Government Bill) to give the Council the power to use reserves for temporary housing or some other solution.

Buy-in from Ministers/Cabinet to support giving the Council the power to use reserves for temporary housing (through either a local Bill or Government Bill) would be needed to progress this option. If the Council proceeds with the local Bill but does not obtain this support from the Government there is a risk that the Bill would be voted down. In addition, support from Ministers to fast-track legislation through the use of urgency and/or a truncated select committee process would be needed to ensure the legislation frees up land quickly. If Government support for fast-tracking the Bill is not obtained then it could take over 12 months from introduction to enactment.

If the Council decides to proceed with a local Bill then our report to Minister Woods would primarily inform her of whether the Government should support the Bill and if so, how much priority the Government should give to enacting it. Information from Rotorua Lakes Council on the number of reserves that could be used for temporary housing (and how quickly this temporary housing could be delivered) would be crucial to obtaining the Government’s support for the Bill. Showing that this time-limited power could have a significant and fast impact on addressing Rotorua’s need for public housing would increase the likelihood of the Government both supporting the Bill and agreeing to fast-track the process.

Other things to consider in weighing up whether to use a local Bill or Government Bill could include:

- The costs of drafting a local Bill would fall on Rotorua Lakes Council. Conversely, a Government Bill would be drafted by the Parliamentary Counsel Office (PCO). The quality of legislation drafted by PCO is also likely to be better owing to their expertise in drafting legislation.
- A local Bill could only apply to Rotorua Lakes Council, while a Government Bill could apply to other councils or include an Order in Council process for giving other councils the time-limited power.
- Any political considerations Ministers/Councillors may have about using a local Bill vs a Government Bill.

Cheers,
Matt

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Sunday, 30 May 2021 12:43 pm

To: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>

Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; William Craig <William.Craig@hud.govt.nz>; Michael Hurley <Mike.Hurley@hud.govt.nz>; s7(2)(a); Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Subject: RE: Enabling Rotorua Reserves to be used for temporary housing draft memo

Kia ora Matt and Dan,

At the Council meeting last Thursday we presented a confidential report to Council on the proposal to grant Council a time-limited power to use reserves for temporary housing. Council approved the proposal in principle on the basis that a further report is bought back in due course which provides more detail on the proposal including the process, wording of any proposed Bill and the specific reserves that we are considering.

I will draft a response with the feedback you requested in your memo which I understand you require to inform your report to the Minister.

In the meantime our CE is keen to progress a Local Bill process as soon as possible and has requested that I engage our legal advisors Tompkins Wake to begin drafting a Local Bill. I understand that our local MP Tamati Coffey wants to push it through the cabinet process.

I appreciate that this isn't the approach that was anticipated and am keen to understand how this works with your process including reporting back to the Minister.

I look forward to hearing from you.

Stephanie

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 021 238 8856 | **E:** stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>

Sent: Monday, 17 May 2021 5:19 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; s7(2)(a)

Cc: Fiona McCarthy <Fiona.McCarthy@hud.govt.nz>; William Craig <William.Craig@hud.govt.nz>; Michael Hurley

<Mike.Hurley@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>

Subject: Enabling Rotorua Reserves to be used for temporary housing draft memo

Hi,

Please find attached a draft memo seeking feedback from Rotorua Lakes Council and Kāinga Ora on potentially giving RLC the time-limited power to use reserves for temporary housing.

It seeks feedback on whether RLC should be given this power and if so, how to design the power. Mike's also added some info on designations.

Cheers,

Matt

Matt Pilkinton (he/him)

Senior Policy Advisor | Urban Development Regulatory Tools

Place-based Policy and Programmes

matt.pilkinton@hud.govt.nz | s7(2)(a)

www.hud.govt.nz | Level 8, 7 Waterloo Quay, Wellington



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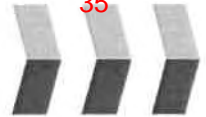
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MEMO

Enabling Rotorua reserves to be used for temporary housing

To: Stephanie Kelly (RLC), Jean-Paul Gaston (RLC), s7(2)(a)
CC: Dan Shenton, Fiona McCarthy, Will Craig, Michael Hurley
From: Matt Pilkinton
Date: 17 May 2021
Priority: Medium

Purpose

1. This memo seeks feedback on whether giving Rotorua Lakes Council (RLC) a time-limited power to use reserves land for temporary housing would be effective at addressing Rotorua's need for temporary housing. In addition, it provides a starting point for considering the design of this time-limited power to use reserves land for temporary housing.

Background

2. On 22 April Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) reported to Ministers Woods and Williams on proposed actions to address urgent homelessness and motel use issues in Rotorua. The report included discussion on enabling the use of surplus reserves land for housing. Subsequently, Minister Woods has directed officials to further investigate giving RLC a time-limited power to use reserves land for temporary housing. A similar power was given to Christchurch City Council, Selwyn District Council and Waimakariri District Council following the 2011 Christchurch earthquake.

Should RLC be given the power to use reserves for temporary housing?

3. Whether it is appropriate to enable RLC to use reserves for temporary housing will depend on a number of factors including:
 - a. Need for temporary housing in Rotorua;
 - b. Amount of temporary housing enabled by the use of reserves;
 - c. Whether there is non-reserves land in Rotorua that could be used instead of reserves to meet the temporary housing need;
 - d. Any other legislative or regulatory barriers to using the reserves for temporary housing (i.e. RMA resource consent processes);
 - e. How quickly the reserves could begin being used for temporary housing following enactment;
 - f. Community views on using reserves for temporary housing, including the views of Māori; and
 - g. Any potential negative impacts (for example, the risk that the temporary housing will become long-term sub-standard housing).
4. We are interested to hear views on these factors and any other factors relevant to whether RLC should be given the power to use reserves for temporary housing.

RMA approval and the potential to designate

5. Designations remove the requirement to comply with any District Plan rules. They enable the holder to the designation to develop in accordance with the purpose of the designation and any conditions attached to the designation rather than the District Plan. The designation holder (known as a requiring authority) must have the financial responsibility for undertaking the project or work that the designation is enabling.
6. Both local authorities and Ministers of the Crown are automatically requiring authorities under the Act. In this instance it would have to be a Minister or the local council that has the financial responsibility to provide the emergency housing.
7. A Designation does not remove the requirement to comply with the Reserves Act 1977 or any rules of the Regional Council.
8. The establishment of a designation (through a notice of requirement) is very similar to a notified resource consent application; it is unlikely to be any quicker than a resource consent process. However, the requiring authority makes the decision on a notice of requirement. When processing the notice of requirement, the council makes recommendations to the requiring authority rather than the decision. The decision of the requiring authority can be appealed to the Environmental Court by any submitter or the local council.
9. A resource consent can also enable development that does not comply with the zoning and other rules of the District Plan. The decisions on a resource consent application can consider the temporary nature of the effects. A resource consent decision can be faster than a legislative process; but delays could occur if the decision is appealed.
10. A resource consent is attached to land and can be transferred between different parties without any restrictions. In comparison only requiring authorities or their agents can exercise a project in accordance with a designation. The requiring authority (designation holder) must have the financial responsibility for the work that the designation covers.
11. Under the RMA it is also possible for activities of a temporary nature to be deemed to be a permitted activity under RMA. It would be pushing the limits of these provisions but a discussion with the Councils resource consenting team could be held to determine if they would be willing to consider the effects of the temporary housing to be a “deemed permitted activity”. This could depend on exactly where and what is proposed as it may not meet the tests in section 87BB of the RMA.
12. There are a number of options for obtaining the necessary RMA approval (not all are mentioned above). However, none of the RMA processes will remove the requirements to comply with the Reserves Act 1977.

Canterbury earthquakes – temporary use of reserves

13. The Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 (the “Canterbury Order”) was an Order in Council made under the Canterbury Earthquake Recovery Act 2011 (and subsequently extended by the Greater Christchurch Regeneration Act 2016). The Order gave Christchurch City Council, Selwyn District Council and Waimakariri District Council the power to use reserves for a range of temporary purposes, including temporary housing. The Order will expire on the close of 30 June 2021.
14. We recommend using the Canterbury Order as the starting point for any time-limited power to enable RLC to use reserves for temporary housing. The rest of this memo discusses various aspects of the Canterbury Order and seeks feedback on how appropriate these aspects would be for RLC.

Types of reserves

15. The reserves covered by the Canterbury Order include any reserves owned, administered, managed or controlled by the relevant council and any Crown reserves in the relevant area. However, the Minister of Conservation may direct the Council to not use a Crown reserve or

to cease using the Crown reserve in a way otherwise enabled by the Order. The Order applies to both reserves made under the Reserves Act 1977 and reserves made under any other enactment.

16. Feedback is sought on whether or not the time-limited power should apply to the same types of reserves that the Canterbury Order applied to. In particular, whether it is necessary to apply the power to Crown reserves in Rotorua and whether the power should be limited to certain types of reserves (for example recreation reserves and local purposes reserves).

Uses of reserves

17. Sub-clauses 5(a) and (b) of the Canterbury Order enabled the councils to undertake remedial work on reserves and to use reserves to erect structures for a variety of purposes including, temporary housing or accommodation (including sanitary and other ancillary facilities), emergency medical facilities, educational facilities, public information centres and depots or any other use necessary to respond in a timely manner to any circumstances resulting from the earthquakes.
18. The Canterbury Order authorised the councils' use of reserves despite anything contrary to this use in the management plan for the reserve, the Reserves Act 1977, or any other enactment applying to the reserve.
19. Given the need in Rotorua is limited to temporary housing, it is likely that the power would only need to apply to "temporary housing or accommodation, including sanitary and other ancillary facilities". Feedback is sought on whether any of the other uses listed in sub-clauses 5(a) and (b) would be needed to enable the use of reserves for temporary housing.

Process

20. The Canterbury Order just says that the councils "may" use the reserves in the various ways enabled by the Order. There is no set process (such as public notification) that the councils have to follow to use the reserves.
21. What process does RLC envision following if it was enabled to use reserves for temporary housing? Should this process be proscribed in regulation or just left up to RLC?

Impacts on others

22. Sub-clauses 5(c) and (d) of the Canterbury Order gave the councils the ability to prohibit persons from entering or remaining on a reserve or require persons to leave a reserve. In addition, Clause 7 enabled the council to use the reserves despite the rights and obligations of any person or body in respect of a reserve (i.e. easements, leases, licenses, covenants etc.) and, where necessary, override these rights and obligations.
23. Feedback is sought on whether these powers would be necessary to enable reserves to be used for temporary housing in Rotorua.
24. Clause 7 of the Canterbury Order also requires that the council must make reasonable efforts to give notice to a person whose rights or obligations in respect of a reserve will be effected or overridden by the use of the Order. How would this notice requirement be met by RLC?

Protection of the reserves

25. In using their powers under the Canterbury Order, the councils must take all reasonable steps to protect the integrity of the reserve. In particular, if the reserve is adversely affected by the council's actions, the council must reinstate the reserve as closely as practicable to its prior condition.
26. My initial view is that any time-limited power to use reserves for temporary housing should have stronger requirements around returning reserves to their prior condition. In particular, rather than only needing to reinstate the reserve to its prior condition if the reserve is adversely affected, RLC should be required to return the reserve to a condition consistent

with its reserves status before expiration of the time limited power (unless the council has gone through the process to revoke or change the reserves status).

Time-period for using reserves

27. The Canterbury Order (and its predecessor) have effect from 22 February 2011 to 30 June 2021. Would a similar application period of ten years be appropriate for RLC? Should some mechanism enabling the time-period to be extended by Order in Council be included?

Local Bill or Government Bill?

28. It is an open question whether it would be more appropriate to use a local Bill or a Government Bill to give RLC the power to use reserves for temporary housing. If the power would apply to Crown Reserves we would need to check Parliament's standing orders to determine if a local Bill could still be used.
29. If a local Bill were to be used it would require RLC to drive the process. However, HUD would be able to assist.
30. Some interest has also been expressed in extending the time-limited power for using reserves for temporary housing to other local authorities. This would require a Government Bill with an Order in Council process for adding other local authorities.

Next Steps

31. HUD is due to report back to Minister Woods by the end of May. However, we will likely delay this report back until June to enable further information from RLC to be included.
32. The report back will cover whether RLC should be given the time-limited power to use reserves for temporary housing, and if so, some high-level design decisions of the power. It will likely need to be joint with the Department of Conservation or at least referred to the Minister of Conservation for her information.
33. If following this report back it is decided to introduce a local Bill, the approval of the Council would be needed. Following this, the Council (with HUD assistance) would need to draft the Bill¹ and the intention to introduce a local Bill would need to be published in a local paper for at least two weeks prior to the Bill being introduced to Parliament. Once introduced, the Bill would need to go through the full legislative process (including a select committee process where public submissions can be made). However, the Council could withdraw the Bill at any stage before enactment.
34. If instead a Government Bill is chosen as the legislative vehicle, Cabinet approval for the time-limited power to use reserves for temporary housing would need to be obtained. Following this, HUD would work with the Parliamentary Counsel Office to draft the legislation and the Minister would then introduce the Bill. The full legislative process would then follow.
35. Regardless of whether a local or Government Bill is used as the legislative vehicle, the full legislative process would need to be followed before the Bill becomes law. This could take 6-12 months unless the Government decides to use urgency or a truncated select committee process.

¹ Will need to check if PCO is able to provide drafting resource for local Bills or if RLC would instead be entirely responsible for the drafting (either doing it in-house or contracting it out).

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 6 July 2021 1:01 PM
To: Jean-Paul Gaston; Gina Rang; Stephanie Kelly
Cc: Rosemary Viskovic; Matt Pilkinton; Jason Haskell; Jessica Ranger; Caroline Reid; Fiona McCarthy
Subject: FW: BRF20/21061017 Using council reserve land temporarily for housing in Rotorua - In-Confidence
Attachments: BRF20 21061017 Using council reserve land temporarily for housing in Rotorua.docx; BRF20 21061017 Using council reserve land temporarily for housing in Rotorua.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Kia ora koutou,

Please find attached the reserves land advice (in-confidence not to be circulated) that was sent to Ministers Woods and Davidson for their approval yesterday. Thank you Steph and Team for your input into the paper. Subject to the Ministers approval HUD is now considering what the next steps are for this work – which would include: engagement/workshops with you on the development of the leg, iwi engagement, the process to introduce the Bill as well as the process if the Bill is introduced, etc.

Early feedback from Ministers, particularly Minister Davidson, covered the need to ensure that iwi/Māori are engaged early and meaningfully in the process (includes leg development and site identification). This is something we are keen to work with you on and have included the following in the attached paper – “Early and meaningful engagement with Te Arawa iwi on the proposed local Bill is critical. We understand the views of the iwi have not yet been sought by RLC. We will continue to work with RLC to ensure early and meaningful engagement with Te Arawa iwi occurs. We will also work with RLC to identify any issues relating to the Right of First Refusal (RFR).”

We will be in touch soon about some potential next steps. Noting I'll be up in Rotorua this Thursday and Friday so can continue discussions then.

Ngā mihi

Dan

From: Jason Haskell <Jason.Haskell@hud.govt.nz>
Sent: Monday, 5 July 2021 5:13 PM
To: Susan Jacobs s7(2)(a)
Cc: s7(2)(a); Dan Shenton <Dan.Shenton@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Brad Ward <Brad.Ward@hud.govt.nz>; Amy Harrison - Parliament s7(2)(a)
Subject: BRF20/21061017 Using council reserve land temporarily for housing in Rotorua

Kia ora Susan,

Attached is the briefing for Ministers Woods and Davidson titled 'Using council reserve land temporarily for housing in Rotorua' (BRF20/21061017). Hard copies are in the bag for tomorrow morning.

Could you please forward this to Minister Davidson's office?

Ngā mihi,

Jason Haskell ([he/him](#))

Policy Advisor | Urban Development Regulatory Tools

Place-Based Policy and Programmes

jason.haskell@hud.govt.nz | [s7\(2\)\(a\)](#)

www.hud.govt.nz | Level 8, 7 Waterloo Quay, Wellington, New Zealand



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Briefing

Using council reserve land temporarily for housing in Rotorua			
Date:	5 July 2021	Security level:	In Confidence
Priority:	Medium	Report number:	BRF20/21061017

Action sought		
	Action sought	Deadline
Hon Dr Megan Woods Minister of Housing	Note that Rotorua Lakes Council has proposed a local Bill to enable council reserve land to be used temporarily for housing in Rotorua. Agree to support this proposal and direct officials to engage with the council as it is developed.	23/07/2021
Hon Marama Davidson Associate Minister of Housing (Homelessness)	Note that Rotorua Lakes Council has proposed a local Bill to be used temporarily for housing on council reserve land in Rotorua.	23/07/2021

Contact for discussion			
Name	Position	Telephone	1 st contact
Jessica Ranger	Manager, Urban Development Regulatory Tools	s7(2)(a)	✓
Jason Haskell	Policy Advisor, Urban Development Regulatory Tools		

Other agencies consulted
Rotorua Lakes Council, Kāinga Ora

Minister's office to complete

- ☐ Noted
- ☐ Seen
- ☐ Approved
- ☐ Needs change
- ☐ Not seen by Minister
- ☐ Overtaken by events
- ☐ Declined
- ☐ Referred to (specify)

Comments

Date returned to HUD:



Briefing

Using council reserve land temporarily for housing in Rotorua

For: Hon Dr Megan Woods, Minister of Housing
Hon Marama Davidson, Associate Minister of Housing (Homelessness)

Date: 5 July 2021 **Security level:** In Confidence

Priority: Medium **Report number:** BRF20/21061017

Purpose

1. To advise you on Rotorua Lakes Council's proposed local Bill to enable council reserve land to be used temporarily for housing.

Recommended actions

2. It is recommended that you:
 1. **note** there is urgent housing need in Rotorua, and using council reserve land temporarily for housing could help to alleviate this in the short to medium term *Noted*
 2. **note** that Rotorua Lakes Council has agreed in principle to a proposal to draft a local Bill that would enable council reserve land to be used temporarily for housing within the Rotorua Lakes District area *Noted*
 3. **note** that Rotorua Lakes Council has identified 78 hectares of council reserve land that could be used temporarily for housing, with a potential yield of 155 units. *Noted*
 4. **agree** to support Rotorua Lakes Council's proposal for a local Bill, and for officials to engage with the council as this is developed. *Agree / Disagree*


Jessica Ranger
Manager, Urban Development
Regulatory Tools, Te Tūāpapa Kura
Kāinga – Ministry of Housing and
Urban Development

5 / 7 / 21

Hon Dr Megan Woods
Minister of Housing

..... / /

Hon Marama Davidson
Associate Minister of Housing
(Homelessness)

..... / /

Action is being taken to address housing issues in Rotorua

3. Rotorua city has experienced strong growth after two decades of population stability. The housing supply has not responded, and the number of building consents granted remains one of the lowest in New Zealand by population. This has resulted in a sharp increase in rents and house prices, leading to increases in homelessness and overcrowding.
4. A shortage of affordable homes for low-income households means more people are experiencing periods of homelessness, including in emergency and transitional housing, and the public housing register is increasing. These issues were exacerbated by the need to quickly house people experiencing homelessness during the COVID-19 lockdown.
5. As a result, government has been working with Rotorua through a place-based partnership with iwi and Council since late 2019.
6. The range of housing and urban issues facing Rotorua have contributed to some acute housing need, particularly with relation to homelessness and motel use. The volume of Emergency Housing Special Needs Grant (EHSNG) recipients in Rotorua is the highest in the country by population, and reliance on EHSNG relative to transitional housing is also very high. Up to five households are receiving EHSNGs for each transitional home available for placement (compared to a one-to-one ratio across the country). This volume of EHSNGs places growing pressure on the government to manage placement and provide support to households.
7. To address these immediate housing pressures, a taskforce involving government agencies, Rotorua Lakes Council (RLC) and Te Arawa iwi was initiated in late March 2021. The taskforce worked intensively to develop immediate solutions to the homelessness and emergency housing situation in Rotorua.
8. In April 2021, the Government announced the following suite of immediate emergency housing actions:
 - a. direct contracting of motels for emergency accommodation
 - b. wrap-around social support services for those in emergency accommodation to be provided
 - c. grouping of cohorts like families and tamariki in particular motels, separate from other groups
 - d. a one-stop Housing Hub for access to services and support to be established.
9. The Government has now contracted 12 motels with full wrap-around support in 260 units, with families being transitioned into these motels in July 2021.
10. As part of these immediate actions, Kāinga Ora has also intensified its efforts in Rotorua to increase public and transitional housing supply. Kāinga Ora is currently exploring and progressing several opportunities that could yield up to 618 units within the next three to five years. However, these opportunities are subject to negotiations and the finalisation of agreement processes and contracts.

RLC has proposed using council reserve land temporarily for housing

11. To complement the immediate actions being taken, RLC has proposed having a time-limited ability to use council reserve land temporarily for housing. Primary legislation is required to enable this.
12. Christchurch City Council, Selwyn District Council and Waimakariri District Council were given a similar power following the 2011 Christchurch earthquake (the Canterbury Order).
13. RLC staff have undertaken an initial assessment and identified approximately 78 hectares of council reserves (including parts of reserves) that could be used temporarily for housing. This could potentially yield 155 units on standard residential sections of 500m².

14. Further due diligence to confirm the suitability of the sites, and to identify the serviceability and potential constraints is yet to occur. RLC expects to undertake this work in parallel to the legislative process. It is also anticipated that a resource consent process will be required to enable housing temporarily on each site.
15. RLC has advised that it does not have sufficient non-reserve land that could be used temporarily for housing. Some RLC land planned for other uses (such as infrastructure) could be used. However, this land is likely to be limited and more investigation is needed.
16. RLC is unaware of any Crown-owned reserves within Rotorua's urban area that could be used temporarily for housing.

RLC is keen to progress a local Bill

17. On 22 April 2021 (BRF20/21030881 refers), Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) advised you that a Government Bill could be passed to enable reserves to be used temporarily for housing in Rotorua, and possibly in other parts of the country.
18. Subsequently, on 20 May, RLC agreed in principle to draft a local Bill giving it the time-limited power to use council reserve land temporarily for housing.
19. RLC has engaged legal advisors to begin drafting a local Bill based on the Canterbury Order and has received an initial draft. HUD understands that your colleague, Tāmati Coffey MP, is likely to be the member in charge of this Bill in Parliament.
20. RLC considers 10 years to be an appropriate time for this power to last so that long-term housing needs are addressed. This would be approximately the same time as the Canterbury Order.
21. Initial legal advice received by RLC suggests that consideration will need to be given to the appropriate method and extent of consultation on the Bill required by both the Local Government Act 2002 and RLC's policies. RLC has indicated that it will likely consult on the specific reserves proposed to be used.
22. A key consideration for the Bill will be whether additional council reserves could be used temporarily for housing at a later stage, who should have that decision making power, and what consultation process would occur (including with Te Arawa iwi).
23. RLC understands that Ministers may choose to progress a Government Bill instead.

A local Bill has advantages over a Government Bill

24. There is strong local leadership from RLC for a local Bill. It is invested in the policy outcomes of this proposal and is eager to undertake the required work to enable housing construction as soon as possible.
25. It may be quicker to progress a local Bill than a Government Bill. There is not the same Cabinet process required for its introduction. Although a local Bill may only be considered on Member's Days (every second Wednesday on sitting weeks), it will have precedence over Member's Bills. Therefore, its progress is likely to be steady and predictable. Urgency can be used to pass a local Bill if desired.
26. At your direction, HUD officials can engage with RLC as it develops its local Bill. We can also support the Bill through the parliamentary process, such as at select committee. PCO will also help in reviewing the draft Bill before it enters the House (as with all Member's and local Bills).

Limitations of a local Bill

27. A limitation with RLC's proposed local Bill is that it will only apply in Rotorua. A Government Bill, on the other hand, could enable the power to use council reserves temporarily for housing to be applied more generally.
28. However, considerable work would be needed to identify other places in New Zealand that might benefit from having this power. Given the pressure in Rotorua for new housing supply as soon as possible, a Government Bill risks further delaying action on this.

Recommended approach

29. We recommend that you agree to HUD officials supporting RLC as it develops its local Bill. While a local Bill will not enable this power to be used elsewhere, it will provide a pathway for providing much-needed housing temporarily in Rotorua, driven by local leadership and investment in delivering improved housing outcomes.

Engagement with Te Arawa iwi and the community is important

Te Arawa iwi engagement

30. Early and meaningful engagement with Te Arawa iwi on the proposed local Bill is critical. We understand the views of the iwi have not yet been sought by RLC.
31. We will continue to work with RLC to ensure early and meaningful engagement with Te Arawa iwi occurs. We will also work with RLC to identify any issues relating to the Right of First Refusal (RFR).

Community engagement

32. There is likely to be a level of concern from the wider community on the proposal. As outlined in paragraph 21, RLC is aware of the need for consultation on both the Bill and the individual sites.

Next Steps

33. If you agree to support the local Bill proposal, HUD officials will discuss next steps with RLC, including how HUD can support the local Bill process, and the process for consulting with Te Arawa iwi and the wider community. HUD officials will also consult with the Department of Conservation and any other relevant agencies on this proposal.
34. We will report back to you on progress with this proposal within the next two months.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 16 July 2021 3:50 PM
To: Stephanie Kelly
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Awesome.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 16 July 2021 3:48 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Hi Dan,

Gina is invited to attend the workshop. We are also meeting internally next week to start discussions around the Iwi engagement.

Steph

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 16 July 2021 3:46 pm
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Kia ora Steph,

Are you able to ask whether Gina would want to attend the workshop as well, even if it's just the engagement portion, but she may not be able to. Was keen to ensure we discussed and had a plan for early iwi engagement (as well as wider community engagement). Though we may be able to do this beforehand or separate to the workshop.

Ngā mihi

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 16 July 2021 3:28 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Sorry Dan, I meant who should attend from MHUD and I see you have already asked s7(2)(a) to confirm attendance from KO.

We have already identified who should be present from RLC

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 16 July 2021 3:26 pm

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Thanks Steph. I reckon RLC, RLC legal advisors, Kāinga Ora and MHUD.

Would be good to get Gina, JP and maybe Simon Bell from RLC. I've just cc'ed you in on an email to KO they are still to confirm who will attend by will likely be s7(2)(a) maybe.

We are still confirmed who will attend but will be 4/5 people covering the Rotorua policy and legal/regulatory aspects. I'll definitely attend.

Will be in touch next week re- agenda etc.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Friday, 16 July 2021 3:05 PM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Still waiting to hear but I think we should go ahead with this date anyway. Worst case is that they will have to zoom in for parts of the meeting or send someone else.

Can you advise who should attend the workshop?

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Friday, 16 July 2021 1:52 pm

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Ok cool are RLC lawyers ok with attending on 20 August?

Thanks

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Friday, 16 July 2021 1:24 PM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Hi Dan,

Sorry for the delay in getting back to you. I don't work Wednesdays so my preference would be 19-20 August.

Thanks,

Steph

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Friday, 16 July 2021 11:06 am

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Kia ora Steph,

Any news back on which on of those dates are ok? Was keen to start booking in flights etc today if possible.

Thanks

Dan

From: Dan Shenton

Sent: Wednesday, 14 July 2021 4:24 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Also RLC legal don't need to attend the site visit (unless they want to) so would only need to attend the workshop on the second day.

Thanks

Dan

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Wednesday, 14 July 2021 1:21 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: Re: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Thanks Steph,

We are ok with the week of the 16 august - either 17-18 august or 19-20 August. With a site visit on the first day - workshop on second day. Let me know what works so we can lock in flights etc this week, as flights go quickly and get expensive.

Also keen to be looped into the chat with Gina or get a debrief after.

Thanks

Dan

Get [Outlook for iOS](#)

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Wednesday, July 14, 2021 6:58:50 AM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>

Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Hi Dan,

I am still waiting for it back from our legal team. The lawyers who are working on it have been on leave this week. I will send it to you as soon as possible.

Can we please confirm the dates ASAP so I can ensure our lawyer can attend.

Also FYI I am meeting with Gina next week to discuss the necessary Iwi engagement.

Cheers,

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 13 July 2021 3:48 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Kia ora Steph,

Are you able to send through the latest draft of the reserves local Bill?

Also we are thinking potentially 4-5 August for the site visits and workshop for the local Bill, but will confirm this with you soon – before we lock anything in.

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 8 July 2021 3:28 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Hi Dan,

As discussed, please see attached the reserves that have initially been identified as possible sites for temporary housing.

The sites have not yet been assessed in terms of serviceability.

Let me know if you have any questions or concerns.

Cheers,

Steph

Your message is ready to be sent with the following file or link attachments:

STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

STRICTLY CONFIDENTIAL

Reserves Proposed for Temporary Housing

Part of High Street Reserve

- Approximately 5,000sqm usable area
- Excess reserve provision in the area
- Reserve does not align with LOS Policy and limited ability to improve
- Accessible to community facilities
- Area occupied by the kindergarten lease is not proposed to be included
- Could consider permanent disposal



Part Warwick Drive Reserve

- Approximately 4,200sqm usable area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Temporary housing on the reserve would not impact recreation use of the reserve including access to playground
- Would not effect existing bowling club lease area
- Access to community facilities including schools
- Includes soccer goals – used for informal sport only



Part of McIntyre Reserve

- Approximately 2,000sqm usable area
- Existing reserve does not align with LoS Policy
- Temporary housing could improve safety and use of reserve
- Access to community facilities including schools
- Potential access issues
- Will require relocation of the community garden



Part Wrigley Road Reserve

- Approximately 12,500sqm usable space
- Excess reserve provision in the area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Temporary housing on the reserve would not impact recreation use of the reserve
- Access to community facilities including schools
- Initial community support for this proposal including potential to permanently dispose of part of the reserve



Homedale Street Reserve

- Approximately 12,400sqm usable area
- Excess reserve provision in the area
- Access to community facilities including schools
- Potential stormwater issues



Lee Road Reserve

- Approximately 18,291sqm usable area
- Excess reserve provision in the area
- Provides minimal recreation value
- Access to community facilities including schools
- Could consider permanent disposal



Part of Turner Drive Reserve

- Approximately 6,500sqm usable area
- Excess reserve provision in the area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Temporary housing on the reserve would not impact recreation use of the reserve
- Access to community facilities including schools
- Will require relocation of path and fruit trees



Part of Coulter Road Reserve

- Approximately 5,600sqm usable area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Temporary housing could improve safety and use of reserve
- Access to community facilities including schools including adjacent Kohanga Reo
- Existing lease for Kohanga Reo will not be effected



Part of Park Road Reserve

- Approximately 6,800sqm of usable area
- Excess reserve provision in the area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Temporary housing on the reserve would not impact recreation use of the reserve
- Access to community facilities including schools



Part of Jessie Martin Park

- Approximately 10,500sqm of usable area
- Excess reserve provision in the area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Area proposed to be used for housing is currently grazed
- Access to community facilities including schools



Part of Steeles Lane Reserve

- Approximately 4,300sqm of usable area
- Excess reserve provision in the area
- The size of the reserve significantly exceeds the minimum size identified in the LoS Policy
- Access to community facilities including schools



From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Monday, 19 July 2021 10:56 AM
To: Stephanie Kelly
Subject: RE: Friday 20 August

That's great thanks Steph, nice. Will do.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 19 July 2021 10:39 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Friday 20 August

Hi Dan,

I have just heard back from s7(2) and she has Confirmed 16/17 August will work for s7(2)(a) so I can rescheduled for this time. Can you please forward on to whoever from your team needs to attend ?

Thanks,

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | **E:** stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Monday, 19 July 2021 10:06 AM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: Friday 20 August

Mōrena Steph

Hope you stayed warm from the crazy weather over the weekend.

Did you hear back from s7(2)(a) on whether s7(2)(a) could make those other dates I suggested. I can give Andrew a call if he hasn't responded yet.

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 16 July 2021 5:06 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Fwd: Friday 20 August

Hi Dan,

s7(2)(a) is probably quite critical to the workshop but also mindful it is probably difficult for you to confirm a date for the people that need to attend from your team?

Are we able to reschedule or shall I see if s7(2)(a) can send someone else in his place perhaps?

Sent from my iPhone

Begin forwarded message:

From: s7(2)(a)
Date: 16 July 2021 at 5:00:58 PM NZST
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: Friday 20 August

Hi Stephanie,

You have sent a meeting invite for Friday 20 August but s7(2)(a) won't be available on this date (he will be needed in Wellington). Is there a chance to move this meeting?

s7(2)(a)

[cid:image003.jpg@01D72AEA.0AF80820]

s7(2)(a)

Senior Executive Assistant s7(2)(a)

s7(2)(a)

General Manager, National Services

Email: s7(2)(a)

I work flexible hours so sometimes send emails outside of work hours, please do not feel compelled to reply outside of your normal working day.

[cid:image005.png@01D6B848.239C99F0]

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 21 July 2021 1:50 PM
To: Stephanie Kelly
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Thanks Steph.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 20 July 2021 3:28 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Not yet. Will send you a copy as soon as I receive it .

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 20 July 2021 2:55 pm
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Kia ora Steph,

Had you received a latest version of the local Bill you were able to share.

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, 14 July 2021 6:59 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Hi Dan,

I am still waiting for it back from our legal team. The lawyers who are working on it have been on leave this week. I will send it to you as soon as possible.

Can we please confirm the dates ASAP so I can ensure our lawyer can attend.

Also FYI I am meeting with Gina next week to discuss the necessary lwi engagement.

Cheers,

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | **E:** stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 13 July 2021 3:48 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Kia ora Steph,

Are you able to send through the latest draft of the reserves local Bill?

Also we are thinking potentially 4-5 August for the site visits and workshop for the local Bill, but will confirm this with you soon – before we lock anything in.

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 8 July 2021 3:28 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Emailing: STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Hi Dan,

As discussed, please see attached the reserves that have initially been identified as possible sites for temporary housing.

The sites have not yet been assessed in terms of serviceability.

Let me know if you have any questions or concerns.

Cheers,

Steph

Your message is ready to be sent with the following file or link attachments:

STRICTLY CONFIDENTIAL - Reserves Identified for temporary housing

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 23 July 2021 7:44 PM
To: Stephanie Kelly
Subject: Re: Proposed Local Bill - Use of Council reserves for temporary housing

Great thanks Steph.

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From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, July 23, 2021 6:45:07 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Re: Proposed Local Bill - Use of Council reserves for temporary housing

Yes will do. Agree they will likely want to see the specific reserves. The powerpoint I provided might be useful to provide the rationale for why those reserves were selected. I am also still waiting on s7(2)(a) to provide feedback on those reserves.

Sent from my iPhone

On 23/07/2021, at 4:20 PM, Dan Shenton <Dan.Shenton@hud.govt.nz> wrote:

Me again – could you also send through the updated draft leg with the sites – once that's done. We are going to send that version to DOC – as they'll be interested in the potential sites.

Thanks heaps.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 23 July 2021 3:42 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Gina Rangi <Gina.Rangi@rotorualc.nz>; Geoff Williams <Geoff.Williams@rotorualc.nz>
Cc: Jocelyn Mikaere <Jocelyn.Mikaere@rotorualc.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>
Subject: RE: Proposed Local Bill - Use of Council reserves for temporary housing

Kia ora Dan,

Thanks for your email. Happy for you to forward the draft Bill onto your DOC contacts.

Internally we have agreed that a better approach would be to specify the reserves that can be used for temporary housing in the Bill. The specific reserves obviously won't be finally confirmed until we have engaged with Iwi and the wider community but in the meantime I am going to ask our legal advisors to amend the Bill to include the reserves we have identified to date.

Ngā mihi

Stephanie Kelly Kaiurungi Rautaki - Senior Strategic Advisor, District Development

P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W:

rotorualakescouncil.nz | https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Frotorualakescouncil.nz%2F%3Futm_source%3DStationery%26utm_medium%3DEmail%26utm_content%3DStephanie%252BKelly%26utm_campaign%3DStationery&data=04%7C01%7Cdan.shenton%40hud.govt.nz%7Ca9b5e31a0977410a853508d94d8bdc42%7C9e9b30203d3848a69064373bc7b156dc%7C1%7C0%7C637626085375899042%7CUnknown%7CTWFPbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=IBY5Hq08dPAr3oMNsLMpUbUIh7Q%2BWjQK%2FOuuHJCW2bU%3D&reserved=0

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Friday, 23 July 2021 2:48 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>;

Gina Rangi <Gina.Rangi@rotorualc.nz>; Geoff Williams <Geoff.Williams@rotorualc.nz>

Cc: Jocelyn Mikaere <Jocelyn.Mikaere@rotorualc.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>

Subject: RE: Proposed Local Bill - Use of Council reserves for temporary housing

Kia ora Steph,

Thanks for this we are reviewing the draft Bill and will provide feedback before the mid-August workshop. Given DOC administers the Reserves Act it would probably be good to bring them into this early – are you ok with HUD forwarding the draft Bill to our contacts at DOC (from Head office). We may want to also extend an invite to them to the workshop as well.

Happy to discuss,

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz<<mailto:Stephanie.Kelly@rotorualc.nz>>>

Sent: Thursday, 22 July 2021 12:33 PM

To: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz<<mailto:Jean-Paul.Gaston@rotorualc.nz>>>; Gina Rangi

<Gina.Rangi@rotorualc.nz<<mailto:Gina.Rangi@rotorualc.nz>>>; Geoff Williams

<Geoff.Williams@rotorualc.nz<<mailto:Geoff.Williams@rotorualc.nz>>>

Cc: Dan Shenton <Dan.Shenton@hud.govt.nz<<mailto:Dan.Shenton@hud.govt.nz>>>; Jocelyn Mikaere

<Jocelyn.Mikaere@rotorualc.nz<<mailto:Jocelyn.Mikaere@rotorualc.nz>>>

Subject: Proposed Local Bill - Use of Council reserves for temporary housing

Kia ora koutou,

Please find attached the latest version of the draft local Bill to enable to use of Council reserves for temporary housing for a time-limited period

Following a briefing from Ministry officials, Ministers Woods and Davidson have agreed to support the local Bill approach but in their feedback noted the need to ensure that iwi/Māori are engaged early and meaningfully

in the process including site identification. As it is currently drafted the Bill provides an all-encompassing power to use any reserve vested in or under the control of Council, with the exception of the Ngati Whakaue Gifted Reserves and any reserve identified under treaty settlement legislation as having a special reserve classification.

To date we have identified a number of reserves (approximately 8 hectares with a potential yield of 155 dwellings on a standard residential section) which would be suitable for temporary housing. To enable Council to undertake meaningful engagement with Iwi (and the wider community) a better approach might be for the legislation to be specific about the reserves that are able to be used. I am currently working with Gina and her team on a plan for engaging with Iwi and her early recommendation is that this would be a better approach.

A workshop with the appropriate RLC, MHUD and KO staff and each parties legal advisors is scheduled for August to discuss the specifics around the legislation but if a specific reserve approach was considered the better approach it would be good to have the necessary changes made to the draft Bill prior.

I look forward to your feedback. Happy to organise a meeting to discuss if required.

Nga mihi

Steph

<image001.jpg>

Stephanie Kelly Kaiurungi Rautaki - Senior Strategic Advisor, District Development

P: 07 351 8853 | 021 238 8856

E: stephanie.kelly@rotorualc.nz<mailto:stephanie.kelly@rotorualc.nz> | W:

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

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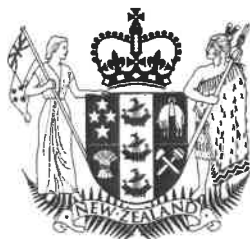
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<image003.jpg>

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Rotorua Temporary Housing (Reserves Legislation) Bill 2021

Local Bill	2021 No 1
Date of assent	
Commencement	See section 2

Contents

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7	Rights and obligations of third parties subject to councilpowers	3

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Rotorua Temporary Housing (Reserves Legislation) Act 2021.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Repeal of this Act

- (1) This Act is repealed on the tenth anniversary of the date on which it receives the Royal assent.
- (2) The Governor General may, by Order in Council, extend the date of repeal of this Act.

4 Interpretation

In this Act, unless the context requires another meaning,—

ancillary facilities—

includes roading, services and network utilities.

Council—

- (a) means Rotorua District Council; and
- (b) includes a person acting under the written authority of
 - (i) Rotorua District Council; or
 - (ii) the chief executive officer of Rotorua District Council.

reserve—

- (a) means any land within the district of the Council—
 - (i) that is a reserve or a public reserve (as those terms are defined in section 2(1) of the Reserves Act 1977) that is owned, administered, managed, or controlled by the Council; or
 - (ii) that is owned, administered, managed, controlled, or held by the Council under any enactment (other than the Reserves Act 1977) as a reserve or park, or for community purposes; and
- (b) includes part of any land described in paragraph (a); but
- (c) does not include any land—
 - (i) that is subject to the agreement between the Pukeroa Oruawhata Trust and the Council dated 30 July 1996; or

- (ii) that is a Specially Classified Reserve described in Schedule 5 of the Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008.

5 Council powers in relation to reserves

- (1) The Council may do 1 or more of the following:
 - (a) use a reserve or erect a structure on a reserve for temporary housing or accommodation, including sanitary and other ancillary facilities:
 - (b) prohibit persons from entering or remaining on a reserve:
 - (c) require persons to leave a reserve.

6 Actions of Council authorised despite management plan, Reserves Act 1977, or other enactment

- (1) The Council may act under clause 5 in relation to a reserve—
 - (a) despite anything to the contrary in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve; or
 - (b) without complying with any requirement in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve (for example, any provision relating to public notification or the hearing of objections).
- (2) However, when doing so, the Council—
 - (a) must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
 - (b) if the reserve is adversely affected by the Council's actions, must reinstate the reserve as closely as practicable to its prior condition.

7 Rights and obligations of third parties subject to council powers

- (1) In this clause, **rights and obligations** means rights and obligations under or in relation to an easement, a lease, a licence, a covenant, or other legal permission.
- (2) The powers conferred on the Council under this order—
 - (a) have effect despite the rights and obligations of any

- person or body granted in respect of a reserve; and
- (b) where necessary, override those rights and obligations.
- (3) However, before exercising a power under this order, the Council must make reasonable endeavours to give notice to a person or body whose rights and obligations in respect of a reserve will be affected or overridden by the Council's exercise of that power.

Explanatory note

This note is not part of the bill, but is intended to indicate its general effect.

This bill is temporary and will be repealed on the tenth anniversary of the date of assent. The date of repeal may be extended by Order in Council.

The bill authorises the Rotorua District Council (the **Council**) to exercise powers in relation to reserves for certain purposes that the Council would otherwise be prohibited from exercising or prohibited from exercising without satisfying certain preconditions, for example, consulting the public or hearing objections.

A reserve for the purposes of the bill is defined in *clause 4* and means any land (or part of any land) within the district of the Council—

- that is a reserve or a public reserve (as those terms are defined in section 2(1) of the Reserves Act 1977) owned, administered, managed, or controlled by the council; or
- that is any other land owned, administered, managed, controlled, or held by the council under any enactment (other than the Reserves Act 1977) as a reserve or park, or for community purposes.

Clause 4 specifically excludes any reserve:

- that is subject to the agreement between the Pukeroa Oruawhata Trust and the Council dated 30 July 1996; or
- that is a Specially Classified Reserve described in Schedule 5 of the Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008.

Clause 5 sets out the actions that the Council may take in relation to a

reserve. These are—

- to use the reserve or erect a structure on the reserve for—
 - temporary housing or accommodation, including sanitary and other ancillary facilities:
- to prohibit persons from entering or remaining on a reserve:
- to require persons to leave a reserve.

Clause 6 empowers the Councils to act under *clause 5* in relation to a reserve despite the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve. However, the Council, in doing so,—

- must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
- where undertaking remedial work, or, if the reserve is adversely affected by the council's actions, must reinstate the re-serve as closely as practicable to its prior condition.

Clause 7 relates to persons or bodies who have legal rights and obligations in respect of a reserve, for example, rights and obligations under an easement, a lease, or a licence. *Clause 7(2)* provides that those rights and obligations are subject to the powers conferred on the Council under this order. Accordingly, where there is a conflict, the powers of the Council will prevail.

However, *clause 7* requires the Council to make reasonable endeavours to give notice to the person or body before exercising a power affecting that person's or body's rights and obligations.

Issued under the authority of the Acts and Regulations Publication Act 1989

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 28 July 2021 1:12 PM
To: Stephanie Kelly
Cc: Laura Sutherland
Subject: Re: Reserves prep for the workshop and site visit in mid-August in Rotorua

Also we will get feedback to you on the draft Bill by early next week. Thanks

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, July 28, 2021 1:07:29 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: Re: Reserves prep for the workshop and site visit in mid-August in Rotorua

Ka pai will do

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From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, July 28, 2021 1:06:00 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: Reserves prep for the workshop and site visit in mid-August in Rotorua

Hi Dan,

Yes happy for you to draft something up and go from there. There is a lot on for our team at the moment.

Cheers

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 28 July 2021 1:03 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: Reserves prep for the workshop and site visit in mid-August in Rotorua

Kia ora Steph,

HUD attendees – Myself – Laura Sutherland, Matt Pilkinton, Caroline Reid, Jason Haskell, from our place-based and regulatory tools teams at HUD.

Agree on your point about iwi engagement let's change to – discussion about approach to iwi engagement, but you are right the Council will lead this and HUD will provide advice and expectations from a Treaty partnership view, and support where needed.

As a way forward maybe Laura and I can have a first go at the agenda and potential sites to visit – and send something through to you next week, if this works for you? I'll also be up in Rotorua this week so see you then.

Ngā mihi

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, 28 July 2021 12:51 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: Reserves prep for the workshop and site visit in mid-August in Rotorua

Hi Dan,

Thanks for your email.

Can you please confirm who is attending the meeting from HUD? I understand you have circulated the invite but I can't see who to?

Can you also please provide some clarity on your expectations on getting agreement on iwi engagement approach? We are obviously happy to share our intentions around this but from our perspective it is for Council to determine how to best engage with iwi and we were not expecting to require agreement from any other party.

I won't be able to work on the agenda until the end of next week as we are focused on our IAF application but happy to work with Laura on this. Given the time constraints on the first day it might be difficult to get around all the sites that KO have confirmed they wish to consider so if there are any in particular you would like to visit can you please advise.

Thanks

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 27 July 2021 4:54 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: Reserves prep for the workshop and site visit in mid-August in Rotorua

Kia ora Steph,

As I'm going to be on leave the week before our site visit and reserves workshop 16-17 Aug could you engage with Laura Sutherland in my team (who will also be picking up more of the reserves work) to finalise the agenda for the 2 days. Could you also finalise the placeholder meetings currently in our diaries to permanent. Would be great to circulate to attendees the agenda and collateral documents i.e. the sites the draft Bill and any other documents needed by 9-10 August or earlier if possible. I assume we will be having the workshop in one of the Council meeting rooms. Key items

for me for the workshop would be – discussing/ agreeing to iwi engagement approach, policy/ legal discussion of the draft Bill, discussion about the sites and due diligence required, clarity on leg drafting process and timeframes for the Bill, agreement on key actions and next steps (work programme planning if there's time).

I was also going to get in touch with Andrew Booker and my other KO contact about any early due-diligence on the sites. Laura – will leave it to you to get in touch with Steph about the agenda etc, will need to include a bit of an itinerary for the site visit to on the first day. Steph was going to facilitate the day but will also need to ensure we record and agree on the actions.

Ngā mihi

Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

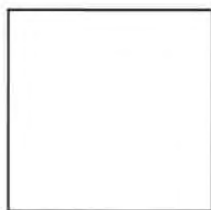
dan.shenton@hud.govt.nz | s7(2)(a)

[in](#) [t](#) [f](#) www.hud.govt.nz | 7 Waterloo Quay, Wellington



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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 3 August 2021 12:09 PM
To: Stephanie Kelly
Subject: RE: Reserves workshop 16-17 August - Andrew attendance

I'll give you a call.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 3 August 2021 11:57 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: Reserves workshop 16-17 August - s7(2)(a) attendance

Hi Dan,

There seems to be some uncertainty from KO about whether the use of reserves for temporary housing is the right approach specifically after comments KO staff made at last weeks workshop, and further to that concern raised that there is potentially no funding available to put temporary housing on these reserves. As you can appreciate, we would want to be sure that there was both a need and ability to implement this before we commence any Iwi and community engagement.

Do you have a view on this ?

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 3 August 2021 9:39 AM
To: s7(2)(a)
Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: s7(2)(a)
s7(2)(a)
s7(2)(a) Laura Sutherland <Laura.Sutherland@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: RE: Reserves workshop 16-17 August - s7(2)(a) attendance

Thanks s7(2)(a)

We will provide some options for timing soon (and draft agenda for the workshop on 17 August) - as well as what would be required by KO, RLC and the Crown to ensure the Bill and sites are ready before introduction to the house. The fastest we could get the Bill through to assent without using urgency (if we used urgency and Ministers were happy with doing so hypothetically the Bill could go through this year) is April next year – but this relies on the Council undertaking iwi engagement, public notification and preparing the Bill, as well as KO having undertaken due-diligence and having


confirmed funding to build on the sites. This would need to have been completed by October for the Bill to be introduced by November this year.

Even if we go through an urgency process Council and KO prep before the Bill is introduced would still need to occur.

Ngā mihi

Dan

outside scope



outside scope

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Monday, 2 August 2021 4:07 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: s7(2)(a)
Subject: Reserves workshop 16-17 August - s7(2)(a) attendance

Kia ora Steph,

I've just got off the phone with s7(2)(a) and he said he can no longer attend the workshop on the 17th and site visits on the 16th.

If this is correct s7(2)(a) can you please advise who will be attending in s7(2)(a) – as we'll need to have someone from KO attending, it's probably going to be difficult to reschedule again given we need to move on this work, and we have already booked in travel arrangements for HUD attendees.

Ngā mihi

Dan

Dan Shenton
Senior Policy Advisor, Place Based Outcomes



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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 6 August 2021 4:47 PM
To: s7(2)(a) Stephanie Kelly
Cc: s7(2)(a) Laura Sutherland
Subject: RE: Reserves workshop 16-17 August - Andrew attendance

That's great thanks s7(2)(a) Steph/ and Laura S will be in touch next week with an agenda. I'm on leave next week.

Steph could you finalise the meeting invites for the two days and forward onto s7(2)(a)

From: s7(2)(a)
Sent: Friday, 6 August 2021 4:27 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>; s7(2)(a) Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: s7(2)(a)
 s7(2)(a)
 s7(2)(a)
Subject: RE: Reserves workshop 16-17 August - s7(2)(a) attendance

Hi Dan. s7(2)(a) National Planning Director, is going to attend both days.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 6 August 2021 4:02 PM
To: s7(2)(a) Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: s7(2)(a)
 s7(2)(a)
 s7(2)(a)
Subject: RE: Reserves workshop 16-17 August - s7(2)(a) attendance

Kia ora Andrew,

Did we have someone or maybe more confirmed to attend the workshop[on reserves on 17 August? And potentially the site visit the day before.

Thanks

Dan

From: s7(2)(a)
Sent: Tuesday, 3 August 2021 8:49 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>; Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: s7(2)(a)
 s7(2)(a)
 s7(2)(a)
Subject: RE: Reserves workshop 16-17 August - Andrew attendance

Morning,

I think there is a pretty good selection of people who could attend.

I also think we need to have a conversation on timeframes. It appears now that the idea of a local bill will be no quicker than the disposal route?

I do think that if we are serious about using the reserves then putting the bill through under urgency would be the only worthwhile outcome.

For Kāinga Ora team – please advise who is available for the 16/17 August and we can have a full briefing session before then.

Thanks

s7(2)(a)

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Monday, 2 August 2021 4:07 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Cc: s7(2)(a)

Subject: Reserves workshop 16-17 August - s7(2)(a) attendance

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Ngā mihi

Dan

Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | s7(2)(a)

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He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 6 August 2021 4:48 pm
To: S7(2)(a) Stephanie Kelly
Cc: Claire Young; Teresa Pou; Darren Toy; Brent Limmer
Subject: RE: Reserves workshop 16-17 August - Andrew attendance

Great thanks S7(2)

Steph could you finalise the meeting invites for 17th and forward this onto S7(2)
(a)

From: S7(2)(a)
Sent: Friday, 6 August 2021 4:38 PM
To: S7(2)(a) Dan Shenton <Dan.Shenton@hud.govt.nz>; S7(2)(a)
S7(2)(a) Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
S7(2)(a)
Subject: RE: Reserves workshop 16-17 August - S7(2)(a) attendance

Kia ora,

I will attend the workshop on the 17th August.

Thank you,

S7(2)(a)



S7(2)(a)

Regional Property Manager
Bay of Plenty

S7(2)(a)

From: S7(2)(a)

Sent: Friday, 6 August 2021 4:27 PM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>; S7(2)(a)

Stephanie Kelly

<Stephanie.Kelly@rotorualc.nz>

S7(2)(a)

Subject: RE: Reserves workshop 16-17 August - S7(2)(a) attendance

Hi Dan. S7(2)(a) National Planning Director, is going to attend both days.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Friday, 6 August 2021 4:02 PM

To: S7(2)(a)

Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

S7(2)(a)

Subject: RE: Reserves workshop 16-17 August - S7(2)(a) attendance

Kia ora S7(2)(a)

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Sent: Tuesday, 3 August 2021 8:49 AM

To: Dan Shenton <Dan.Shenton@hud.govt.nz>; Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

S7(2)(a)

Subject: RE: Reserves workshop 16-17 August - S7(2)(a) attendance

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For Kāinga Ora team – please advise who is available for the 16/17 August and we can have a full briefing session before then

Thanks

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Sent: Monday, 2 August 2021 4:07 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

S7(2)(a)

Subject: Reserves workshop 16-17 August - S7(2)(a) attendance

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Ngā mihi

Dan

Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

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dan.shenton@hud.govt.nz | S7(2)(a)

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 6 August 2021 4:50 pm
To: Stephanie Kelly
Cc: Jean-Paul Gaston; Gina Rangi; Jocelyn Mikaere
Subject: RE: In Confidence - Updated draft Local Bill

Thank you Steph.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 6 August 2021 3:56 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Gina Rangi <Gina.Rangi@rotorualc.nz>; Jocelyn Mikaere <Jocelyn.Mikaere@rotorualc.nz>
Subject: In Confidence - Updated draft Local Bill

Kia ora Dan,

Please find attached the updated draft Bill which includes the specific reserves subject to the Bill.

Let me know if you have any queries.

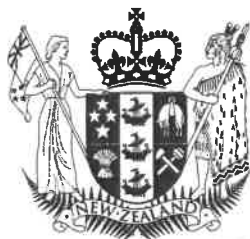
Nga mihi

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 07 351 8853 | 021 238 8856
E: stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand



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Rotorua Temporary Housing (Reserves Legislation) Bill 2021

Local Bill	2021 No 1
Date of assent	
Commencement	See section 2

Contents

1	Title.....	1
2	Commencement	2
3	Repeal of this Act.....	2
4	Interpretation.....	2
5	Declaration of reserves.....	2
6	Council powers in relation to reserves	2
7	Actions of Council authorised despite management plan, Reserves Act 1977, or other enactment	3
8	Rights and obligations of third parties subject to council powers	3

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Rotorua Temporary Housing (Reserves Legislation) Act 2021.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Repeal of this Act

- (1) This Act is repealed on the tenth anniversary of the date on which it receives the Royal assent.
- (2) The Governor General may, by Order in Council, extend the date of repeal of this Act.

4 Interpretation

In this Act, unless the context requires another meaning,—

ancillary facilities—

includes roading, services and network utilities.

Council—

- (a) means Rotorua District Council; and
- (b) includes a person acting under the written authority of
 - (i) Rotorua District Council; or
 - (ii) the chief executive officer of Rotorua District Council.

reserve—

- (a) means any land within the district of the Council which is declared to be a reserve subject to this Act under section 5; and
- (b) includes part of any land described in paragraph (a).

5 Declaration of reserves

- (1) The sites described in Schedule 1 are reserves subject to this Act.
- (2) The Governor-General may, by Order in Council, declare additional reserves to be subject to this Act.

6 Council powers in relation to reserves

- (1) The Council may do 1 or more of the following:
 - (a) use a reserve or erect a structure on a reserve for temporary housing or accommodation, including sanitary and other ancillary facilities:

- (b) prohibit persons from entering or remaining on a reserve;
- (c) require persons to leave a reserve.

7 Actions of Council authorised despite management plan, Reserves Act 1977, or other enactment

- (1) The Council may act under clause 5 in relation to a reserve—
 - (a) despite anything to the contrary in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve; or
 - (b) without complying with any requirement in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve (for example, any provision relating to public notification or the hearing of objections).
- (2) However, when doing so, the Council—
 - (a) must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
 - (b) if the reserve is adversely affected by the Council's actions, must reinstate the reserve as closely as practicable to its prior condition.

8 Rights and obligations of third parties subject to council powers

- (1) In this clause, **rights and obligations** means rights and obligations under or in relation to an easement, a lease, a licence, a covenant, or other legal permission.
- (2) The powers conferred on the Council under this order—
 - (a) have effect despite the rights and obligations of any person or body granted in respect of a reserve; and
 - (b) where necessary, override those rights and obligations.
- (3) However, before exercising a power under this order, the Council must make reasonable endeavours to give notice to a person or body whose rights and obligations in respect of a reserve will be affected or overridden by the Council's exercise of that power.

Schedule 1
Reserves subject to this Act

Reserve	Legal Description
High Street Reserve	Part Lot 92 DPS 604
Warwick Drive Reserve	Lot 1 DPS 48522
Lee Road Reserve	Lot 59 DP33114 Lot 8 DP 37398
Turner Drive Reserve	Lot 266 DPS 5333
Park Road Reserve	Lot 3 DPS 33645
Coulter Road Reserve	Part Lot 37 DPS 3067
Steeles Road Reserve	Lot 43 DPS1725
Jessie Martin Park	Part section 1A Block XVI Rotorua SD (ML 11108)

Explanatory note

This note is not part of the bill, but is intended to indicate its general effect.

This bill is temporary and will be repealed on the tenth anniversary of the date of assent. The date of repeal may be extended by Order in Council.

The bill authorises the Rotorua District Council (the **Council**) to exercise powers in relation to reserves for certain purposes that the Council would otherwise be prohibited from exercising or prohibited from exercising without satisfying certain preconditions, for example, consulting the public or hearing objections.

A reserve for the purposes of the bill is defined in *clause 4* and *clause 5* and means any land (or part of any land) within the district of the Council—

- that is described in Schedule 1; or
- that is declared to be subject to the bill by the Governor-General by Order in Council.

Clause 6 sets out the actions that the Council may take in relation to a reserve. These are—

- to use the reserve or erect a structure on the reserve for temporary housing or accommodation, including sanitary and other ancillary facilities:
- to prohibit persons from entering or remaining on a reserve;
- to require persons to leave a reserve.

Clause 7 empowers the Councils to act under *clause 5* in relation to a reserve despite the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve. However, the Council, in doing so,—

- must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
- where undertaking remedial work, or, if the reserve is adversely affected by the council's actions, must reinstate the re-serve as closely as practicable to its prior condition.

Clause 8 relates to persons or bodies who have legal rights and obligations in respect of a reserve, for example, rights and obligations under an easement, a lease, or a licence. *Clause 8(2)*

provides that those rights and obligations are subject to the powers conferred on the Council under this order. Accordingly, where there is a conflict, the powers of the Council will prevail.

However, *clause 8* requires the Council to make reasonable endeavours to give notice to the person or body before exercising a power affecting that person's or body's rights and obligations.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 6 August 2021 7:25 pm
To: Stephanie Kelly
Cc: Laura Sutherland; Caroline Reid; Jean-Paul Gaston; Nick McNabb
Subject: Draft agenda - and rough game plan for next week
Attachments: 17 August workshop draft agenda.docx

Kia ora Steph,

Please find attached the draft agenda (with a few instructions =)). I'm on leave all next week but if you could liaise with Laura to finalise the agenda that would be great. In terms of getting things firmed up for the 16th and 17th Laura can work with you on –

- Finalising the agenda and sending this out (either you or Laura) to attendees along with the clean version of the Bill, document of the sites (site map and PowerPoint), and the document Laura has been developing on all the stages we think there's three (pre Bill, Bill stage in parliament, and post Bill – Building and transitioning people into the homes). Would be good to have this sent out to attendees by COP this Tuesday.
- The site visit which sites to visit and a bit of a rough route of where to go – maybe include something in the email to attendees about doing a convoy. Starting at Council building at 1pm. We will have a car and hopefully others will to.

I think that's all – Laura can you ensure Matt and Jason have sent our comments on the Bill to Steph and others from Council already. Will need copies to work through at the workshop too.

Ok I realise I'm being a bit cheeky here asking you to do all this organising while I'm on leave, apologies but I would have picked this up, and Laura will do an awesome job subbing in for me while I'm down south. I've also cc'ed my manager Caroline into the email who is able to provide some guidance where needed.

Ngā mihi

Dan

Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | S7(2)(a)

www.hud.govt.nz | 7 Waterloo Quay, Wellington



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**MINISTRY OF HOUSING
AND URBAN DEVELOPMENT**

AGENDA: *Workshop for the Rotorua Lakes Council on the proposed Rotorua Lakes Council Bill*

Commented [LS1]: Will come up with a more action-oriented title

Attendees: Stephanie Kelly, Jean-Paul Gaston, Rosemary Viskovic, Kate Cornegé, Wendy Embling, Rob Pitkethley, Gina Rangī (Rotorua Lakes Council)
 Caroline Reid, Dan Shenton, Laura Sutherland, Matt Pilkinton, Fiona McCarthy, Jason Haskell (HUD)
Date: 17 August 2021
Time: 9:00 – 3:00pm
Venue: Rototiti Meeting Room, Rotorua Lakes Council Buildings
Security: IN-CONFIDENCE
 S7(2)(a) Kāinga Ora

Commented [DS2]: Steph can you ensure that Matt Pilkinton is on the meeting request and not Matt Fraser.

Apologies: First and last names

Time	Topic	Lead
	Welcome introductions and an overview of what we propose	
9-9.30am	PART ONE – Why are we doing this work? Recap – what is the problem, and what are we trying to achieve? Agreement on what are we aiming to achieve today? [whiteboard session]	RLC (HUD support)
9.30am-11am (break for morning)	PART TWO – What needs to be achieved? a) To discuss and jointly agree on key actions and responsibilities required at key stages of the work – 1. Before the Bill enters parliament (pre-Bill) 2. During parliament – Bill stages to royal assent 3. Post royal assent and implementation. b) Agree on an overall timeframe to complete on three stages. c) Specific discussion about what iwi and wider community consultation will entail pre and post parliamentary stages. • HUD to provide a draft set of actions (before the workshop) – but further input required from participants. • The agreed stages and actions will form the basis of a project plan (agreed to between – HUD, RLC and Kāinga Ora). HUD to develop first draft. [whiteboard session]	HUD (RLC support)
	Working break for morning tea if required – 11am	
11.15am-12.30pm	PART THREE – Discussion about the local Bill • Work through initial feedback on the Bill from agencies, and agree/work through proposed changes.	RLC
	Lunch 12.30pm-1pm	

Commented [DS3]: Steph could you talk to Gina about getting someone to start and close our hui with a karakia

Commented [LS4]: Again, working on the titles.

Commented [DS5]: Steph assume you were going to organise catering given the numbers we have is around 15 – Laura could you help Steph if needed on getting dietary requirements – maybe get these when you send the agenda and relevant docs.

IN-CONFIDENCE

1pm-2.30pm	PART FOUR – Discussion about the sites / finish discussion on Bill if needed <ul style="list-style-type: none"> • Discuss/ agree to specific sites to be utilised and due diligence processes required. 	<i>All (HUD to facilitate if needed)</i>
2.30pm-3pm	PART FOUR – Wrap up and next steps <ul style="list-style-type: none"> • Agree to actions and next steps – potentially look to set up regular project catch-ups to track progress. 	

Collateral for this meeting – Reserves local Bill; timeframe document and options for leg process; sites and map of sites (RLC to produce).

Commented [D56]: Laura/ Steph – could you tidy this up. Would be awesome if we could have these documents plus the agenda by COP this Tuesday 10 Aug.

Laura you'll need to print final documents by Friday next week – though we could use Council facilities if we can't get things finished by then.

From: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Sent: Monday, 9 August 2021 2:29 pm
To: Stephanie Kelly; Jean-Paul Gaston; Gina Rangi; Jocelyn Mikaere; S7(2)(a)
Cc: S7(2)(a) Laura Sutherland; Jason Haskell; Fiona McCarthy
Subject: RE: In Confidence - Updated draft Local Bill
Attachments: HUD comments on draft Rotorua Reserves local Bill - 9 August.docx

Hi,

Please find attached HUD's comments on the latest draft of the Bill.

Let me know if you have any questions.

Cheers,
Matt

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 6 August 2021 3:56 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Cc: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Gina Rangi <Gina.Rangi@rotorualc.nz>; Jocelyn Mikaere <Jocelyn.Mikaere@rotorualc.nz>
Subject: In Confidence - Updated draft Local Bill

Kia ora Dan,

Please find attached the updated draft Bill which includes the specific reserves subject to the Bill.

Let me know if you have any queries.

Nga mihi

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 07 351 8853 | 021 238 8856

E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

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



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MEMO

HUD comments on draft Rotorua Reserves local Bill

To: Stephanie Kelly (RLC), S7(2)(a) (Kāinga Ora)
CC: Dan Shenton, Jason Haskell, Laura Sutherland
From: Matt Pilkinton
Date: 9 August **Security level:** In Confidence
Priority: Medium

1. This memo provides HUD comments on the draft local Bill provided to HUD by Rotorua Lakes Council (RLC) on 6 August 2021.

Purpose Clause

2. The Bill would benefit from the addition of a purpose clause to clarify the intent of the Bill. Any powers conferred by the Bill (i.e. any Order in Councils and RLC's ability to ignore primary legislation) would need to be consistent with the Bill's purpose.
3. The purpose clause could mention things such as:
 - a. the urgent need to increase the supply of transitional and emergency housing in Rotorua while a more permanent solution is developed; and
 - b. ensuring the housing used for transitional and emergency housing in Rotorua is suitable for this use (as opposed to emergency housing in motels).
4. RLC may also want to consider whether reference to the Treaty of Waitangi should be included (either in the purpose clause or elsewhere in the Bill).

Clause 3 – Repeal of this Act

5. Subclause (1) states that the Act will be repealed 10 years after the date on which it receives the Royal Assent. Is 10 years a sufficiently long time-period given the need for housing in Rotorua and realistic timeframes for implementing a more permanent solution?
6. Subclause (2) gives the Governor General the power to extend the date of repeal of the Act by Order in Council. Ideally this would be unnecessary, however, if this power is going to be included in the Act a process for it should be included. For example:
 - a. RLC applies to Minister of Housing for the Act to be extended.
 - b. Minister of Housing, in consultation with the Minister of Conservation, considers whether extending the Act is consistent with its purpose.
 - c. If the Minister considers that an extension is consistent with the Act's purpose they would then recommend that Cabinet approve extending the Act by OiC.

Clause 4 – Interpretation

7. **Ancillary facilities** – Is there anything other than “roading, services and network utilities” that should be specifically listed in this definition? Note that it is a non-exhaustive list and sanitary facilities are already separately listed in clause 6.

Clause 5 – Declaration of Reserves

8. Clause 5(2) is likely to cause concerns that the Act could end up applying much wider than just the reserves listed in Schedule 1 without the full parliamentary scrutiny that will apply to the Schedule 1 reserves. Suggest removing it unless there's a strong reason why it is necessary.
9. If Clause 5(2) is retained then a process for considering the addition of the reserves should be included in the Act. Ideally this process would include consideration of whether the addition of the reserves by OiC is consistent with the Act's purpose.

Schedule 1 – Reserves subject to this Act

10. RLC should check whether Schedule 1 is consistent with Parliament's Standing Orders (Appendix 3, Clause 9). Looks like RLC will need to obtain a certificate from the Chief Executive of LINZ confirming that the description of the land is correct.

Clause 6 – Council powers in relation to reserves

11. As currently drafted, paragraphs (b) and (c) would permit the Council to prohibit persons from entering or remaining on a reserve or require persons to leave a reserve regardless of whether this is linked to the use of the reserves for temporary housing. Suggest this be amended so that paragraphs (b) and (c) only apply if necessary to use the reserves for temporary housing.

Clause 7 – Actions of Council authorised despite management plan, Reserves Act 1977, or other enactment

12. Subclause (1)(a) and (b) give the Council the power to act in relation to a reserve despite anything to the contrary/ without complying with any requirement in “**any other enactment** under which the reserve is held or that applies to the reserve”. The reference to “any other enactment” is incredibly broad and would effectively allow RLC to ignore any other piece of primary legislation in relation to the reserves (including constitutionally important pieces of legislation such as the BORA).
13. RLC should identify if there are any enactments beyond the management plan for the reserve and the Reserves Act 1977 that it would need to be able to ignore in order to effectively use the reserves for temporary housing. If there are, these specific enactments (preferably sections rather than the whole enactment) should be listed in the Bill instead of the “any other enactment” wording.
14. The Canterbury Order, which included the “any other enactment” wording was made under the Canterbury Earthquake Recovery Act 2011. Section 71 of that Act lists the legislation that Orders made under the Act could ignore and as such the “any other enactment” wording in the Canterbury Order was more constrained than it is in this draft Bill.

Clause 8 – Rights and obligations of third parties subject to council powers

15. It would be helpful to understand the situations in which the rights and obligations of third parties in relation to the reserves do need to be overridden in order to effectively use the reserves for temporary housing. As these third parties are likely to raise objections to the Bill it would be helpful to understand this ahead of time.

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Monday, 9 August 2021 4:48 pm
To: Stephanie Kelly
Cc: Dan Shenton
Subject: Timing options for reserves Bill
Attachments: Rotorua reserves local bill - timing.docx

Kia ora Stephanie,

Thanks for talking with me earlier. I've attached the document I mentioned, about the different timing options we have for the Bill. I'm still working out how long some of these actions are likely to take, then we can have a more solid picture of our options. Would you be able to give me your best estimate of how long Council will take to finalise the contents of the Bill, and undertake due diligence on the chosen reserves?

Ngā mihi nui,



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Rotorua reserve lands local Bill – timing choices

Option 1 – no intervention

- **Royal assent by X**
- Would take the longest of all identified options

Option 2 – shortened select committee process, other levers?

- **Royal assent by X**
- Subject to agreement from the house, this could shorten the legislative process by an agreed upon amount of time

Option 3 – pass Bill under urgency

- **Royal assent as early as X**
- Public perception that law is being passed without appropriate scrutiny

	Stage	Agency responsible	OPTION 1 No intervention	OPTION 2 Speedy version	OPTION 3 Urgency
Pre-Parliament	Finalise Bill	Council (and HUD and PCO)			
	Consultation with iwi and community	Council	Minimum 2 weeks	Minimum two weeks	Minimum two weeks
	Site due diligence	Council			
	Confirmation of housing delivery (funding)	KO and/or CHPs			
Parliamentary process	Introduction to House (needs to be by October/November)	HUD/ central govt	Once above is completed	Once above is completed	Once above is completed
	First reading	HUD/ central govt	1-2 weeks	1-2 weeks	

Stage	Agency responsible	OPTION 1 No intervention At least 4 months	OPTION 2 Speedy version Less than 4 months ²	OPTION 3 Urgency As little as 1 day ¹
Select committee	HUD/ central govt	At least 4 months	Less than 4 months ²	As little as 1 day ¹
Second reading	HUD/ central govt	2-4 weeks	2-4 weeks	Only a Minister can move urgency. Requires simple majority in the House.
Committee of the whole House	HUD/ central govt	2-4 weeks	2-4 weeks	
Third reading	HUD/ central govt	2-4 weeks	2-4 weeks	
Royal assent	HUD/ central govt	1-3 weeks	1-3 weeks	1-3 weeks
RMA processes	Council	TBA	TBA	TBA
Build	KO and/or CHPs			
Wraparound support for residents	HUD			
Residents move in				
Total		X weeks	X weeks	X weeks

² Minister can propose that select committee reports back in less than 4 months – this is a debateable motion and must be passed by the House.

¹ The House may proceed with business until it is completed, including extra sitting days, and can skip select committee. Normally a Bill can't proceed through more than one stage each sitting day.

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Friday, 13 August 2021 9:16 am
To: Stephanie Kelly
Subject: RE: 17 August workshop draft agenda

Yep got it! I'm just getting everything together to send out.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 13 August 2021 9:08 am
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: 17 August workshop draft agenda

Hi Laura,

I sent through the Bill last night. Did you receive it?

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Thursday, 12 August 2021 4:08 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: 17 August workshop draft agenda

Hi Steph, could you please send through the latest copy of the Bill?

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 12 August 2021 1:06 pm
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: 17 August workshop draft agenda

It would be amazing if you could distribute everything. Sorry timing isn't great with IAF being due next week. Assume you have the A3 from Jason?

I have attached the itinerary for site visits. It allows approx. 15 minutes at each reserve.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Thursday, 12 August 2021 11:10 AM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: 17 August workshop draft agenda

Hi Steph,

Yep, we definitely considered the advice given to is by the Clerk's office.

We spoke to our lawyers here and they advised that an application could not be submitted until the enabling legislation is in place. My guess is that this is to prevent any time being wasted in the case that future Bills do not go through (in general, not specific to the reserves case).

Do you want to send everything through to me and I can distribute it? Or would you like to do this?

Thanks,

Laura

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Thursday, 12 August 2021 10:56 am

To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>

Subject: RE: 17 August workshop draft agenda

Hi again Laura.

Couple of comments on the attachment. It appears as though what you have prepared considers the advice received from the Office of the Clerk but just wanted to confirm?

Also we (or the CHP) could technically submit and have granted an application for land use consent but it would be conditional on the Bill being passed.

Will get the other stuff out today.

Cheers,

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>

Sent: Thursday, 12 August 2021 10:39 AM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Subject: RE: 17 August workshop draft agenda

Great, thanks Steph. I've attached a revised version of the timing document we've been working on, if you're happy with it then this will be the version we bring to the workshop. At the bottom of the agenda is a list of documents we'll be providing – these are:

- Latest copy of the Bill
- Legislation process document (the A3 Jason sent you a few weeks ago)

- Timeframes document (attached)
- Sites trip itinerary
- Map of sites

Do you think we could get all of this together by the end of the day and send them around to everyone coming? If you can give me a final list of the reserves I can put a map together.

Thanks,

Laura

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 12 August 2021 10:17 am
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: 17 August workshop draft agenda

Hi Laura,

The agenda looks great. I will draft up the itinerary for the site visits.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
 P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Wednesday, 11 August 2021 2:40 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: RE: 17 August workshop draft agenda

Kia ora Steph,

I've had a go at reframing the workshop so it's a bit more open and there's more space for people to bring up emerging issues we may not have thought about yet. Would you mind having a look at the updated version attached? I'll send through dietary requirements from us and the Kāinga Ora staff once everyone gets back to me.

Ngā mihi,

Laura

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, 11 August 2021 1:54 pm
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: 17 August workshop draft agenda

Hi Laura,

Only a couple of comments from me on the agenda for the workshop. Are you happy to make any changes so it can be sent out tomorrow?

I have ordered lunch but can you please confirm any dietary requirements from HUD stuff.

I will work on the agenda for site visits tomorrow morning so it can be sent out with the agenda.

Steph



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Rotorua reserve lands local Bill – enabling smooth passage

Overview

The total time from drafting to enactment will depend on how long it takes for RLC to introduce the Bill, and the priority given to the Bill in the House during the Parliamentary process. Introducing the Bill will require RLC to finalise the sites to be included in the Bill, finalise the drafting of the Bill (including engagement with PCO), undertake engagement and other processes required before the introduction of a local Bill. Once introduced the Bill could take between 6-8 months to be enacted. The parliamentary process could be quicker if the House agrees to a shortened select committee consideration of the Bill.

So long as the Bill is introduced and receives its first reading (and referral to select committee) before the Parliamentary Summer recess it should still be feasible to have enactment by mid-2022. The last Members' day for the year is 8 December so this would be the last opportunity for the Bill to receive first reading this year. However, aiming for an earlier Member's day would be preferable to reduce the risk of other Parliamentary business causing first reading to be delayed until 2022.

Possible ways to speed up a local Bill

Shortened select committee process

- Select committees normally have 4-6 months to consider a Bill before reporting back to Parliament. This time can be reduced to less than 4 months with the agreement of the House.

Pass Bill under urgency¹

- There is no precedent for using urgency for a local Bill. The Office of the Clerk has advised that unanimous support from all MPs would be required to move urgency for a local Bill. If urgency is necessary, it would be better to proceed with a Government Bill.

Commented [JR1]: Can you add a basic process chart showing each stage of a Bill – i.e. introduction, first reading, second reading etc. If someone isn't aware of the Bill process, they won't understand the nuances.

Commented [LS2R1]: We'll be bringing along copies of Jason's A3 on the Bill process

Commented [MP3]: Should check this. Struggling to find a list of member's days but know they're every 2nd Wednesday in sitting weeks so working forwards from 4 August (which I know was a member's day).

Commented [LS4R3]: That's all I could find on the Internet too

¹ The House may proceed with business until it is completed, including extra sitting days, and can skip select committee. Normally a Bill cannot proceed through more than one stage each sitting day.

Possible ways to speed up implementation

Prepare resource consent application before Bill is passed

- Application cannot be submitted before the Bill is in force as it will not yet be legal to build on the identified land. However, Council can prepare the application as far as is practicable before the Bill passes, which may condense the time between Royal assent and construction.

Revoke reserves status under Reserves Act

- DOC has advised that this could be a faster process than a local Bill. However, it may not be a viable option for any reserves in the Bill that are not appropriate for permanent revocation of reserves status.

Standard legislative process and timing for a Local Bill

	Stage	Agency responsible	Timing
Pre-Parliament	Consultation with iwi and community	Council	Timing depends on how quickly Council want the Bill enacted. These activities are important for improving the quality of the Bill which will help ensure its smooth passage through Parliament.
	Site due diligence	Council	
	Confirmation of housing delivery (funding)	Council	
	Finalise Bill drafting and notification	Council	
Parliamentary process	Introduction to House	Member in charge	Finalising the drafting will depend on how quickly the Council wants the Bill enacted. The Office of the Clerk has advised to expect the notification requirements to take 6-8 weeks. This includes 2 weeks for Council to prepare notifications, 2 weeks for notices to be published and 2 weeks for the Clerk to check the requirements have been met and certify the Bill for introduction. If these stages are completed, and the Bill is introduced and receives first reading before the Parliamentary summer recess, it will be possible to have enactment by mid-2022.
	First reading		Once above is completed
	Select committee	Select Committee	1-2 weeks
	Second reading	Member in charge	At least 4 months. The Member in charge of the Bill can propose that select committee reports back in less than 4 months – this is a debateable motion and must be passed by the House.
	Committee of the whole House		2-4 weeks
	Third reading		2-4 weeks
	Royal assent	Governor-General	2-4 weeks
Implementation	RMA processes		1-3 weeks
	Build		Council can prepare application so far as is practicable before the Bill passes, but cannot submit until the Bill is in force.
	Wraparound support for residents		
	Residents move in		

AGENDA: Meeting to discuss local Bill to enable temporary housing on reserve land

Attendees: *Stephanie Kelly, Jean-Paul Gaston, Rosemary Viskovic, Kate Cornegé, Wendy Embling, Rob Pitkethley, Gina Rangi (Rotorua Lakes Council)*
Caroline Reid, Dan Shenton, Laura Sutherland, Matt Pilkinton, Jason Haskell (HUD)
S7(2)(a) (Kāinga Ora)

Date: *17 August 2021*
Time: *9:00 – 3:00pm*
Venue: *Rotoiti Meeting Room, Rotorua Lakes Council Buildings*
Security: *IN-CONFIDENCE*

Apologies:

Time	Topic	Lead
Welcome introductions and an overview of what we propose		
9-9:30am	PART ONE – Context setting (whiteboard session) <ul style="list-style-type: none"> Recap – what is the problem, and what are we trying to achieve? Agree on objectives for the day. Opportunity to add any emerging issues to the agenda. 	RLC
9:30am-10:45am	PART TWO – What needs to be achieved? <ul style="list-style-type: none"> HUD to speak to legislative process, responsibilities, and opportunities to shorten processes (refer to timeframes document). RLC to discuss its intentions for process and timing. RLC to share planned approach to iwi and community engagement. 	HUD RLC
<i>Morning tea – 10:45am-11am</i>		
11:00am-12:30pm	PART THREE – Discussion about the local Bill <ul style="list-style-type: none"> Work through initial feedback on the Bill from agencies, and agree/work through proposed changes. 	RLC
<i>Lunch 12:30pm-1pm</i>		
1pm-2:15pm	PART FOUR – Discussion about the sites/finish discussion on Bill if needed <ul style="list-style-type: none"> Discuss/agree to specific sites to be utilised and due diligence processes required. Discuss resource consent process and timing. 	All
2:15pm-3pm	PART FIVE – Wrap up and next steps <ul style="list-style-type: none"> Opportunity to discuss issues raised in Part One. Agree to actions and next steps, including further meetings if required. 	All

Collateral for this meeting – Reserves local Bill, legislation process document, timeframe document, sites and map of sites (RLC to produce).

IN-CONFIDENCE

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Friday, 13 August 2021 9:54 am
To: Stephanie Kelly; jean-paul.gaston@rotorualc.nz; rosemary.viskovic@rotorualc.nz; S7(2)(a) gina.rangi@rotorualc.nz; Rob Pitkethley; Caroline Reid; Dan Shenton; Matt Pilkinton; Jason Haskell; S7(2)(a)
Cc:
Subject: Materials for Rotorua reserves site visits and workshop
Attachments: Local Bill A3.pptx; Rotorua reserve lands local Bill timing.docx; Site visit itinerary.docx; WJE-222361-475-46-7 Rotorua Temporary Housing Reserves Legislation Bill clean copy 6 Aug.docx; 17 August workshop agenda.docx

Kia ora koutou,

Please find attached the materials for our site visits and workshop in Rotorua next week:

- Site visit itinerary and map
- Workshop agenda
- A3 – local Bill process
- Timing implications for local Bill
- Latest draft of the local Bill

Ngā mihi,



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Introducing a local Bill to Parliament

Contact the Office of the Clerk

- The Office of the Clerk should be contacted before initiating any procedures to introduce the Bill.
- The Office of the Clerk then recommends that the Parliamentary Counsel Office reviews the draft Bill before undertaking the steps below.

Notify the public

- The public must be notified of the council's intent to introduce the Bill to Parliament for two consecutive weeks in a daily newspaper circulating in the district. This notice must describe the Bill and provide:
 - an address for the public to send communications
 - an address where a physical copy of the Bill can be inspected
 - a website where the Bill is publicly available (for at least two weeks following the first day of public notification)
 - The dates which the Bill is available for inspection.
- A certified copy of the Bill must be deposited in a public library or service centre when the public is first notified.
- Notice must also be given to every person who (to the promoter's knowledge) has a direct interest in the subject matter of the Bill or in the exercise of any power proposed in the Bill.
- General and Māori ward MPs whose constituents may be affected must also be notified. The council's CE must certify each MP that has been notified, specifying the date this occurred.

Local Bills dealing with Land

- Local Bills dealing with land have additional requirements. A description of the affected land and plan for it (in a form specified in rules made under the Cadastral Survey Act 2002) must be prepared and included with the Bill for public inspection. These must also be lodged with the relevant office at Land Information New Zealand and approved by its CE.

Introducing the Bill to Parliament

- When the above is all complete, a declaration to the House relating to the introduction of the Bill is written and sent to the Clerk. This must include each deposited copy of the Bill as certified, copies of any descriptions of land and plans, and copies of notices and certificates. When the Clerk confirms standing orders have been followed, the Bill can be introduced.
- To introduce the Bill, notice of intention to introduce is given by any MP by delivering a signed copy to the Clerk on any working day or by 1 pm on any sitting day.
- The Bill is then set down for first reading on the third sitting day following its introduction.

Parliamentary process

Introduction

- The Clerk confirms the Bill complies with standing orders
- The Bill's sponsor introduces it to the House

First Reading

- MPs debate the Bill for one hour then vote on progressing it to first reading.
- If the House votes for it, the Bill is set down for first reading and referred to the relevant select committee.

Select Committee

- The select committee will consider the Bill, call for public submissions and holds hearings.
- The committee then reports back to the house with recommended amendments.

Second Reading

- MPs debate the main principles of the Bill and the recommended changes from select committee.

Committee of the Whole

- The committee consists of all MPs.
- The Bill is considered again, members can propose additional amendments.

Third Reading

- The final stage in the House.
- MPs hold a summary debate and decide if the Bill should be passed.

Royal Assent

- The Governor-General signs the Bill into law by giving it Royal assent

Timeframes

Depends

- Timeline depends on how quickly council can complete the process to prepare the Bill for introduction

1-2 weeks

- The Bill is set down for first reading three sitting days after introduction, and occurs on the next members day

Depends

- Time at select committee should be specified in sponsor's first reading speech. If less than 4 months the house will have to agree to this.

2-4 weeks

- A Bill can be read a second time no sooner than the third sitting day after the select committee reports back to the House

2-4 weeks

- There is no time limit on these debates, however they can vary according to length or complexity of the Bill

2-4 weeks

1-3 weeks

- Normally occurs relatively quickly after third reading (at most a couple of weeks)

Rotorua reserve lands local Bill – enabling smooth passage

Overview

The total time from drafting to enactment will depend on how long it takes for RLC to introduce the Bill, and the priority given to the Bill in the House during the Parliamentary process. Introducing the Bill will require RLC to finalise the sites to be included in the Bill, finalise the drafting of the Bill (including engagement with PCO), undertake engagement and other processes required before the introduction of a local Bill. Once introduced the Bill could take between 6-8 months to be enacted. The parliamentary process could be quicker if the House agrees to a shortened select committee consideration of the Bill.

So long as the Bill is introduced and receives its first reading (and referral to select committee) before the Parliamentary Summer recess it should still be feasible to have enactment by mid-2022. The last Members' day for the year is 8 December so this would be the last opportunity for the Bill to receive first reading this year. However, aiming for an earlier Member's day would be preferable to reduce the risk of other Parliamentary business causing first reading to be delayed until 2022.

Possible ways to speed up a local Bill

Shortened select committee process

- Select committees normally have 4-6 months to consider a Bill before reporting back to Parliament. This time can be reduced to less than 4 months with the agreement of the House.

Pass Bill under urgency¹

- There is no precedent for using urgency for a local Bill. The Office of the Clerk has advised that unanimous support from all MPs would be required to move urgency for a local Bill. If urgency is necessary, it would be better to proceed with a Government Bill.

¹ The House may proceed with business until it is completed, including extra sitting days, and can skip select committee. Normally a Bill cannot proceed through more than one stage each sitting day.

Possible ways to speed up implementation

Prepare resource consent application before Bill is passed

- Application cannot be submitted before the Bill is in force as it will not yet be legal to build on the identified land. However, Council can prepare the application as far as is practicable before the Bill passes, which may condense the time between Royal assent and construction.

Revoke reserves status under Reserves Act

- DOC has advised that this could be a faster process than a local Bill. However, it may not be a viable option for any reserves in the Bill that are not appropriate for permanent revocation of reserves status.

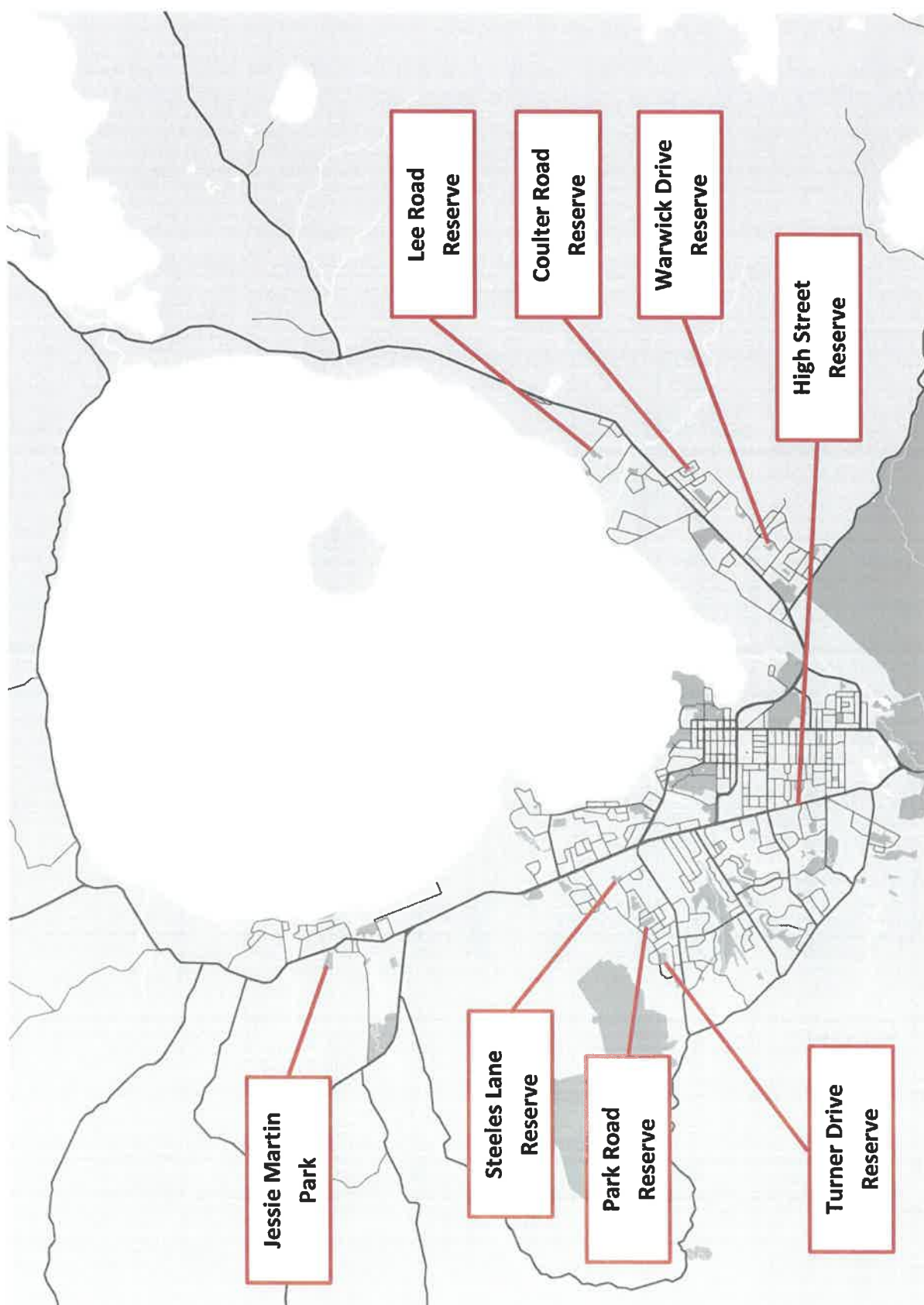
Standard legislative process and timing for a Local Bill

	Stage	Agency responsible	Timing
Pre-Parliament	Consultation with iwi and community	Council	Timing depends on how quickly Council want the Bill enacted. These activities are important for improving the quality of the Bill which will help ensure its smooth passage through Parliament.
	Site due diligence	Council	
	Confirmation of housing delivery (funding)	Council	
	Finalise Bill drafting and notification	Council	
Parliamentary process	Introduction to House	Member in charge	Finalising the drafting will depend on how quickly the Council wants the Bill enacted.
	First reading		The Office of the Clerk has advised to expect the notification requirements to take 6-8 weeks. This includes 2 weeks for Council to prepare notifications, 2 weeks for notices to be published and 2 weeks for the Clerk to check the requirements have been met and certify the Bill for introduction. If these stages are completed, and the Bill is introduced and receives first reading before the Parliamentary summer recess, it will be possible to have enactment by mid-2022.
	Select committee	Select Committee	Once above is completed
	Second reading	Member in charge	1-2 weeks
	Committee of the whole House		At least 4 months. The Member in charge of the Bill can propose that select committee reports back in less than 4 months – this is a debatable motion and must be passed by the House.
	Third reading		2-4 weeks
	Royal assent	Governor-General	2-4 weeks
	RMA processes		2-4 weeks
Implementation	Build		1-3 weeks
	Wraparound support for residents		Council can prepare application so far as is practicable before the Bill passes, but cannot submit until the Bill is in force.
	Residents move in		

Site visit itinerary – Reserves proposed for temporary housing

Monday 16 August 2021

Approx. Time	Agenda	Estimated travel time	Site details
1pm	Travel to Lee Road Reserve from Council building	15mins	Lee Road, Hannahs Bay
1.30pm	Travel to Coulter Road Reserve	5mins	Coulter Road, Owkata
1.50pm	Travel to Warwick Drive Reserve	5mins	Warwick Drive, Lynmore
2.10pm	Travel to High Street Reserve	10mins	Access off Mahoe Street, Glenhome
2.35pm	Travel to Turner Drive Reserve	10mins	Turner Drive, Western Heights
2.55pm	Travel to Park Road Reserve	3mins	Access off Brookland Road, Western Heights
3.15pm	Travel to Steeles Lane Reserve	2mins	Steeles Lane, Western Heights
3.30pm	Travel to Jessie Martin Park	20mins	Access off Hood Street, Ngongoataha





Rotorua Temporary Housing (Reserves Legislation) Bill 2021

Local Bill	2021 No 1
Date of assent	
Commencement	See section 2

Contents

1	Title.....	1
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3	Repeal of this Act.....	2
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7	Actions of Council authorised despite management plan, Reserves Act 1977, or other enactment	3
8	Rights and obligations of third parties subject to council powers	3

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Rotorua Temporary Housing (Reserves Legislation) Act 2021.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Repeal of this Act

- (1) This Act is repealed on the tenth anniversary of the date on which it receives the Royal assent.
- (2) The Governor General may, by Order in Council, extend the date of repeal of this Act.

4 Interpretation

In this Act, unless the context requires another meaning,—
ancillary facilities—
 includes roading, services and network utilities.

Council—

- (a) means Rotorua District Council; and
- (b) includes a person acting under the written authority of
 - (i) Rotorua District Council; or
 - (ii) the chief executive officer of Rotorua District Council.

reserve—

- (a) means any land within the district of the Council which is declared to be a reserve subject to this Act under section 5; and
- (b) includes part of any land described in paragraph (a).

5 Declaration of reserves

- (1) The sites described in Schedule 1 are reserves subject to this Act.
- (2) The Governor-General may, by Order in Council, declare additional reserves to be subject to this Act.

6 Council powers in relation to reserves

- (1) The Council may do 1 or more of the following:
 - (a) use a reserve or erect a structure on a reserve for temporary housing or accommodation, including sanitary and other ancillary facilities:

- (b) prohibit persons from entering or remaining on a reserve;
- (c) require persons to leave a reserve.

7 Actions of Council authorised despite management plan, Reserves Act 1977, or other enactment

- (1) The Council may act under clause 5 in relation to a reserve—
 - (a) despite anything to the contrary in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve; or
 - (b) without complying with any requirement in the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve (for example, any provision relating to public notification or the hearing of objections).
- (2) However, when doing so, the Council—
 - (a) must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
 - (b) if the reserve is adversely affected by the Council's actions, must reinstate the reserve as closely as practicable to its prior condition.

8 Rights and obligations of third parties subject to council powers

- (1) In this clause, **rights and obligations** means rights and obligations under or in relation to an easement, a lease, a licence, a covenant, or other legal permission.
- (2) The powers conferred on the Council under this order—
 - (a) have effect despite the rights and obligations of any person or body granted in respect of a reserve; and
 - (b) where necessary, override those rights and obligations.
- (3) However, before exercising a power under this order, the Council must make reasonable endeavours to give notice to a person or body whose rights and obligations in respect of a reserve will be affected or overridden by the Council's exercise of that power.

Schedule 1
Reserves subject to this Act

Reserve	Legal Description
High Street Reserve	Part Lot 92 DPS 604
Warwick Drive Reserve	Lot 1 DPS 48522
Lee Road Reserve	Lot 59 DP33114 Lot 8 DP 37398
Turner Drive Reserve	Lot 266 DPS 5333
Park Road Reserve	Lot 3 DPS 33645
Coulter Road Reserve	Part Lot 37 DPS 3067
Steeles Road Reserve	Lot 43 DPS1725
Jessie Martin Park	Part section 1A Block XVI Rotorua SD (ML 11108)

Explanatory note

This note is not part of the bill, but is intended to indicate its general effect.

This bill is temporary and will be repealed on the tenth anniversary of the date of assent. The date of repeal may be extended by Order in Council.

The bill authorises the Rotorua District Council (the **Council**) to exercise powers in relation to reserves for certain purposes that the Council would otherwise be prohibited from exercising or prohibited from exercising without satisfying certain preconditions, for example, consulting the public or hearing objections.

A reserve for the purposes of the bill is defined in *clause 4* and *clause 5* and means any land (or part of any land) within the district of the Council—

- that is described in Schedule 1; or
- that is declared to be subject to the bill by the Governor-General by Order in Council.

Clause 6 sets out the actions that the Council may take in relation to a reserve. These are—

- to use the reserve or erect a structure on the reserve for temporary housing or accommodation, including sanitary and other ancillary facilities;
- to prohibit persons from entering or remaining on a reserve;
- to require persons to leave a reserve.

Clause 7 empowers the Councils to act under *clause 5* in relation to a reserve despite the management plan for the reserve, the Reserves Act 1977, or any other enactment under which the reserve is held or that applies to the reserve. However, the Council, in doing so,—

- must take all reasonable steps in the circumstances to protect the integrity of the reserve; and
- where undertaking remedial work, or, if the reserve is adversely affected by the council's actions, must reinstate the reserve as closely as practicable to its prior condition.

Clause 8 relates to persons or bodies who have legal rights and obligations in respect of a reserve, for example, rights and obligations under an easement, a lease, or a licence. *Clause 8(2)*

provides that those rights and obligations are subject to the powers conferred on the Council under this order. Accordingly, where there is a conflict, the powers of the Council will prevail.

However, *clause 8* requires the Council to make reasonable endeavours to give notice to the person or body before exercising a power affecting that person's or body's rights and obligations.

Issued under the authority of the Acts and Regulations Publication Act 1989

AGENDA: Meeting to discuss local Bill to enable temporary housing on reserve land

Attendees: *Stephanie Kelly, Jean-Paul Gaston, Rosemary Viskovic, Kate Cornegé, Wendy Embling, Rob Pitkethley, Gina Rangi (Rotorua Lakes Council)*
Caroline Reid, Dan Shenton, Laura Sutherland, Matt Pilkinton, Jason Haskell (HUD)

Date: *17 August 2021*
Time: *9:00 – 3:00pm*
Venue: *Rotoiti Meeting Room, Rotorua Lakes Council Buildings*
Security: *IN-CONFIDENCE*

S7(2)(a) (Kāinga Ora)

Apologies:

Time	Topic	Lead
Welcome introductions and an overview of what we propose		
9-9:30am	PART ONE – Context setting (whiteboard session) <ul style="list-style-type: none"> Recap – what is the problem, and what are we trying to achieve? Agree on objectives for the day. Opportunity to add any emerging issues to the agenda. 	RLC
9:30am-10:45am	PART TWO – What needs to be achieved? <ul style="list-style-type: none"> HUD to speak to legislative process, responsibilities, and opportunities to shorten processes (refer to timeframes document). RLC to discuss its intentions for process and timing. RLC to share planned approach to iwi and community engagement. 	HUD RLC
<i>Morning tea – 10:45am-11am</i>		
11:00am-12:30pm	PART THREE – Discussion about the local Bill <ul style="list-style-type: none"> Work through initial feedback on the Bill from agencies, and agree/work through proposed changes. 	RLC
<i>Lunch 12:30pm-1pm</i>		
1pm-2:15pm	PART FOUR – Discussion about the sites/finish discussion on Bill if needed <ul style="list-style-type: none"> Discuss/agree to specific sites to be utilised and due diligence processes required. Discuss resource consent process and timing. 	All
2:15pm-3pm	PART FIVE – Wrap up and next steps <ul style="list-style-type: none"> Opportunity to discuss issues raised in Part One. Agree to actions and next steps, including further meetings if required. 	All

Collateral for this meeting – Reserves local Bill, legislation process document, timeframe document, sites and map of sites (RLC to produce).

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 18 August 2021 1:44 PM
To: S7(2)(a) Rob Pitkethley; Jean-Paul Gaston; Stephanie Kelly; Gina Rangi; Rosemary Viskovic; Jason Haskell; Matt Pilkinton; Laura Sutherland; S7(2)(a) S7(2)(a)
Subject: Rotorua reserves work - brief update - Aug 2021
Attachments: Rotorua pics

Kia ora koutou,

Just thought I'd share (below and attached) the rough white boarded notes and actions/next steps from yesterday's workshop.

Big thanks to Steph the RLC Team for setting up the sites visits on reserves workshop, and thank you Hayley and Anna for providing your urban planning and housing expertise - I thought we got a lot out of the last day and a half, and have agreed on a pathway forward.

The key headline is that, following site visits and workshop over the past couple of days, it has become clearer that all of the sites being proposed are likely to be more suitable for permanent rather than temporary use. This reflects both the opportunities to improve the amenity of reserve provision on Rotorua as well as the likely substantial investment needed to make the sites suitable for housing.

After going through the options to take the work forward it was agreed yesterday to cease further work on a local bill to enable the land to be made available temporarily for housing, and to focus on permanent revocation of identified sites through the current reserves Bill process.

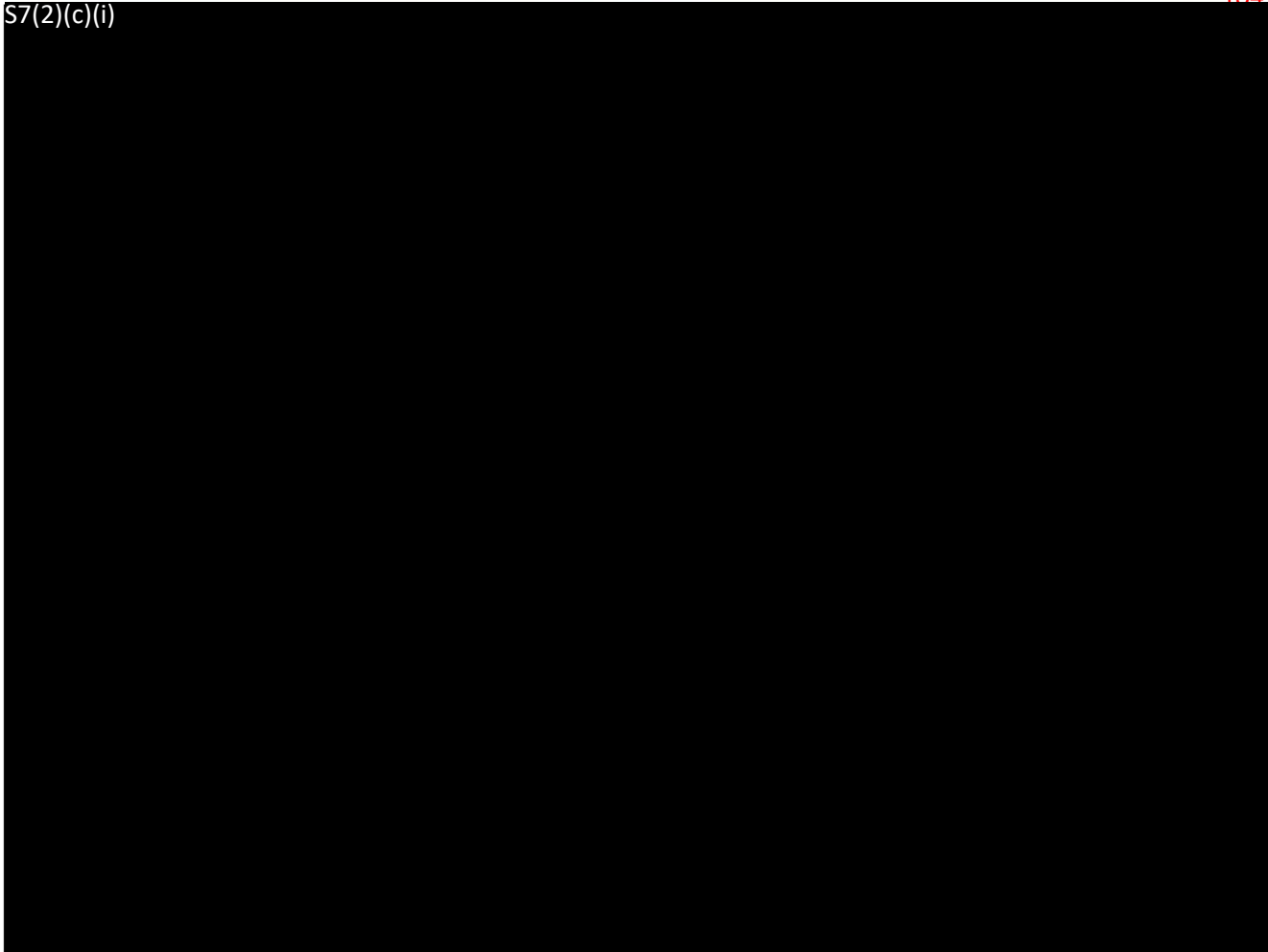
Steph/or I will provide more of a fuller update on what was agreed and next steps later this week – and Steph is aiming to set up the first RLC, HUD, KO working group hui to progress the work soon.

Anna could you please forward this onto Hayley I don't have her email, and Steph could you also forward this onto anyone from RLC that I may have left out.

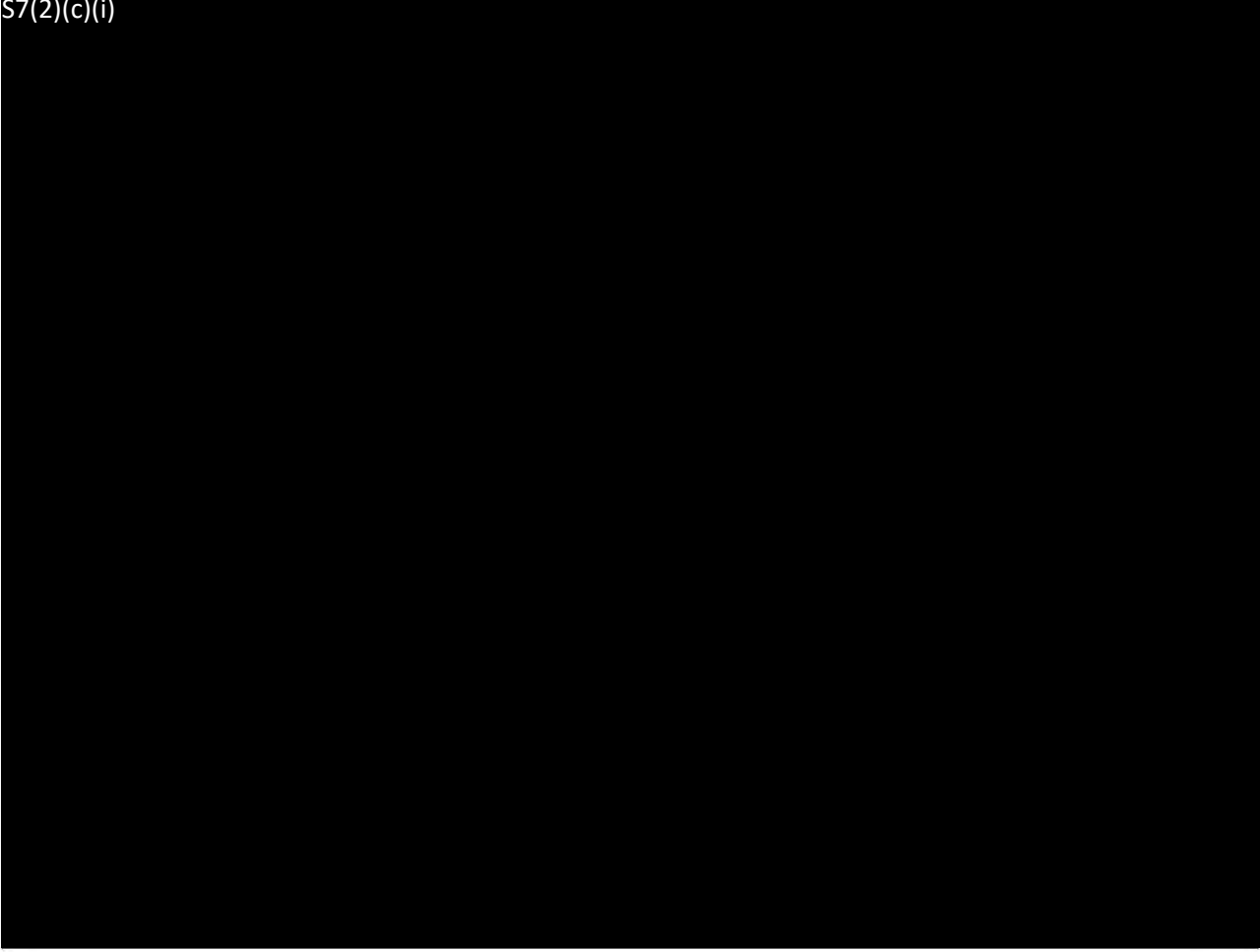
Ngā mihi

Dan

From: Daniel Shenton <dan.shenton@icloud.com>
Sent: Tuesday, 17 August 2021 2:41 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Pics Rotorua



S7(2)(c)(i)




Sent from my iPhone

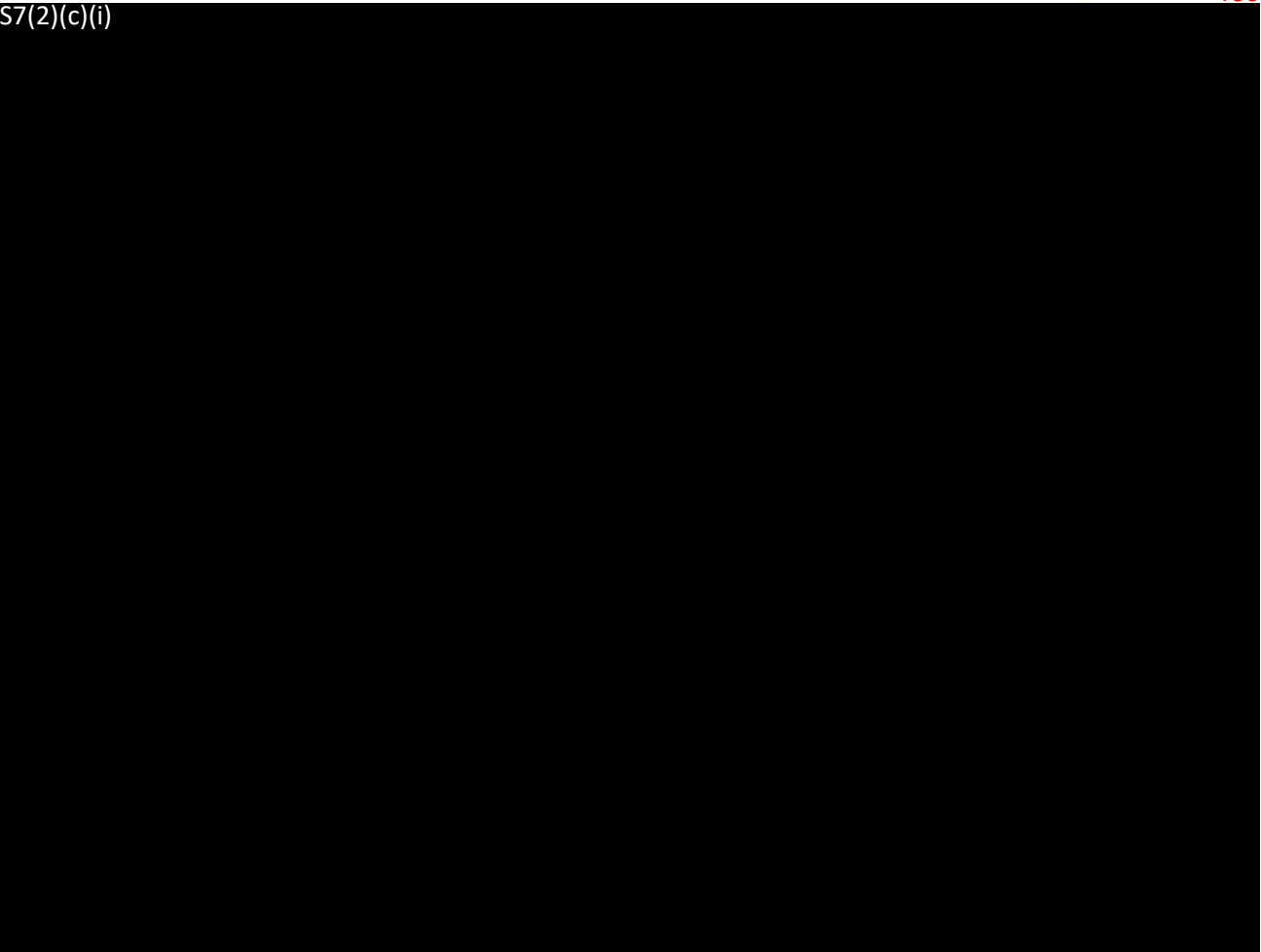
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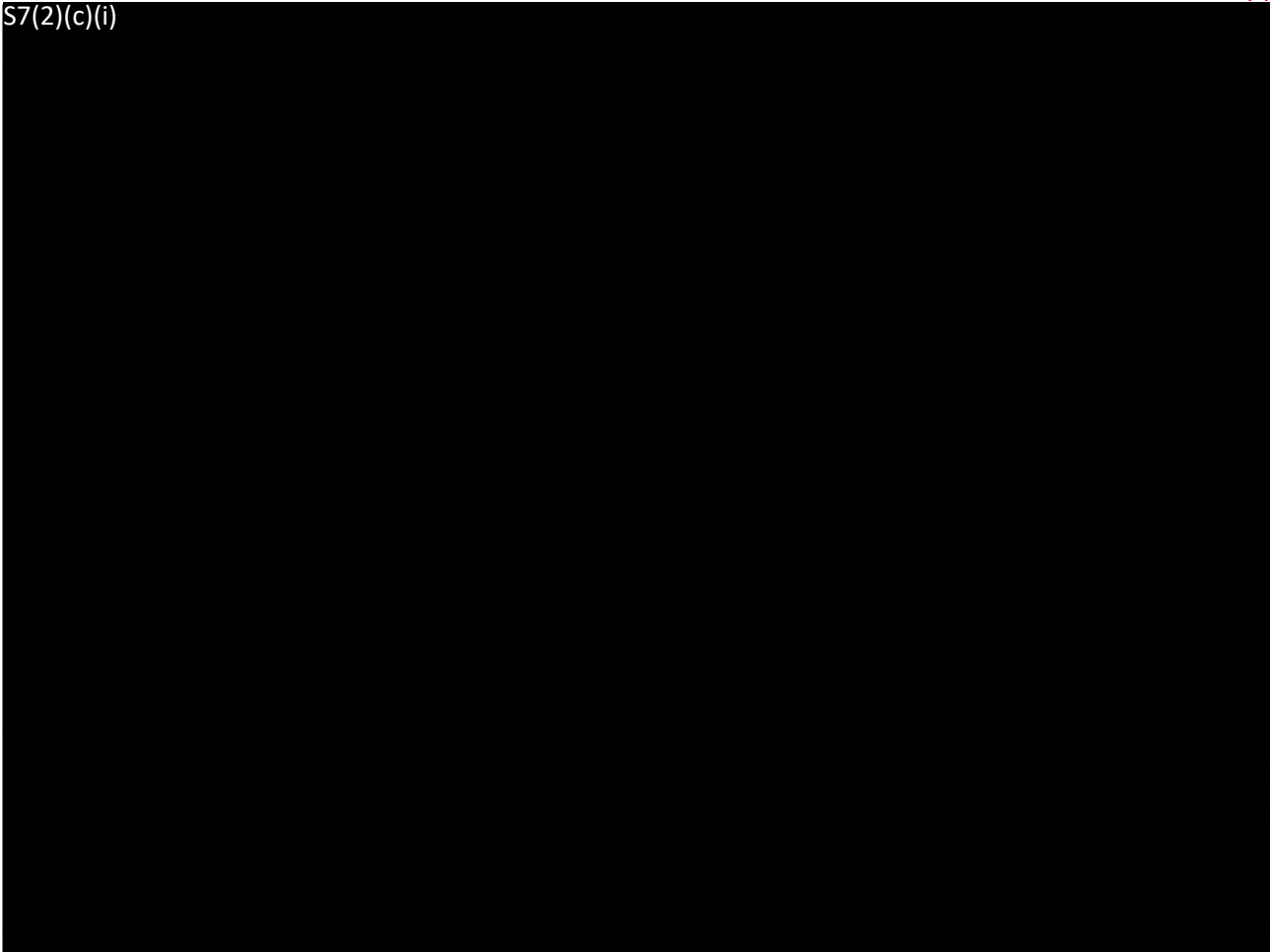
S7(2)(c)(i)



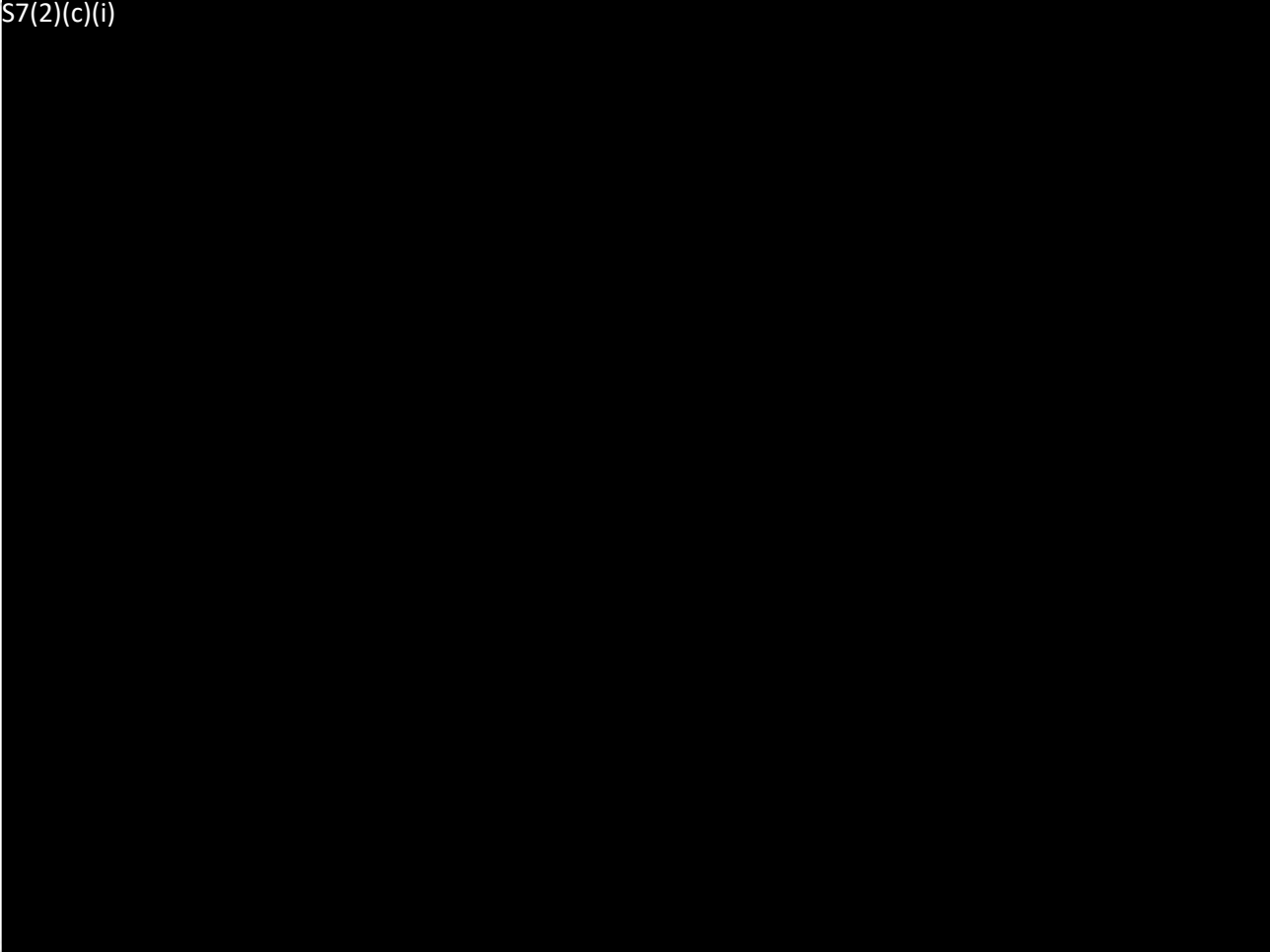
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S7(2)(c)(i)



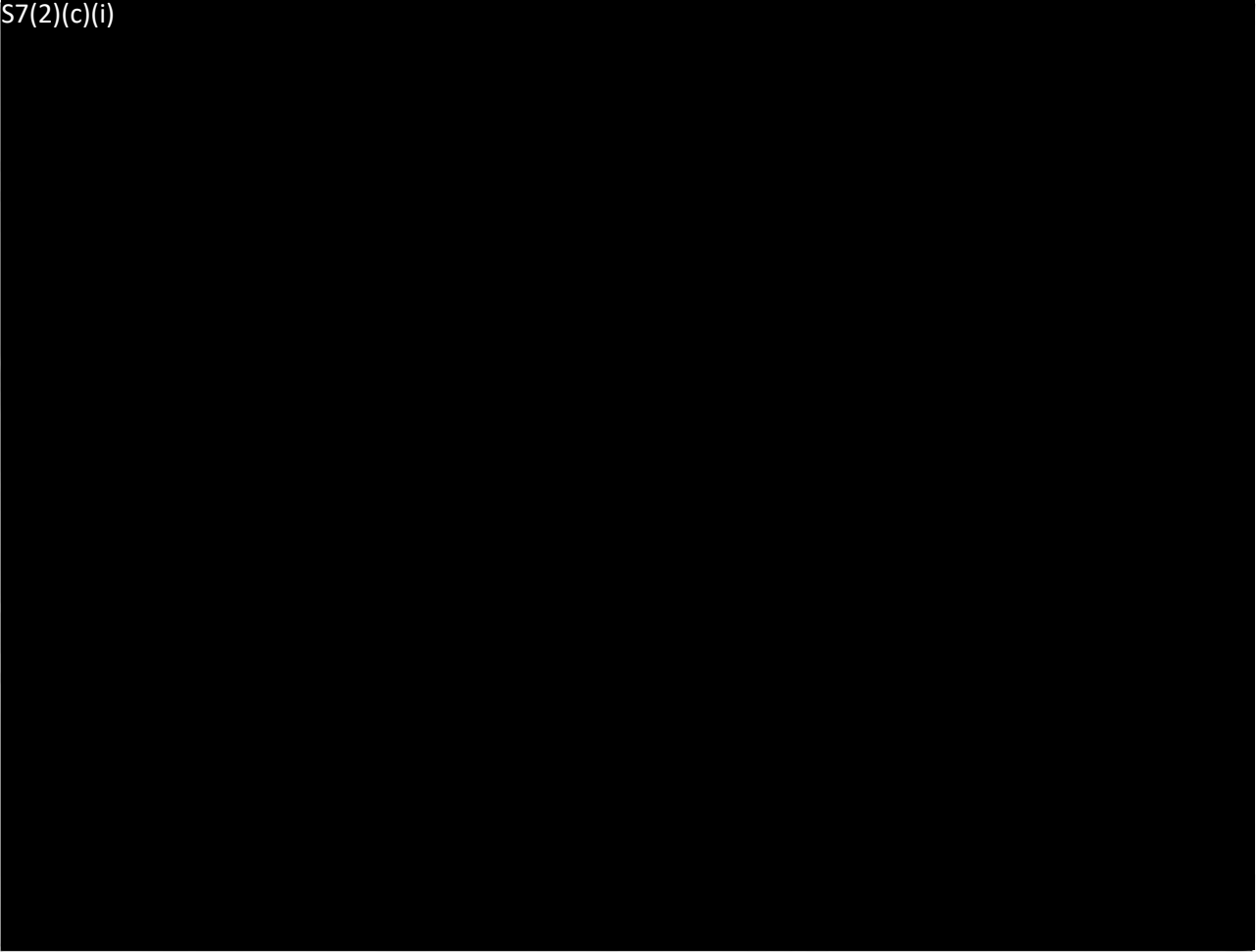
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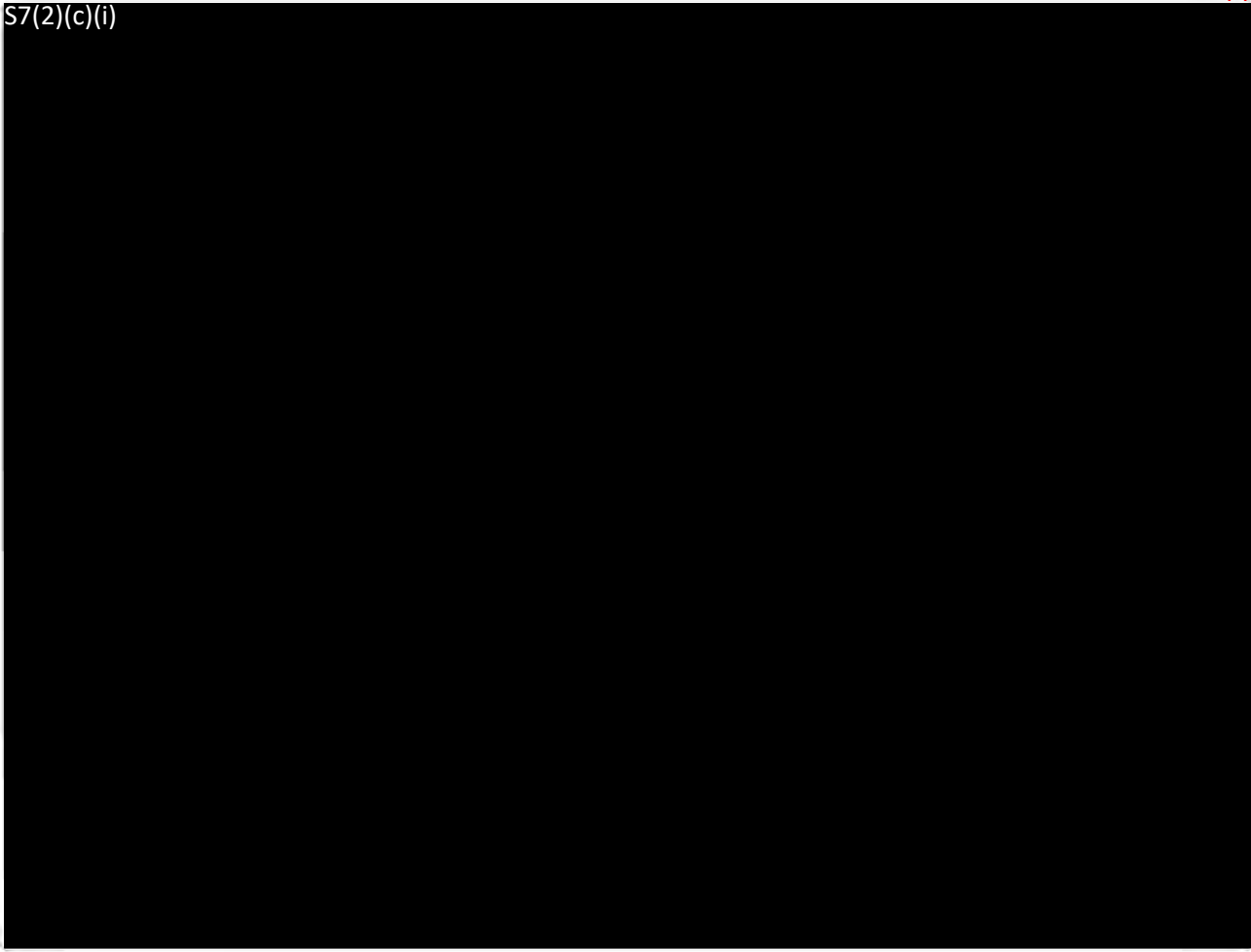
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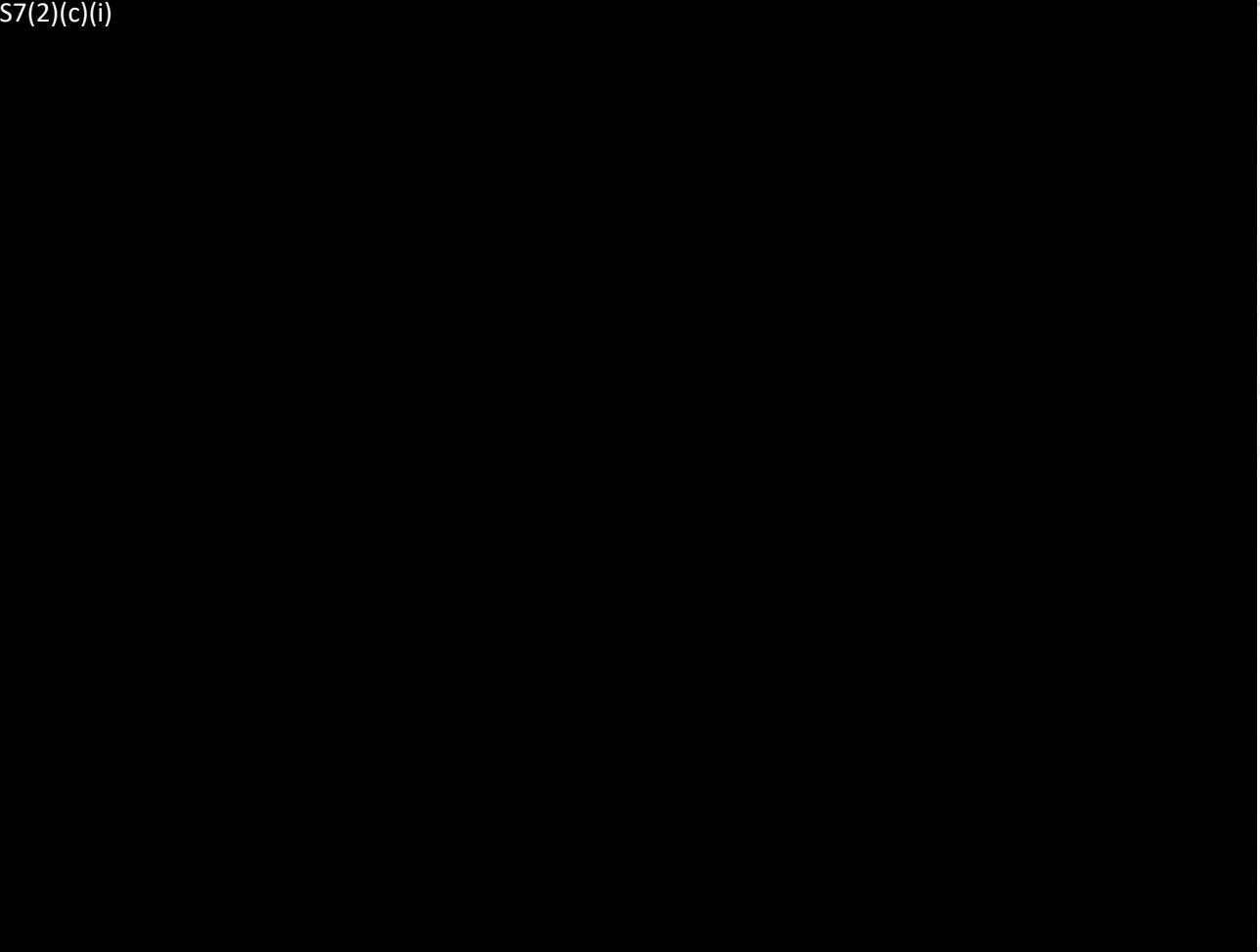


S7(2)(c)(i)






S7(2)(c)(i)



S7(2)(c)(i)



Sent from my iPhone

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 20 August 2021 10:08 am
To: Stephanie Kelly
Subject: RE: Reserves Act revocation

Awesome thanks Steph I'll forward this onto the team.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 19 August 2021 6:33 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Reserves Act revocation

Kia ora Dan,

Nice to speak to you today. To clarify with regards to the revocation of the reserve classification:

- The classification of the reserves we have identified as surplus will be revoked pursuant to Section 24 of the Reserves Act 1977
- Initial research into the history of these reserves suggests they were all vested in Council on subdivision and were not vested in Council by the Crown (to be confirmed once the formal land status checks are received)
- As Council did not acquire the reserves via the Crown they are not subject to the Land Act 1924 (or any subsequent legislation) and can be directly disposed of by Council in a manner we see fit

From Councils perspective undertaking a formal Reserves Act revocation process is a better approach in this instance as all of the reserves that Kainga Ora have expressed an interest in Council is comfortable with disposing of in full or part. It is also Councils view that the process of consultation is likely to be easier for our community to understand and participate in than consulting on a local Bill approach. Furthermore given the timeframes under the Reserves Act are likely to be shorter (assuming appropriate resourcing from DOC) than a Local Bill.

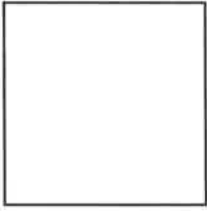
Please let me know if you have any further queries.

Ngā mihi

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 07 351 8853 | 021 238 8856
E: stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz
A: 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: Wednesday, 25 August 2021 4:13 pm
To: Anne Shaw; S7(2)(a) Jean-Paul Gaston; Jocelyn Mikaere; S7(2)
S7(2)(a)
Cc:
Subject: Rākau Taumatua Rotorua place-based PSG meeting notes
Attachments: Rākau Taumatua PSG Meeting record 25082021.docx

Kia ora koutou, please find attached meeting record. Please advise any amendments.

Ngā mihi

Rosemary

Rosemary Viskovic Programme Director- Emergency Accommodation
Kaihautū Rautaki - Strategic Development Manager- Sustainability and Social Development | Ohu Rautaki – Strategy Group
Waea: 07 351 8303<tel:+6473518303> M 027 203 2196
Īmera: rosemary.viskovic@rotorualc.nz<mailto:rosemary.viskovic@rotorualc.nz> | Ipurangi:
rotorualakescouncil.nz<http://rotorualakescouncil.nz/?utm_source=Stationery&utm_medium=Email&utm_content=Rosemary%2BViskovic&utm_campaign=Stationery>
Taunga: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

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Meeting Record

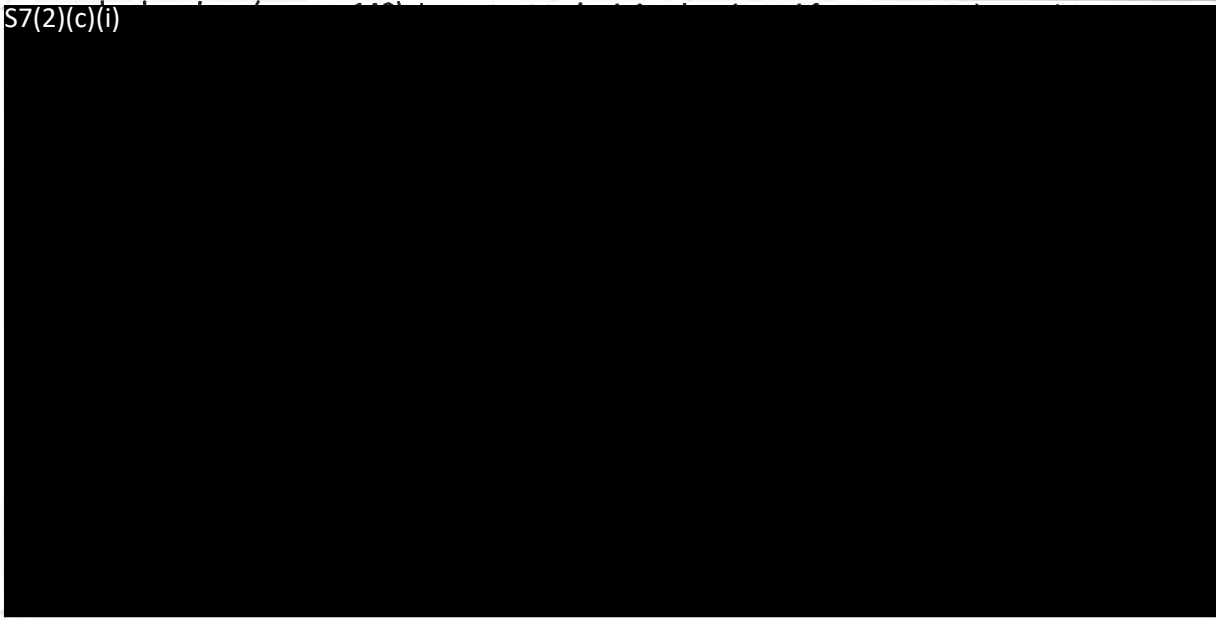
Rākau Taumatua- Rotorua Housing Place-based Action Plan Programme Steering Group

ROTORUA
LAKES COUNCIL

Date: Wednesday 25 August 8.30am

Venue:	Zoom videoconference meeting
Facilitator:	Rosemary Viskovic
Members Present	Anne Shaw (HUD); S7(2)(a) (MSD); S7(2)(a) (Kāinga Ora); Jocelyn Mikaere, Jean-Paul Gaston (RLC); Rosemary Viskovic, Programme Manager
In attendance	S7(2)(a) (Kāinga Ora); S7(2)(a) (MSD); Jonathon Fraser (HUD); Jason Ward (RLC)
Apologies	S7(2)(a) (MSD); S7(2)(a) (Regional Public Service Lead)

	Agenda Items
1	Karakia Whakatuwhera
2	<p>Previous minutes actions/ updates-</p> <p>S7(2)(c)(i)</p> <ul style="list-style-type: none"> Workshop last week considering Local Bill for temporary reserve use transitional housing-determined different process as reserves identified suitable for permanent use, so will propose revocation through Reserves Act process. <p>S7(2)(c)(i)</p>
3	S7(2)(c)(i)

	Agenda Items
	<p>S7(2)(c)(i)</p> 
4	Next meeting- 15 September
5	Karakia Whakakapi- meeting closed

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Thursday, 26 August 2021 5:09 PM
To: Stephanie Kelly
Cc: Jean-Paul Gaston; Laura Sutherland
Subject: DOC and the reserves work - mini update

Kia ora Steph,

A few of us from the HUD team that were up in Rotorua last week met with the relevant people from DOC head office that manage the reserve work/ progress the applications. They were keen to come along and be included in the regular workshops you've set up for this work. Could you please forward them the meeting invite for the next Zoom hui. Also noting they were happy to provide a bit of a presentation/ collateral on the process which they talked through with us yesterday. I'll give you a call tomorrow to discuss as it's easier to discuss over the phone.

But the long and the short of it was that the sooner DOC has the title info and an application to revoke is received by DOC the sooner they can start the process. They didn't seem to fuss about the timeframes and talked about the process taken potential 6-12 months, as well as they bundling of the different reserves the Council is proposing. The more we can include the relevant people in the project and the more info they have on the reserves and titles, the easier I think the process should be.

Anyway will give you a call tomorrow.

DOC contacts for the reserves work

S7(2)(a)

Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | S7(2)(a)
 www.hud.govt.nz | 7 Waterloo Quay, Wellington



He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 27 August 2021 4:06 PM
To: Stephanie Kelly
Cc: Laura Sutherland
Subject: Next steps and emails to the reserves working group
Attachments: Rotorua place based stocktake (1).pptx; 17 August workshop draft agenda.docx

Kia ora Steph

As discussed with you today Laura and I have pulled together the attached info and below email for you to send out to the below people (and add anyone else we may have missed) hopefully today. This is to provide an update of what was discussed and agreed to at our reserves workshop last week and more importantly to outline the next steps.

Feel free to change the below email – and if you could have a quick proof read to that would be great. Would be good to get this out today if possible.

Thanks

Dan

To email to -S7(2)(a) rob.pitkethley@rotorualc.nz; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Gina Rangi <Gina.Rangi@rotorualc.nz>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>; S7(2)(a) Caroline Reid <Caroline.Reid@hud.govt.nz>; S7(2)(a) S7(2)(a) S7(2)(a) S7(2)(a) jessica.ranger@hud.govt.nz; dan.shenton@hud.govt.nz

Kia ora koutou

Apologies for the delay but I am now sending this email to update you on the outcome of the sites visits and workshop (on 17-18 Aug) with Rotorua Lakes Council, MHUD and Kāinga Ora on using reserves in Rotorua for housing. A summary of what was discussed at the workshop, including next steps is attached. We have also provided the MHUD Rotorua stocktake of the housing situation in Rotorua which provides some context of why we are wanting to progress this work.

As a recap - following site visits to most of the reserves on the list, it became clearer that all of the sites being proposed are likely to be more suitable for permanent rather than temporary use. This reflects both the opportunities to improve the amenity of reserve provision on Rotorua as well as the likely substantial investment needed to make the sites suitable for housing. We continue to be very committed to making the land available. However, we (and as was the consensus at the workshop) consider that it would be more appropriate to progress this work by using Reserves Act processes to revoke the reserve designations on the pieces of land and make them available for permanent use as public and transitional housing. As such, we are now proposing to cease further work on a local bill to enable the land to be made available temporarily for housing.

RLC has initially determined that the reserves identified for housing were vested in Council on subdivision, and as they were not vested by the Crown, they are not subject to the Land Act 1948. This means that subject to formal land status checks, Council can directly dispose of the reserves in a manner of their choosing. Though further work is required to fully determine this.

On looking at the sites, ballpark estimate of yield on the places that might be immediately ready to develop was 150 homes plus - obviously subject to typology, mix and due diligence site-by-site. There were other sites that could be included but where yield and design might depend on other work being progressed in the area or the outcome of Rotorua's thinking about density in light of the NPS-UD.

At a very early estimate, KO considered that, with processes expedited and all going well, building might be able to start by early 2023 (though this is dependent on the processes to revoke the reserves status). This would depend on Ministerial decisions on revocation being made early to mid-next year (April to June).

Next steps

In terms of the next steps we agreed to meet regularly to discuss key actions in order to meet the indicative timeframe of early 2023 to begin building on the proposed sites, and to put together a Reserves working group with members from RLC, DOC, Kāinga Ora and HUD.

We are keen to develop a project plan within the next 2-3 weeks which sets out the key workstreams, timeframes, dependencies and actions for the work. A very rough starter for 10 has been outlined at the bottom of the attached document. We are keen to discuss what the key components of the project plan may be with you at our first working group meeting next week.

Also thank you HUD for touching base with the relevant DOC people about this work and welcome Michael, Sheryll and David, and I understand you may be able to provide an overview of the revocation process – and potentially provide some key documents next week. I will send an agenda those attending the working group session next week.

Ngā mihi

Steph

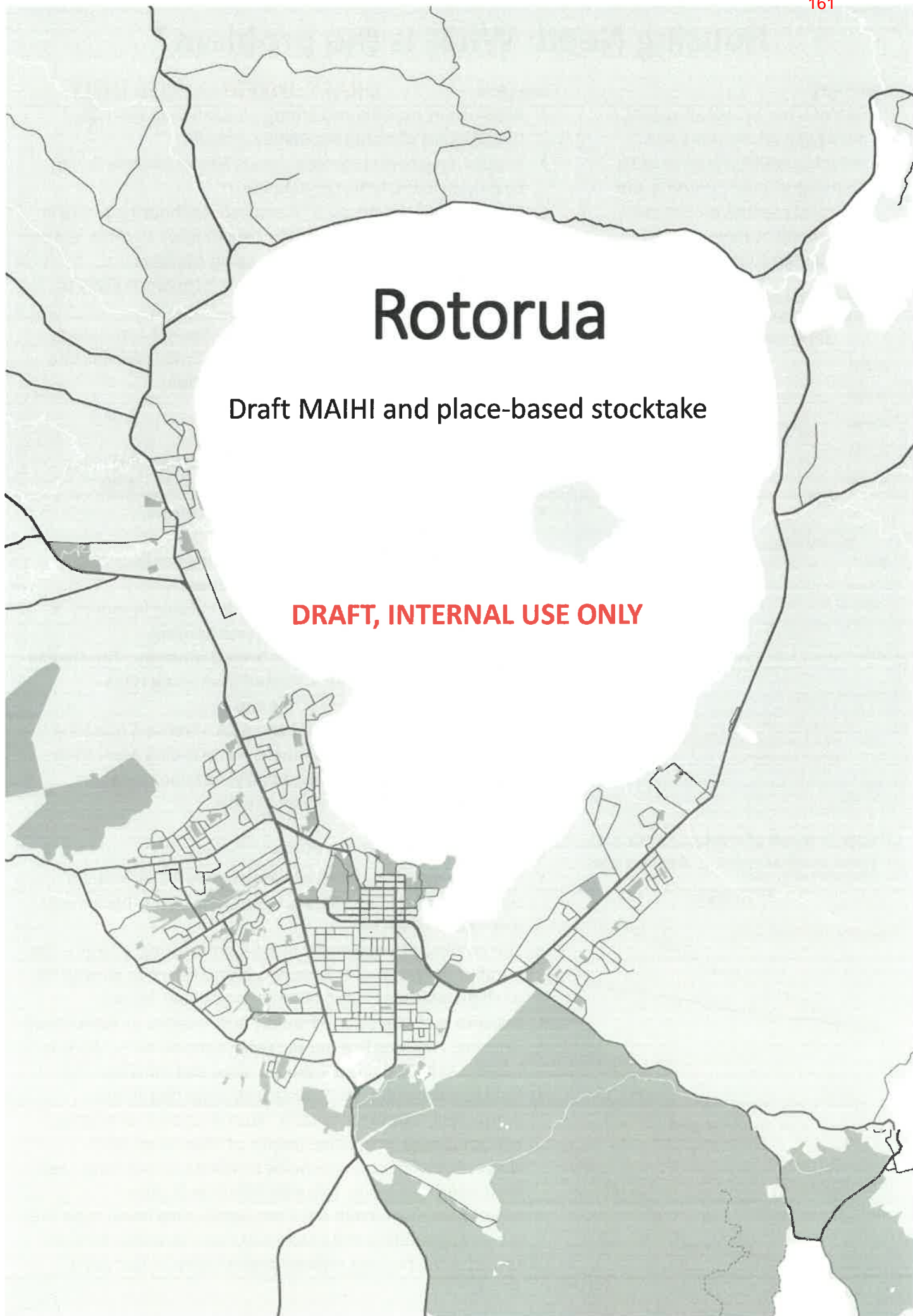
Disclaimer

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Rotorua

Draft MAIHI and place-based stocktake

DRAFT, INTERNAL USE ONLY

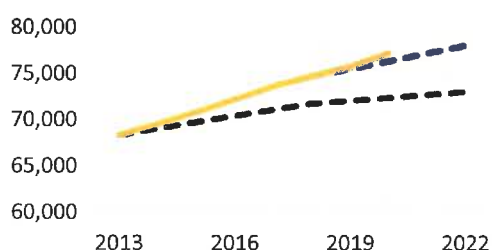


Housing Need: What is the problem?

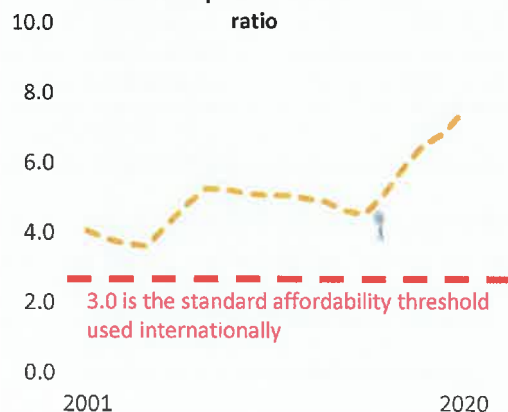
Summary

- Demand has exceeded supply, increasing prices, rents and reducing availability of housing.
- Shortage of public housing and affordable rentals means many households stuck in state of insecure housing or homelessness

Estimated resident population (gold) vs. StatsNZ 2013-base (grey) and 2018-base (blue) population projections



Median sales price to median income ratio

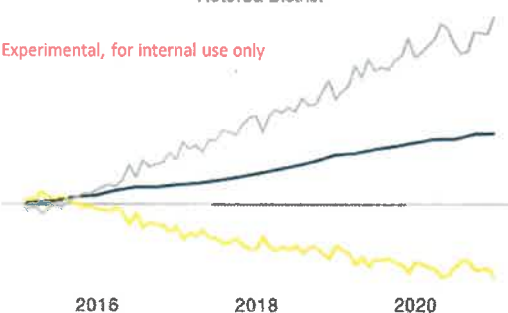


Change in rental affordability since 2015

Median household income (solid blue line), Rent price index (dashed grey line), Rent affordability index (solid yellow line)

Rotorua District

Experimental, for internal use only



Public Housing Register



Demand

DRAFT, INTERNAL USE ONLY

- Rotorua has experienced strong population growth after two decades of stable population growth.
- Population growth between census almost entirely driven by growth in the Māori population.
- Growth has been driven by more people choosing to live in Rotorua, and fewer people choosing to leave to other parts of the country and fewer people going overseas.
- Lower housing costs relative to other locations is likely to have played a part.
- The public and private housing supply has not responded, and the number of building consents granted remains one of the lowest in New Zealand by population.

Affordability and availability of housing

- Housing costs have risen sharply over the past five years with median rents up 54% and house prices up 84%.
- Rising prices does not appear to have reduced homeownership rates.
- However, the overall shortage of housing has led to significant rental stress and homelessness
- There are more than 500 households in living in motels, a signal of an acute shortage of private housing.
- Very high proportion of rentals owned privately. This means fewer renters have been insulated from rising rents compared to other parts of the country.
- Crowding has also increased and 60% of renters receiving the accommodation supplement are spending more than 50% of income on rent. Temporary Additional Support payments have also increased sharply.

Outcomes

- Strong population and employment growth has brought significant benefits to Rotorua. But these gains have been distributed unevenly.
- The number of households in insecure housing is large – the number of households in motels is equivalent to almost 7% of all private rentals and two thirds of public homes.
- Reliance on EHSNGs is extremely high relative to Transitional Housing, meaning few people receive access to support. In response HUD will now contract up to 200 motels as TH.
- Rising prices and rents have caused a significant and permanent transfer of wealth. Recent council revaluations reveal increase in housing wealth of \$5bn since 2017. However the 7,500 households in private rentals have seen their housing costs increase by 50% over 5 years.
- Maori homeownership rates are significantly lower than the general population and Maori make up more than 80% of those on the housing register and in EHSNGs (Oct 2020 data).

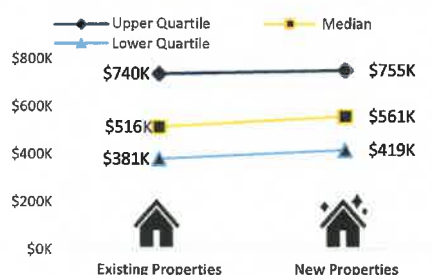
Development Context: Who is building houses?

Summary

- Private development is very limited and reasons are not well understood. Council consenting, geothermal issues and stormwater mitigation all make private development uncertain.
- Kāinga Ora can play stronger role through public housing delivery and de-risking development through the KO Land Programme. They will need to ensure this doesn't crowd out private activity
- Supporting Māori and iwi aspiration is critical given the underutilised land that could be used to meet Māori Housing outcomes.

DRAFT, INTERNAL USE ONLY

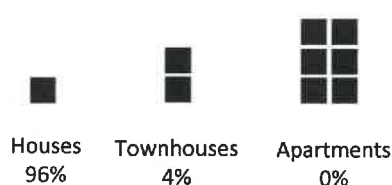
The value of new builds vs existing properties



Dwelling consents per 1,000 residents



Building consents issued in 2020



Factors influencing development

- Rotorua has one of the lowest levels of building consents in the country and fell by 25% in 2020 (while KO consents are up).
- The 84% rise in prices has had little effect on consenting levels.
- The stormwater network has limited capacity meaning developers face high and uncertain costs from mitigating effects onsite. This has a chilling effect on development.
- Minimum lot sizes limit opportunities for infill, and council consenting processes appear to add significant compliance costs and uncertainty.
- Large greenfield growth areas are in concentrated ownership and other sites have infrastructure challenges.
- Funding through the Infrastructure Reference Group and Three Waters incentive payments will be used to progress these two greenfield developments in the medium term.
- Council is also accelerating waste and stormwater renewals investment through its Long Term Plan to enable growth (pushing its debt levels towards the limit and significantly increasing rates).
- The Council's Housing and Business Capacity Assessment is likely to show a shortfall in feasible development capacity. Meeting NPS requirements may be challenging. Redevelopment is unlikely to be feasible, with most growth in the form of infill and new greenfield development, predominantly standalone homes.

The Housing Pipeline

- Rotorua is a priority location under the public housing plan.
- Kāinga Ora has scaled up its redevelopment programme and bought into private developments. It has now identified opportunities for more than 500 homes. This compares with KO's intention to deliver 190 Public Homes
- Kāinga Ora is also progressing two motel purchases for transitional housing.
- In the past funding settings have not worked for CHPs and most lack capital and development experience.
- Kāinga Ora is discussing opportunities with Māori and iwi, but transitional housing and public housing settings may not align with iwi aspirations.
- Private development remains subdued, given uncertainty around infrastructure costs and consenting costs.


**MINISTRY OF HOUSING
AND URBAN DEVELOPMENT**

AGENDA:
Commented [LS1]: Will come up with a more action-oriented title

Attendees: Stephanie Kelly, Jean-Paul Gaston, Rosemary Viskovic, Kate Cornegé, Wendy Embling, Rob Pitkethley, Gina Rangi (Rotorua Lakes Council)
 Caroline Reid, Dan Shenton, Laura Sutherland, Matt Pilkinton, Fiona McCarthy, Jason Haskell (HUD)
Date: 17 August 2021
Time: 9:00 – 3:00pm
Venue: Rotoiti Meeting Room, Rotorua Lakes Council Buildings
Security: IN-CONFIDENCE

Commented [DS2]: Steph can you ensure that Matt Pilkinton is on the meeting request and not Matt Fraser.

S7(2)(a) (Kāinga Ora)

Apologies: First and last names

Time	Topic	Lead
	Welcome introductions and an overview of what we propose	
9-9.30am	PART ONE – Why are we doing this work? Recap – what is the problem, and what are we trying to achieve? Agreement on what are we aiming to achieve today? [whiteboard session]	RLC (HUD support)
9.30am-11am (break for morning)	PART TWO – What needs to be achieved? a) To discuss and jointly agree on key actions and responsibilities required at key stages of the work – 1. Before the Bill enters parliament (pre-Bill) 2. During parliament – Bill stages to royal assent 3. Post royal assent and implementation. b) Agree on an overall timeframe to complete on three stages. c) Specific discussion about what iwi and wider community consultation will entail pre and post parliamentary stages. • HUD to provide a draft set of actions (before the workshop) – but further input required from participants. • The agreed stages and actions will form the basis of a project plan (agreed to between – HUD, RLC and Kāinga Ora). HUD to develop first draft. [whiteboard session]	HUD (RLC support)
	<i>Working break for morning tea if required – 11am</i>	
11.15am-12.30pm	PART THREE – Discussion about the local Bill • Work through initial feedback on the Bill from agencies, and agree/work through proposed changes.	RLC
	<i>Lunch 12.30pm-1pm</i>	
1pm-2.30pm	PART FOUR – Discussion about the sites / finish discussion on Bill if needed • Discuss/ agree to specific sites to be utilised and due diligence processes required.	All (HUD to facilitate if needed)

Commented [DS3]: Steph could you talk to Gina about getting someone to start and close our hui with a karakia

Commented [LS4]: Again, working on the titles.

Commented [DS5]: Steph assume you were going to organise catering given the numbers we have is around 15 – Laura could you help Steph if needed on getting dietary requirements – maybe get these when you send the agenda and relevant docs.

IN-CONFIDENCE

2.30pm-3pm

PART FOUR – Wrap up and next steps

- Agree to actions and next steps – potentially look to set up regular project catch-ups to track progress.

Collateral for this meeting – Reserves local Bill; timeframe document and options for leg process; sites and map of sites (RLC to produce).

Commented [DS6]: Laura/ Steph – could you tidy this up. Would be awesome if we could have these documents plus the agenda by COP this Tuesday 10 Aug.

Laura you'll need to print final documents by Friday next week – though we could use Council facilities if we can't get things finished by then.

From: Nic Hill <Nic.Hill@hud.govt.nz>
Sent: Friday, 3 September 2021 1:44 pm
To: Stephanie Kelly; Laura Sutherland
Cc: Dan Shenton
Subject: RE: Reserve sites and supporting information

Kia ora Stephanie. Thanks for your help with this.

At this point we are discussing the advice internally, and the information is to help those of us who haven't been involved until recently get our heads around everything.

Nic

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 3 September 2021 12:12 pm
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Dan Shenton <Dan.Shenton@hud.govt.nz>; Nic Hill <Nic.Hill@hud.govt.nz>
Subject: RE: Reserve sites and supporting information

Hi Laura,

I can probably provide you with a list of the reserves we have identified and can advise that from our initial investigations it appears that all of the reserves identified were vested in Council in subdivision. Information on the constraints of the sites I will not be able to provide with the short of a turn around. I have other work priorities and am managing a toddler at home.

Our Elected Members have not yet been updated on the change in direction and our new approach including information on the specific reserves we are considering for revocation. While I appreciate the need to provide an update to the Minister on the change in direction, I feel it would be more appropriate for our Elected Members to receive the detail first. Can you please advise when you are intending to update the Minister?

Regards,

Stephanie

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | **E:** stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Friday, 3 September 2021 12:04 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Dan Shenton <Dan.Shenton@hud.govt.nz>; Nic Hill <Nic.Hill@hud.govt.nz>
Subject: Reserve sites and supporting information

Kia ora Steph,

Hope lockdown is going alright for you 😊

We are currently working on some advice for the Minister to give her some more information about the proposed reserve sites. Given that our plan for the reserves shifted substantially during our trip to Rotorua, and some further sites were added for consideration at our meeting, could you please send through a final list of the reserves Council is considering, as well as any implications for access, infrastructure, and potential yield? Also, if you have any information on the history of site ownership, or you have completed land status checks, that information would be very helpful too.

Will you be able to get back to me by COP Monday? Sorry for the short turnaround.

Thanks,



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From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Monday, 6 September 2021 1:59 pm
To: Stephanie Kelly
Cc: Nic Hill; Dan Shenton
Subject: RE: Reserve sites and supporting information
Attachments: Rotorua reserves for housing.docx

Kia ora Steph,

Thank you for sending this through. I've put together the attached document based on the information you shared below, our hui back in August, and observations from our site visits. This is to give the people involved at HUD an overview of the sites being considered, and some of the main issues around access, infrastructure etc. If you would be able to take a look at it that would be great, and if you have any information on the following that would be excellent:

- Size of the areas proposed. I got this off Geyserview where the proposal was for a full lot, but where it's for a part lot I don't know how much you are proposing to use.
- Access and infrastructure considerations for sites, especially for the reserves we didn't see on our site visits.

Ngā mihi nui,

Laura Sutherland (she/her)
 Policy Advisor | Place Based Outcomes
 Place-Based Policy and Programmes
laura.sutherland@hud.govt.nz | S7(2)(a)
www.hud.govt.nz | 7 Waterloo Quay, Wellington



He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 3 September 2021 3:06 pm
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Nic Hill <Nic.Hill@hud.govt.nz>
Subject: RE: Reserve sites and supporting information

That's great thanks Steph – do you have the rough size of each reserve below. All good if not we can pull this info together from what we currently have.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 3 September 2021 1:44 PM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Nic Hill <Nic.Hill@hud.govt.nz>
Subject: RE: Reserve sites and supporting information

Hi Dan and Laura,

The Reserves are provided below. In sharing this information please make it clear that it is in confidence as it has not yet been shared with our elected members.

The process we are working to and that has been agreed by our Executive is:

Report to our October S,P&F meeting outline the

- Change in approach from local Bill to permanent disposal.
- Process of revocation
- Initial list of reserves identified as options for disposal (completed/or subject to land status or history)
- Seek 'in principle' support that this list can be discussed with KO and Philanthropics for the development of housing to meet community needs – public/social housing, progressive home ownership, pensioner style housing
- Timeframes.

Within 3 months (Feb.) – bring back detailed proposals about each site/partner and proposed community 'reserve' investment. Seek Council approval to enter statutory reserve process to revoke/change etc etc.

You will note the inclusion of other CHP's. These are local housing providers/funders that we want to create opportunities for and therefore not all of these reserves will be made available to KO. We also need to offer the sites back to Iwi in the first instance.

The details on yield, constraints etc. has not yet been completed.

Regards

Reserve	Full or part disposal	Legal Description
Lee Road Reserve	Full	Lot 59 DP 33114 Lot 8 DP 37398
Wrigley Road Reserve	Part	Lot 366 DPS 10477 Lot 381 DPS 14169
Gallagher Street Reserve	Full	Lot 28 DPS 14492
Pururu Reserve North	Full	Tarewa 7B Block (ML 19324)
Ranginui Street Reserve	Full	Waiteti 2A1A2A5 No 33 Block
Waitawa Place Reserve	Full	LOT 24 DPS 66693 LOT 41 DPS 45144 LOT 109 DPS 25564 LOT 42 DPS 37404
Steeles Lane Reserve	Part	Lot 43 DPS 1725
Park Road Reserve	Part	Lot 3 DPS 33645
Linton Park West	Part	Lot 31 DPS 15777
Coulter Road Reserve	Part	Part Lot 37 DPS 3067
High Street Reserve	Part	Part Lot 92 DPS 604 Part Lot 1 DP 36238

Stephanie Kelly Kaiurungi Rautaki - Senior Strategic Advisor, District Development
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 3 September 2021 1:05 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Nic Hill <Nic.Hill@hud.govt.nz>
Subject: RE: Reserve sites and supporting information

Kia ora Steph,

At this stage we are planning to brief the Minister some time this month but this may change. But also the reason for the list (even if it's indicative) is so HUD is clear about the sites we are talking about – as the work involves a few teams across HUD and we (Laura and I) are getting asked for the up to play list. If we provided a list to the Minister before elected officials had seen it – we could provide in that context - that it hasn't been finalised with elected officials yet.

Nonetheless it would still be good to get a current state of play list even if it just what you can provide within the timeframe set out by Laura (we Laura you and I have a good idea of what the sites are but would just be good to confirm that before Laura and I start circulating a list to wider teams within HUD). Happy to give you a call too if needed, just let me know.

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 3 September 2021 12:12 PM
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Dan Shenton <Dan.Shenton@hud.govt.nz>; Nic Hill <Nic.Hill@hud.govt.nz>
Subject: RE: Reserve sites and supporting information

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Our Elected Members have not yet been updated on the change in direction and our new approach including information on the specific reserves we are considering for revocation. While I appreciate the need to provide an update to the Minister on the change in direction, I feel it would be more appropriate for our Elected Members to receive the detail first. Can you please advise when you are intending to update the Minister?

Regards,

Stephanie

Stephanie Kelly Kaiurungi Rautaki – *Senior Strategic Advisor, District Development*
P: 021 238 8856 | **E:** stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Friday, 3 September 2021 12:04 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
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Subject: Reserve sites and supporting information

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Will you be able to get back to me by COP Monday? Sorry for the short turnaround.

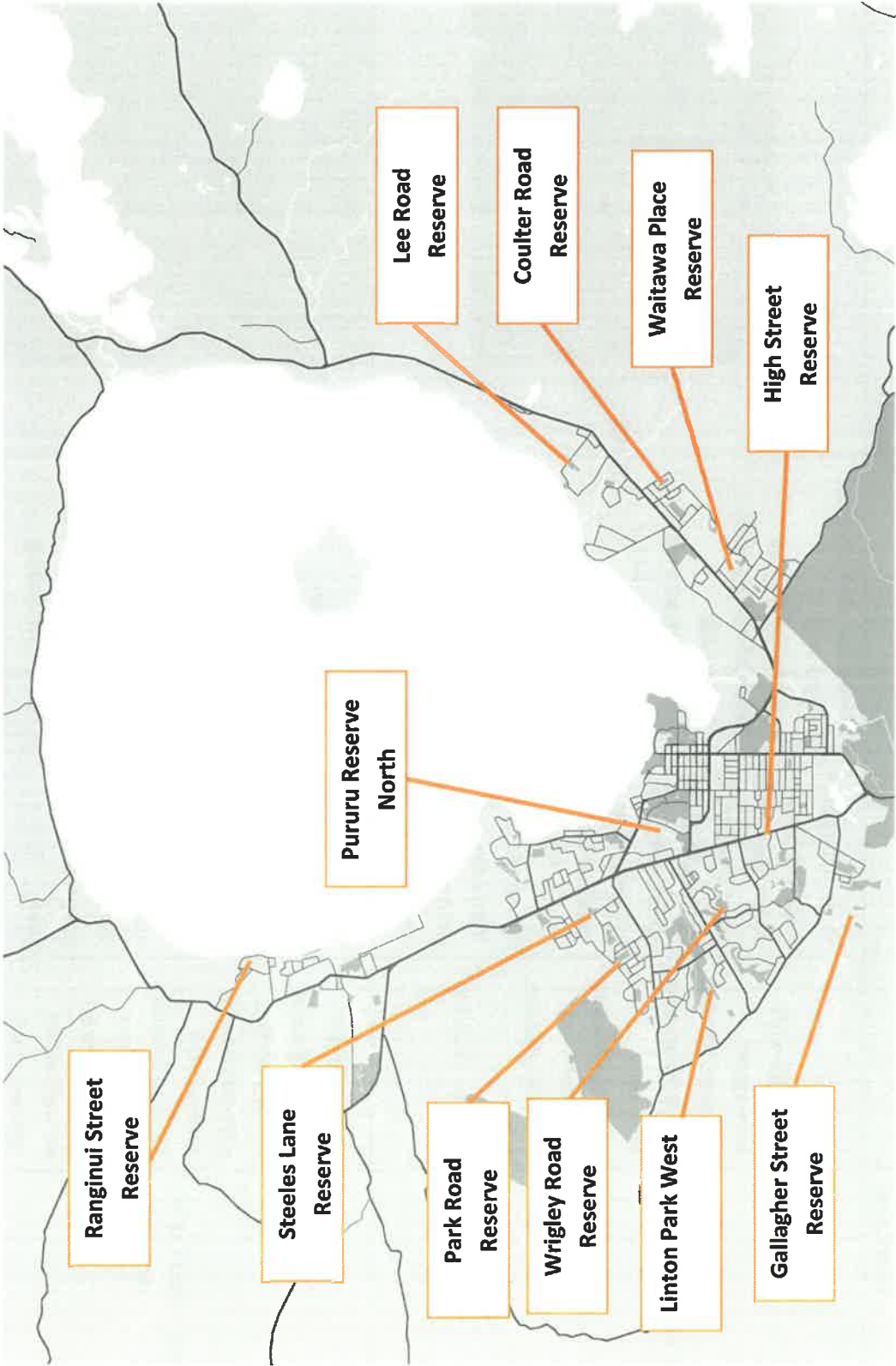
Thanks,







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Proposed reserves for housing in Rotorua






Site	Legal description	Description	Issues	Opportunities	Yield (homes)	Map
Lee Road Reserve, Hannah's Bay	Lot 59 DP 33114 Lot 8 DP 37398	Large site with wide street frontage. Located near primary and secondary schools, on a bus route serviced every 30 minutes. Approx. 18,291m ²	Close to airport – height restrictions and noise issues. A small creek runs the length of the street end, so a bridge(s) would be required for access. Site is ~15-30 minute drive from central Rotorua – concerns about isolation.	Huge site. Currently of minimal recreational value (essentially big field). In Eastside Development Plan area – potential for community engagement and community hub (one-stop shop for services e.g. MSD). Close to lake and open spaces.	50-60	
(Part of) Coulter Road Reserve, Ōwhata	Part Lot 37 DPS 3067	Site is located within a block of existing houses with two narrow access paths. Close to schools and amenities, kohanga reo is located within reserve (small blue box).	Paths are not sufficiently wide to create access roads – would need to be widened, but they border existing properties on both sides.	Adding street frontage could create better public space outcomes. Housing could improve recreation and safety value. Access to community facilities including kohanga reo.	10-14 (half of reserve)	 Note – red section only.

Site	Legal description	Description	Issues	Opportunities	Yield (homes)	Map
(Part of) High Street Reserve, Glenholme	Part Lot 92 DPS 604 Part Lot 1 DP 36238	Site is located within a block of existing houses with two narrow access paths.	Access would require removing an existing KO home.	KO is about to start on a Glenholme neighbourhood plan, which might have alternative plans for the site. Excess reserve provision in the area already, and poor street frontage limits its recreational value and safety.	15	
(Part of) Park Road Reserve, Western Heights	Lot 3 DPS 33645	Large park with three access points – narrow path between neighbouring houses on Island View Road, narrow path from Brookland Road, wide street frontage on Brookland Road but obstructed by skate park. Land is at various different levels	Would need to put a street in next to skate park for access. Need to master plan with levels for viability.	Housing would not impact recreation use of the reserve (skate park). Access to community facilities and schools.	20-25	

Site	Legal description	Description	Issues	Opportunities	Yield (homes)	Map
		and some is on a slope.				
(Part of) Steeles Lane Reserve, Western Heights	Lot 43 DPS 1725	Adjacent to Western Heights High School, with wide street frontage. Need to cross a small creek to access. Not proposing to use all of the reserve, as other side connects high school to neighbouring suburbs.	Need to bridge stream for access.	KO were enthusiastic about opportunities during site visit. Suggested small apartment buildings and semis.	20-25	
Waitawa Place Reserve, Lynmore	Lot 24 DPS 66693 Lot 41 DPS 45144 Lot 109 DPS 25564 Lot 42 DPS 37404	Site is located within a block of existing houses with two narrow access paths.	Paths may not be sufficiently wide to create access roads.	Within a more affluent suburb – opportunities for social cohesion.	TBA	

Site	Legal description	Description	Issues	Opportunities	Yield (homes)	Map
(Part of) Wrigley Road Reserve, Fordlands	Lot 366 DPS 10477 Lot 381 DPS14169	Bordered by neighbouring houses and stream. Access is via Bellingham Crescent or narrow path off Wrigley Road.	Street frontage is blocked by playground and skate park – these would need to be moved.	Would only use part of the reserve, meaning it would not lose recreation value. Opportunity to weave in with wider Fordlands regeneration plan. Looks to border another park – ideal for recreation and families with children.	TBA	
Gallagher Street Reserve, Springfield	Lot 28 DPS 14492	Long narrow piece of land with access via Gallagher Street or narrow path from Taiporutu Place. 7863m ²	Site is very narrow – once access road is built there will be little room for houses. Terraced/medium density housing could mitigate this.	Good access from Gallagher Street.	TBA	

Site	Legal description	Description	Issues	Opportunities	Yield (homes)	Map
Pururu Reserve North, Mangakakahi	Tarewa 7B Block (MIL 19324)	437m ²	Small – could probably only fit one unit.	Looks to be of minimal recreational value.	TBA	
Ranginui Street Reserve, Ngongotahā	Waiteti 2A1A2A5 No 33 Block	Section with two neighbouring houses, access from Ranginui Street, backing onto lake. 1851m ²	Only proposed site in Ngongotahā – could isolate family from rest of the cohort.	Wide section – potential for several units.	TBA	

Site	Legal description	Description	Issues	Opportunities	Yield (homes)	Map
(Part of) Linton Park West, Pukehangi	Lot 31 DPS 15777	Long narrow section surrounded by existing houses.	Access would probably have to be via empty lot at 67 Rimuvale St (appears to be privately owned). Site is very long and narrow.	Access to the rest of Linton Park.	TBA	

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Thursday, 9 September 2021 10:55 am
To: Stephanie Kelly; Matt Pilkinton
Subject: FW: BRF20/21061017 Using council reserve land temporarily for housing in Rotorua
Attachments: BRF20 21061017 Using council reserve land temporarily for housing in Rotorua.docx;
 BRF20 21061017 Using council reserve land temporarily for housing in Rotorua.pdf

Here it is Steph as requested.

From: Jason Haskell <Jason.Haskell@hud.govt.nz>
Sent: Monday, 5 July 2021 5:13 PM
To: S7(2)(a) @parliament.govt.nz
Cc: S7(2)(a) Dan Shenton <Dan.Shenton@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Brad Ward <Brad.Ward@hud.govt.nz>; S7(2)(a) @parliament.govt.nz
Subject: BRF20/21061017 Using council reserve land temporarily for housing in Rotorua

Kia ora S7(2)(a)

Attached is the briefing for Ministers Woods and Davidson titled 'Using council reserve land temporarily for housing in Rotorua' (BRF20/21061017). Hard copies are in the bag for tomorrow morning.

Could you please forward this to Minister Davidson's office?

Ngā mihi,

Jason Haskell (he/him)

Policy Advisor | Urban Development Regulatory Tools

Place-Based Policy and Programmes

jason.haskell@hud.govt.nz | S7(2)(a)

www.hud.govt.nz | Level 8, 7 Waterloo Quay, Wellington, New Zealand



He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

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Briefing

Using council reserve land temporarily for housing in Rotorua

Date:	5 July 2021	Security level:	In Confidence
Priority:	Medium	Report number:	BRF20/21061017

Action sought

	Action sought	Deadline
Hon Dr Megan Woods Minister of Housing	Note that Rotorua Lakes Council has proposed a local Bill to enable council reserve land to be used temporarily for housing in Rotorua. Agree to support this proposal and direct officials to engage with the council as it is developed.	23/07/2021
Hon Marama Davidson Associate Minister of Housing (Homelessness)	Note that Rotorua Lakes Council has proposed a local Bill to be used temporarily for housing on council reserve land in Rotorua.	23/07/2021

Contact for discussion

Name	Position	Telephone	1 st contact
Jessica Ranger	Manager, Urban Development Regulatory Tools	S7(2)(a)	✓
Jason Haskell	Policy Advisor, Urban Development Regulatory Tools		

Other agencies consulted

Rotorua Lakes Council, Kāinga Ora

Minister's office to complete

- ☐ Noted
- ☐ Seen
- ☐ Approved
- ☐ Needs change
- ☐ Not seen by Minister
- ☐ Overtaken by events
- ☐ Declined
- ☐ Referred to (specify)

Comments

Date returned to HUD:



Briefing

Using council reserve land temporarily for housing in Rotorua

For: Hon Dr Megan Woods, Minister of Housing
Hon Marama Davidson, Associate Minister of Housing (Homelessness)

Date: 5 July 2021 **Security level:** In Confidence

Priority: Medium **Report number:** BRF20/21061017

Purpose

1. To advise you on Rotorua Lakes Council's proposed local Bill to enable council reserve land to be used temporarily for housing.

Recommended actions

2. It is recommended that you:
 1. **note** there is urgent housing need in Rotorua, and using council reserve land temporarily for housing could help to alleviate this in the short to medium term *Noted*
 2. **note** that Rotorua Lakes Council has agreed in principle to a proposal to draft a local Bill that would enable council reserve land to be used temporarily for housing within the Rotorua Lakes District area *Noted*
 3. **note** that Rotorua Lakes Council has identified 78 hectares of council reserve land that could be used temporarily for housing, with a potential yield of 155 units. *Noted*
 4. **agree** to support Rotorua Lakes Council's proposal for a local Bill, and for officials to engage with the council as this is developed. *Agree / Disagree*



Jessica Ranger
Manager, Urban Development
Regulatory Tools, Te Tūāpapa Kura
Kāinga – Ministry of Housing and
Urban Development

5 / 7 / 21
..... / /

Hon Dr Megan Woods
Minister of Housing

..... / /

Hon Marama Davidson
Associate Minister of Housing
(Homelessness)

..... / /

Action is being taken to address housing issues in Rotorua

3. Rotorua city has experienced strong growth after two decades of population stability. The housing supply has not responded, and the number of building consents granted remains one of the lowest in New Zealand by population. This has resulted in a sharp increase in rents and house prices, leading to increases in homelessness and overcrowding.
4. A shortage of affordable homes for low-income households means more people are experiencing periods of homelessness, including in emergency and transitional housing, and the public housing register is increasing. These issues were exacerbated by the need to quickly house people experiencing homelessness during the COVID-19 lockdown.
5. As a result, government has been working with Rotorua through a place-based partnership with iwi and Council since late 2019.
6. The range of housing and urban issues facing Rotorua have contributed to some acute housing need, particularly with relation to homelessness and motel use. The volume of Emergency Housing Special Needs Grant (EHSNG) recipients in Rotorua is the highest in the country by population, and reliance on EHSNG relative to transitional housing is also very high. Up to five households are receiving EHSNGs for each transitional home available for placement (compared to a one-to-one ratio across the country). This volume of EHSNGs places growing pressure on the government to manage placement and provide support to households.
7. To address these immediate housing pressures, a taskforce involving government agencies, Rotorua Lakes Council (RLC) and Te Arawa iwi was initiated in late March 2021. The taskforce worked intensively to develop immediate solutions to the homelessness and emergency housing situation in Rotorua.
8. In April 2021, the Government announced the following suite of immediate emergency housing actions:
 - a. direct contracting of motels for emergency accommodation
 - b. wrap-around social support services for those in emergency accommodation to be provided
 - c. grouping of cohorts like families and tamariki in particular motels, separate from other groups
 - d. a one-stop Housing Hub for access to services and support to be established.
9. The Government has now contracted 12 motels with full wrap-around support in 260 units, with families being transitioned into these motels in July 2021.
10. As part of these immediate actions, Kāinga Ora has also intensified its efforts in Rotorua to increase public and transitional housing supply. Kāinga Ora is currently exploring and progressing several opportunities that could yield up to **S7(2)** units within the next three to five years. However, these opportunities are subject to negotiations and the finalisation of agreement processes and contracts.

RLC has proposed using council reserve land temporarily for housing

11. To complement the immediate actions being taken, RLC has proposed having a time-limited ability to use council reserve land temporarily for housing. Primary legislation is required to enable this.
12. Christchurch City Council, Selwyn District Council and Waimakariri District Council were given a similar power following the 2011 Christchurch earthquake (the Canterbury Order).
13. RLC staff have undertaken an initial assessment and identified approximately 78 hectares of council reserves (including parts of reserves) that could be used temporarily for housing. This could potentially yield 155 units on standard residential sections of 500m².

14. Further due diligence to confirm the suitability of the sites, and to identify the serviceability and potential constraints is yet to occur. RLC expects to undertake this work in parallel to the legislative process. It is also anticipated that a resource consent process will be required to enable housing temporarily on each site.
15. RLC has advised that it does not have sufficient non-reserve land that could be used temporarily for housing. Some RLC land planned for other uses (such as infrastructure) could be used. However, this land is likely to be limited and more investigation is needed.
16. RLC is unaware of any Crown-owned reserves within Rotorua's urban area that could be used temporarily for housing.

RLC is keen to progress a local Bill

17. On 22 April 2021 (BRF20/21030881 refers), Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) advised you that a Government Bill could be passed to enable reserves to be used temporarily for housing in Rotorua, and possibly in other parts of the country.
18. Subsequently, on 20 May, RLC agreed in principle to draft a local Bill giving it the time-limited power to use council reserve land temporarily for housing.
19. RLC has engaged legal advisors to begin drafting a local Bill based on the Canterbury Order and has received an initial draft. HUD understands that your colleague, Tāmati Coffey MP, is likely to be the member in charge of this Bill in Parliament.
20. RLC considers 10 years to be an appropriate time for this power to last so that long-term housing needs are addressed. This would be approximately the same time as the Canterbury Order.
21. Initial legal advice received by RLC suggests that consideration will need to be given to the appropriate method and extent of consultation on the Bill required by both the Local Government Act 2002 and RLC's policies. RLC has indicated that it will likely consult on the specific reserves proposed to be used.
22. A key consideration for the Bill will be whether additional council reserves could be used temporarily for housing at a later stage, who should have that decision making power, and what consultation process would occur (including with Te Arawa iwi).
23. RLC understands that Ministers may choose to progress a Government Bill instead.

A local Bill has advantages over a Government Bill

24. There is strong local leadership from RLC for a local Bill. It is invested in the policy outcomes of this proposal and is eager to undertake the required work to enable housing construction as soon as possible.
25. It may be quicker to progress a local Bill than a Government Bill. There is not the same Cabinet process required for its introduction. Although a local Bill may only be considered on Member's Days (every second Wednesday on sitting weeks), it will have precedence over Member's Bills. Therefore, its progress is likely to be steady and predictable. Urgency can be used to pass a local Bill if desired.
26. At your direction, HUD officials can engage with RLC as it develops its local Bill. We can also support the Bill through the parliamentary process, such as at select committee. PCO will also help in reviewing the draft Bill before it enters the House (as with all Member's and local Bills).

Limitations of a local Bill

27. A limitation with RLC's proposed local Bill is that it will only apply in Rotorua. A Government Bill, on the other hand, could enable the power to use council reserves temporarily for housing to be applied more generally.
28. However, considerable work would be needed to identify other places in New Zealand that might benefit from having this power. Given the pressure in Rotorua for new housing supply as soon as possible, a Government Bill risks further delaying action on this.

Recommended approach

29. We recommend that you agree to HUD officials supporting RLC as it develops its local Bill. While a local Bill will not enable this power to be used elsewhere, it will provide a pathway for providing much-needed housing temporarily in Rotorua, driven by local leadership and investment in delivering improved housing outcomes.

Engagement with Te Arawa iwi and the community is important

Te Arawa iwi engagement

30. Early and meaningful engagement with Te Arawa iwi on the proposed local Bill is critical. We understand the views of the iwi have not yet been sought by RLC.
31. We will continue to work with RLC to ensure early and meaningful engagement with Te Arawa iwi occurs. We will also work with RLC to identify any issues relating to the Right of First Refusal (RFR).

Community engagement

32. There is likely to be a level of concern from the wider community on the proposal. As outlined in paragraph 21, RLC is aware of the need for consultation on both the Bill and the individual sites.

Next Steps

33. If you agree to support the local Bill proposal, HUD officials will discuss next steps with RLC, including how HUD can support the local Bill process, and the process for consulting with Te Arawa iwi and the wider community. HUD officials will also consult with the Department of Conservation and any other relevant agencies on this proposal.
34. We will report back to you on progress with this proposal within the next two months.

From: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>
Sent: Tuesday, 21 September 2021 9:47 am
To: Anne Shaw; S7(2)(a) Jean-Paul Gaston; Jocelyn Mikaere; S7(2)
S7(2)(a)
Cc:
Subject: Rotorua Rākau Taumatua Place-based Action PSG record
Attachments: Rākau Taumatua PSG Meeting record 15092021.docx

Kia ora koutou, please find attached meeting record from last week. Any amendments or correction please advise.
Ngā mihi
Rosemary

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 | **Ipurangi:** rotorualakescouncil.nz

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



Meeting Record


Rākau Taumatua- Rotorua Housing Place-based Action Plan Programme Steering Group

ROTORUA
LAKES COUNCIL

Date: Wednesday 15 September 2021, 8.30am

Venue:	Zoom videoconference meeting
Facilitator:	Rosemary Viskovic
Members Present	Anne Shaw (HUD); S7(2)(a) (MSD); S7(2)(a) (Regional Public Service Lead); Jean-Paul Gaston (RLC); Rosemary Viskovic, Programme Manager
In attendance	S7(2)(a) (Kāinga Ora); S7(2)(a) (MSD); Jonathon Fraser (HUD)
Apologies	S7(2)(a) (Kāinga Ora)

	Agenda Items
1	Karakia Whakatuwhera
2	Previous minutes actions/ updates- <ul style="list-style-type: none"> All matters continue to be worked on.
3	S7(2)(c)(i) <div></div>
4	S7(2)(c)(i) <div></div>

	Agenda Items
	S7(2)(c)(i) 
5	<p>Change Request</p> <p>RV notes that the Programme Gantt refers to use of Local Bill with regards temporary use of reserves for temporary housing. Following investigation and workshop it was identified that the reserves identified as surplus would be better suited for permanent revocation, also considering cost of developing use for housing. Considering a wider tool for fast-track reserve revocation. Council officers have identified 11 reserves. Need Council to approve in principle, then need to consult on revocation, who it is sold to, concept for use and reinvestment of land sale into other reserves. RV to make change to programme plan accordingly.</p>
6	Learnings Register and Issues Register- received
7	Next meeting- 20 October
8	Karakia Whakakapi- meeting closed

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 21 September 2021 5:27 pm
To: Stephanie Kelly
Cc: Jean-Paul Gaston
Subject: Re: Rotorua reserves advice requested by Minister Woods

Thanks Steph will hopefully have the paper ready to send to you and JP tomorrow. Will need feedback by Friday or sooner if possible.

Get [Outlook for iOS](#)

From: Dan Shenton
Sent: Monday, September 20, 2021 3:17:08 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Cc: Laura Sutherland <Laura.Sutherland@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>
Subject: Rotorua reserves advice requested by Minister Woods

Kia ora Steph and JP,

Just tried calling you, but as a heads up our Minister has asked for advice on the reserves work in Rotorua – including giving her advice on the full suite of legislative options (i.e. reserves Act revocations process, local Bill and Govt Bill). We are aiming to provide the briefing up to the Minister mid this week, but this may be early next week. Happy to take a quick call on this but we are aiming to send you a draft either today or tomorrow, which will have a quick turnaround on it.

Happy to discuss,

Ngā mihi nui


Dan Shenton

Senior Policy Advisor, Place Based Outcomes

Place-Based Policy and Programmes

Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development

dan.shenton@hud.govt.nz | S7(2)(a)

 www.hud.govt.nz | 7 Waterloo Quay, Wellington



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From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 28 September 2021 1:19 pm
To: Stephanie Kelly
Subject: RE: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

Hi Steph

Could you add to or change the below – for the Minister advice.

Thanks

Dan

1. *Moving from temporary to permanent revocation of reserve land*
2. As previously reported to you, RLC had started work on a local Bill to enable some reserves to be temporarily used for housing (BRF20/21061917 refers). However, RLC has determined its preference is for this land to be available permanently for housing. HUD agrees with this assessment and recommends the permanent revocation of identified, for PH and TH purposes.
3. These sites are poorly used by the community and do not meet the requirements of RLC's open spaces policy. The presence of other reserves with more extensive community use near to each site also means these sites are surplus to requirements as reserves.
4. RLC is proposing to seek approval from Councillors, in mid-October 2021, to agree in-principle to the process to revoke the reserve status of identified sites for housing purposes, and to begin initial due-diligence work on the sites, including iwi engagement. This advice to Councillors will outline the potential options to revoke the reserves status (i.e current process under the Reserves Act, Local Bill, Government Bill).

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 27 September 2021 11:00 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

Thanks Dan and I look forward to hearing from.

I also have one further comment. The advantages/disadvantages table notes that the Reserves Act process is not well known publicly and may not be visible depending on RLC comms. We have undertaken a number of reserve revocation processes so there is a level of awareness of this process within our community and is likely to be much more familiar than the select committee process. Further, given the significance of what we are proposing with respect to permanent revocation, we also ensure that it was communicated as widely as proposal. It is critical that the process is robust and transparent.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 021 238 8856 | **E:** stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Monday, 27 September 2021 10:13 AM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

Mōrena Steph,

Thank you for the swift response. Responses to your email/ further questions for you are highlighted below. I'll give you a quick call later today to discuss.

Ngā mihi

Dan

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 27 September 2021 9:01 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>
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Hi Dan,

Thanks for sending this through. Just to confirm, the purpose of this is to provide the Minister with information only, you are not requesting she make a decision on anything? We are reporting to Council next week and will be recommending we pursue the reserve revocation option, not the local Bill.

I'll give you a quick call to discuss as we are still confirming the recs in the paper. The Min may make a decision in terms of her preference between the three options - focussing on which of the options meets the criteria (outlined in the paper) and ultimately allows for land to be made available to be built on quickly, to reduce the reliance on motels. Mayor Chadwick and the Minister have a meeting coming up in mid to late October to discuss housing issues in Rotorua, and the Minister may want to use this opportunity to discuss her views on reserves.

I only have a couple of comments below:

- Not all of the eight reserves will be made available to KO for development. KO have identified their high priority sites and we are working with a local CHP to identify their interest in the others. The remaining sites will be offered to KO or will go to market (obviously subject to Reserves Act processes).

What sites won't be made available to KO (or is this still being determined?).

How does the offer process work – is it a definite first offer to KO, and then second to iwi/CHPs or the open market if KO don't want certain sites?

- It is unlikely that we will progress any site that is identified through due diligence as requiring a hand back process.

Let me know if you want to discuss.

Thanks,
Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Dan Shenton <Dan.Shenton@hud.govt.nz>

Sent: Friday, 24 September 2021 4:02 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>

Subject: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

Importance: High

Kia ora Steph and JP,

Please find attached, for your feedback, the draft advice to the Minister on the reserves work - and bringing on immediate public housing in Rotorua. Please note that the advice has been requested by our Minister to provide her with some rationale behind each of the options to progress the revocation of identified reserves for housing in Rotorua. The Ministers overall outcome she is seeking is to achieve the fast progression of as many avenues as possible to reduce the reliance on motels - in the immediate term (within the next 12-36 months).

We are seeking feedback on the briefing by **12pm Tuesday next week - 28 September**. The paper is due to Minister Woods office next Wednesday – 29 September. But can give you a call early next week to talk through feedback as well, if this is quicker.

Happy to discuss if you have any questions.

Ngā mihi nui

Dan Shenton

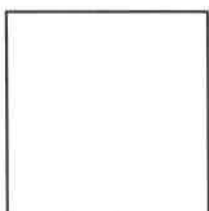
Senior Policy Advisor, Place Based Outcomes



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**Disclaimer**

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Tuesday, 28 September 2021 1:30 pm
To: Stephanie Kelly
Subject: RE: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

Could you also review this line –

1. RLC plan to seek final approval from Councillors to begin revocation of identified sites in early 2022. RLC advise that this process could take between 4-6 months.

Thanks again.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 27 September 2021 11:00 AM
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Subject: RE: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

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Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

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Sent: Friday, 24 September 2021 4:02 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>; Jason Haskell <Jason.Haskell@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>; Caroline Reid

<Caroline.Reid@hud.govt.nz>; Laura Sutherland <Laura.Sutherland@hud.govt.nz>

Subject: Rotorua reserves advice to Minister Woods - 24 Sep 2021 - seeking RLC feedback

Importance: High

Kia ora Steph and JP,

Please find attached, for your feedback, the draft advice to the Minister on the reserves work - and bringing on immediate public housing in Rotorua. Please note that the advice has been requested by our Minister to provide her with some rationale behind each of the options to progress the revocation of identified reserves for housing in Rotorua. The Ministers overall outcome she is seeking is to achieve the fast progression of as many avenues as possible to reduce the reliance on motels - in the immediate term (within the next 12-36 months).

We are seeking feedback on the briefing by **12pm Tuesday next week - 28 September**. The paper is due to Minister Woods office next Wednesday – 29 September. But can give you a call early next week to talk through feedback as well, if this is quicker.

Happy to discuss if you have any questions.

Ngā mihi nui

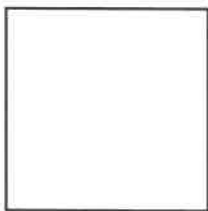
Dan Shenton

Senior Policy Advisor, Place Based Outcomes

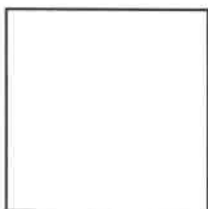


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Briefing

Using reserve land to enable transitional and public housing opportunities in Rotorua

Date:	28 September 2021	Security level:	In Confidence
Priority:	High	Report number:	BRF20/21071051

Action sought

	Action sought	Deadline
Hon Dr Megan Woods Minister of Housing	Note and agree to the recommendations in this briefing.	8 October 2021

Contact for discussion

Name	Position	Telephone		1 st contact
Jessica Ranger	Manager - Urban Development Regulatory Tool	[Direct dial]	[Mobile]	
Caroline Reid	Manager – Place-based Outcomes			
Dan Shenton	Senior Advisor	S7(2)(a)		

Other agencies consulted

Kāinga Ora, Rotorua Lakes Council

Minister's office to complete

- ☐ Noted
- ☐ Seen
- ☐ Approved
- ☐ Needs change
- ☐ Not seen by Minister
- ☐ Overtaken by events
- ☐ Declined
- ☐ Referred to (specify)

Comments

Date returned to HUD:

Briefing

Using reserve land to enable transitional and public housing opportunities in Rotorua

For: Hon Dr Megan Woods, Minister of Housing

Date: 28 September 2021

Security level: In Confidence

Priority: High

Report number: BRF20/21071051

Purpose

1. To advise you on:
 - the proposed ways forward to progress immediate public and transitional housing opportunities in Rotorua
 - options to quickly enable the use of council reserve land for public and transitional housing in Rotorua.

Executive summary

2. [To be drafted if required].

Recommended actions

3. [To be drafted]:

Jessica Ranger
Manager, Urban Development
Regulatory Tools

..... / /

Hon Dr Megan Woods
Minister of Housing

..... / /

Background

Place-based partnership and immediate housing supply focus

4. Through the place-based partnership in Rotorua, Te Tūāpapa Kura Kāinga — Ministry of Housing and Urban Development (HUD) has been working closely with Rotorua Lakes Council (RLC), Te Arawa iwi, Kāinga Ora, and other agencies to find solutions to the pressing emergency housing issues in Rotorua.
5. Our recent focus for this work has been to provide better support for people living in emergency housing motels, and to ensure the immediate progression of transitional and public housing (2021-2024), to reduce the reliance on motels. As of September 2021, 672 households (approximately 1300-1500 people) are accessing emergency housing, including in contracted or COVID motel facilities, the highest per-capita in the country.
6. Rotorua also faces an acute shortage of public housing (PH), with one transitional housing (TH) place available for every five Emergency Housing Special Needs Grants (EHSNG) places, compared with a roughly one-to-one ratio across the country. Ensuring a strong pipeline of new transitional and public housing places in Rotorua is vital to addressing this shortage. As part of this work, we have also been working with RLC to support them to identify potential reserve land that could be used for TH and PH.

Current pipeline of Transitional and Public Housing in Rotorua

The immediate transitional and public housing opportunities (2021-2024)

7. [Since 2019, Kāinga Ora has delivered 42 new public homes and a further 29 are underway or will be commenced this year through infill and redevelopment of existing sites].
8. Since early 2021 Kāinga Ora has intensified its efforts to increase TH and PH opportunities in Rotorua. The below table sets out these opportunities and the approximate housing yield that they could provide.

Actions to develop public and transitional housing	<u>Estimated yield</u>				Likelihood that yield is fully achieved
	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>Total to 2024</u>	
S7(2)(c)(i)					
Kāinga Ora redevelopments	35	No expected delivery	No expected delivery	35	High
Motel purchases	30	No expected delivery	No expected delivery	30	High
S7(2)(c)(i)					

9. If all these opportunities were to eventuate, Kāinga Ora could potentially deliver approximately 435 TH and PH by 2024. Further opportunities may add to this total.

10. Using houses manufactured offsite, Kāinga Ora can quickly bring on supply once legal processes and earthworks are completed. Following a two-week period for inspection for defects and code compliance certification, Kāinga Ora can place an order for 10 OSM units per week. Each unit takes a day to install.

Likelihood of delivering against these opportunities by 2024

11. The success of these opportunities is not guaranteed. They are highly dependent on negotiations and the fast progress of consenting processes and resolution of supply chain issues.
12. In addition, progressing these opportunities is also dependent on Kāinga Ora being able to act on and fund these opportunities. If delivered these opportunities exceed existing delivery intentions for Rotorua (190 by 2024) and potentially the broader 450 target for the Bay of Plenty, as set out in the Public Housing Plan.
13. HUD recommends you set an expectation for over delivery of Public Housing places in Rotorua, so Kāinga Ora can have confidence in progressing opportunities (including reserve land) that could deliver up to S7(2) homes. The expectation would also enable new Community Housing Provider opportunities to be progressed.

Accessing reserve land for housing provides a further opportunity to deliver public and transitional homes

14. With the uncertainty of opportunities in the current pipeline of transitional and public housing being progressed, we have also been working with RLC on the potential to re-purpose existing reserve land for public and transitional housing.
15. Rotorua Lakes Council has identified eight potential reserve sites (Annex A) for this purpose. These sites could yield a further 130-170 places within the next three years. This would bring the maximum total yield over this period up to approximately S7(2) transitional and public homes.
16. As previously reported to you, RLC had started work on a local Bill to enable some reserves to be temporarily used for housing (BRF20/21061917 refers). However, RLC has determined its preference is for this land to be available permanently for housing.
17. These sites are poorly used by the community and do not meet the requirements of RLC's open spaces policy. The presence of other reserves with more extensive community use near to each site also means these sites are surplus to requirements as reserves.

Reserves sites identified for transitional and public housing

18. Based on an initial assessment by Kāinga Ora, five of these sites could be developed in the short term with a potential yield of S7(2)(c) homes. A further three sites could be developed in the medium term with a potential yield of S7(2). This would represent a total yield of approximately S7(2)(c) across all eight sites within the next five years.
19. The eight sites are located throughout Rotorua, including in the eastern suburbs and Ngongotahā to the west.

Information required from KO - we had a few questions for KO that will assist with understanding the overall timeframes from revocation through to build:

- What criteria was used to assess the viability of the eight reserve sites for potential public housing?
- Do the timeframes include the potential processes around revocation/legislation, or is the timeframe from the revocation/legislative processes being completed?
- Once this has been confirmed (for the question above) - what is the actual delivery timeframe from the point the land is available for KO to build on - to the point the homes are built and people in homes (i.e. – stripping out the process choice or reserves vs bill). Could you also break the delivery timeframe down for the five sites that have been identified for

delivery in the short term; and the three sites that have been identified for the medium term?

- Why would KO propose to take longer for some sites than others, and what this extra time would deliver? Basically – what is the difference between the first five sites and the remaining three?

Options to enable the use of the reserves for transitional and social housing

20. Making the land available for housing will require revoking its reserve status. This could be done either by following the permanent revocation process in the Reserves Act or through bespoke legislation in the form of either a local Bill or a Government Bill.
21. All reserve sites are currently zoned residential, meaning housing development would be permitted if the reserve status is revoked. Prior ownership is also a key consideration when disposing of the reserves. If a site was previously owned by the Crown or iwi, certain disposal process will apply. RLC is undertaking due diligence on the sites, including around ownership. This is due to be completed in early 2022.
22. The following table provides analysis around the advantages and disadvantages of using the Reserves Act, a local Bill, or a Government Bill.

Options	Speed	Certainty that land will be delivered	Roles	Flexibility	Iwi/Public engagement
Reserves Act process	Typically takes two years Largely reliant on DOC/MOC Decision making Could be faster if DOC/Minister for Conservation prioritise it Additional processes (e.g. consenting) required afterwards to enable construction	Highly reliant on the council to complete this process, some risk given local Government elections in 2022. Highly reliant on DOC/MOC decision making Potential for Judicial Review Process doesn't guarantee land is available for TH/PH RLC may be required to return land to previous owners if due diligence shows sites were previously owned by Crown or iwi	RLC owns and leads this process MOC is final decision makes – based on DOC advice HUD supports RLC	Only revokes reserve status May be required to offer/return land to previous owner Separate process to dispose land after revocation Reserves chosen for revocation only if consistent with RLC policies	Mandated minimum one-month public engagement (RLC indicated it would go longer) Process not well known publicly and may not be very visible depending on RLC comms approach Occurs in Rotorua Hears oral submissions RLC is familiar with the process
Local Bill	Generally takes 9-10 months Select committee process can be shortened (though PCO doesn't draft the Bill and select committee might be needed for technical fixes) Cannot use urgency	Highly reliant on the council to complete this process, some risk given local Government elections in 2022. High legislative priority – Local Bills are top of the order paper on Members' days (with some exceptions)	RLC drafts the Bill and participates in the legislative process A local MP leads the process Parliament does the rest HUD supports RLC and the process	Broad scope for action (like with a Government Bill) but only applies to Rotorua Lakes District	Select committee process Public notice before introduction Can hold hearings in Rotorua
Government Bill	Generally takes 9-10 months Depends on legislative priority Can use urgency and shorten select committee	Dependent on Government priority and legislative decisions	HUD drafts advice and supports select committee process PCO drafts Bill No active role for RLC	Maximum flexibility – can vest land, deal with zoning, consents etc. Could enable use of reserves in other parts of NZ.	Select committee process Hearings can be held in Rotorua

Assessment of options

Local Bill option

23. HUD considers there are advantages with progressing a local Bill to revoke the reserve status of these sites. It recognises the importance of dealing with the acute housing shortage in Rotorua, while providing strong local leadership. There would be a high degree of certainty if the Government supported the Bill through the Parliamentary process. Local input could be sought through the select committee process.
24. A local Bill also provides an opportunity to address other aspects of the development process such as zoning, disposal and resource consenting if required.

Reserves Act option

25. The Reserves Act process is well established and provides an understood engagement process. The council is familiar with using this process. However, like all statutory decision-making processes, there is no guarantee of outcome.
26. HUD is concerned the Reserves Act process could become drawn out. Councils have told us this process can take 18 months or more, due to time taken on operational and decision-making processes by the Department of Conservation and the Minister of Conservation. There is also the potential for judicial review.
27. If this option is pursued, HUD would need to liaise closely with the Department of Conservation to monitor progress.

Government Bill option

28. While a Government Bill would provide potentially the fastest process, it would represent a significant intervention by central government. HUD considers this option would be more appropriate if there is wider demand from councils to use reserve land for housing, or in response to broader issues with the revocation process.
29. We are in the process of discussing the use of reserve land with other councils and developing an understanding of the issues. Therefore, it would be better to progress a Government Bill as a longer-term solution. This work would need to be done with the Department of Conservation.

Treaty implications and engagement with Te Arawa iwi

30. [HUD to draft this section]

Consultation

31. Kāinga Ora and RLC have been consulted on the contents of this briefing.

Next steps

32. [to be added].

Annexes

33. Annex A: List of reserves being considered for housing

Annex A: List of reserves being considered for housing

Reserve	Size	Yield	Ease of development ¹	Timeframe for development ²	Risks
Steeles Lane Reserve	13,412m ² Note – only part of reserve is proposed for use	20-25	High	Short term	
Coulter Road Reserve	12,297m ² Note – only part of reserve is proposed for use	10-14	High	Short term	Existing vehicle access is narrow but could be serviced by a one-way system.
Waitawa Place Reserve	4,426m ² Note – only part of reserve is proposed for use	5-8	Medium	Short term	Access to road is narrow, and reserve is surrounded by privately owned houses – question of how to create vehicle access.
Lee Road Reserve	18,291m ²	50-60	Medium	Short term	Within Inner Airport Noise overlay. Drainage issues. 15–20-minute drive from Rotorua central.

¹ Initial judgment by Kāinga Ora reflecting ease of development, fit with strategic projects and appropriateness for housing.

² Provisional – due diligence still to be completed for each site. Short term reflects a timeframe of approximately 18-24 months, medium term approximately 2-4 years.

Reserve	Size	Yield	Ease of development¹	Timeframe for development²	Risks
Ranginui Street Reserve	809m ²	2	Medium	Short term	
Wrigley Road Reserve	38,666m ² Note – only part of reserve is proposed for use	20-25	High	Medium term	Poor vehicle access. Street frontage currently blocked by skate park.
High Street Reserve	Approx. 3373m ² Note – only part of reserve is proposed for use	15	High	Medium term	Vehicle access would require removing an existing KO home.
Park Road Reserve	25,000m ² Note – only part of reserve is proposed for use	20-25	Medium	Medium term	Poor vehicle access. Street frontage currently blocked by skate park.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Wednesday, 29 September 2021 4:58 PM
To: Stephanie Kelly
Cc: Jean-Paul Gaston
Subject: FW: BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua
Attachments: BRF2021071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua.docx; BRF2021071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua.pdf

Kia ora Steph,

Reserves advice sent to the Mins office just now. Happy to discuss with you if needed. And will be in touch about any support needed to brief your Council. And thanks for all your help on this too.

Ngā mihi

Dan

From: Lani Wallace <Lani.Wallace@hud.govt.nz>
Sent: Wednesday, 29 September 2021 4:51 PM
To: S7(2)(a) @parliament.govt.nz
Cc: Brad Ward <Brad.Ward@hud.govt.nz>; Rebecca Maplesden <Rebecca.Maplesden@hud.govt.nz>; Sandra Mansor <Sandra.Mansor@hud.govt.nz>; Briefing Requests <Briefing_Requests@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Sarah Graham <Sarah.Graham@hud.govt.nz>; Lani Wallace <Lani.Wallace@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Nic Hill <Nic.Hill@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>
Subject: BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua

Kia ora S7(2)(a)

Please find attached BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua. Can you please forward onto the Associate Minister of Housing (Māori Housing) and Associate Minister of Housing (Homelessness).

Briefings: Please record date sent.

Ngā mihi, nā
 Lani

Lani Wallace

PA to Caroline Reid | Place-Based Outcomes

PA to Rebecca Maplesden | Places and Partnerships

Place-Based Policy and Programmes

lan.wallace@hud.govt.nz | S7(2)(a)

www.hud.govt.nz | Level 8, NZ Post House, 7 Waterloo Quay, Wellington 6011



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Briefing

Using reserve land to enable transitional and public housing opportunities in Rotorua

Date:	29 September 2021	Security level:	In Confidence
Priority:	Medium	Report number:	BRF20/21071051

Action sought

	Action sought	Deadline
Hon Dr Megan Woods Minister of Housing	Agree to set an expectation for Kāinga Ora to overdeliver public housing places in Rotorua. Forward this briefing to the Associate Minister of Housing (Māori Housing) and Associate Minister of Housing (Homelessness).	20 October 2021

Contact for discussion

Name	Position	Telephone	1 st contact
Jessica Ranger	Manager - Urban Development Regulatory Tools	S7(2)(a)	✓
Caroline Reid	Manager – Place-based Outcomes		
Dan Shenton	Senior Advisor		

Other agencies consulted

Kāinga Ora, Rotorua Lakes Council

Minister's office to complete

- ☐ Noted
- ☐ Seen
- ☐ Approved
- ☐ Needs change
- ☐ Not seen by Minister
- ☐ Overtaken by events
- ☐ Declined
- ☐ Referred to (specify)

Comments

Date returned to HUD:

Briefing

Using reserve land to enable transitional and public housing opportunities in Rotorua

For: Hon Dr Megan Woods, Minister of Housing

Date: 29 September 2021

Security level: In Confidence

Priority: Medium

Report number: BRF20/21071051

Purpose

1. This briefing provides you with an update on progress Rotorua Lakes Council (RLC) is making with the proposal to use reserve land for transitional and public housing; ahead of your meeting with the Mayor of Rotorua, Hon Steve Chadwick, RLC Chief Executive Geoff Williams, and Rotorua-based MP Tāmati Coffey on 20 October 2021.
2. It also seeks your agreement to set an expectation for Kāinga Ora to overdeliver against the Public Housing Plan 2021-2024, so that Kāinga Ora can progress a range of opportunities to develop public and transitional housing.

Recommended actions

3. It is recommended that you:

1. **Agree** to set an expectation for over delivery against the Public Housing Plan 2021-2024, so Kāinga Ora can progress opportunities (including on reserve land) that could deliver up to **S7(2)** homes in Rotorua.
2. **Forward** this briefing to the Associate Minister of Housing (Māori Housing) and Associate Minister of Housing (Homelessness).

Agree

Forward

Jessica Ranger
Manager, Urban Development
Regulatory Tools

29 / 9 / 21

Hon Dr Megan Woods
Minister of Housing

..... / /

RLC is progressing a proposal to use reserve land to deliver public and transitional housing

RLC has identified 14 reserves that could potentially be used for transitional and public housing

4. Through the place-based partnership in Rotorua, Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development has been working closely with Rotorua Lakes Council (RLC), Te Arawa iwi, Kāinga Ora, and other agencies to find solutions to the pressing emergency housing issues in Rotorua. These issues include an acute shortage of transitional and public housing.
5. Ensuring a strong pipeline of new transitional and public housing places is vital to addressing this shortage. RLC has identified fourteen reserve sites that could potentially be used for this type of housing (see Annex A). Kāinga Ora has expressed an interest in pursuing eight of them.
6. These sites are poorly used by the community and do not meet the requirements of RLC's open spaces policy. The presence of other reserves with more extensive community use near each site also means these sites are surplus to local requirements.
7. Initially, RLC started work on a local Bill to enable these reserves to be temporarily used for transitional and public housing (BRF20/21061917 refers). After further investigation, council officials now consider they could be used permanently for this purpose. This will require reserve status to be revoked from the sites before they can be disposed.
8. All these sites are zoned residential, meaning housing development would be permitted once reserve status is revoked.

Council officials are seeking an in-principle decision on permanent revocation in October

9. Council officials are going to seek an in-principle decision from councillors to permanently revoke the reserve status of these sites, and to further progress due diligence on them at a confidential session on 8 October. This due diligence process will include engagement with iwi.
10. The advice to councillors will include options for revoking the reserve status of these sites. This includes using the Reserves Act 1977 (Reserves Act) or a local or Government Bill. Each of these mechanisms have advantages and disadvantages when it comes to speed, certainty, and local ownership over the process.
11. If councillors agree in-principle, council officials will seek further decisions in early 2022. This includes the mechanism for revoking the reserve status of the sites.

There is an opportunity to discuss mechanisms for revoking reserve status with RLC on 20 October

12. You are meeting with the Mayor of Rotorua, Hon Steve Chadwick, RLC Chief Executive Geoff Williams, and Rotorua-based MP Tāmāti Coffey on 20 October. This provides an opportunity to discuss the potential mechanisms for revoking reserve status. Further detail on each mechanism is provided in Annex B.
13. A key consideration for central government is the level of support it wants to provide to ensure the proposal results in the best possible outcomes in terms of transitional and public housing.

A local Bill would provide local ownership, as well as certainty of outcome and speed

14. Te Tūāpapa Kura Kāinga considers there are key advantages with progressing a local Bill to revoke the reserve status of these sites. It would recognise the importance of dealing with the acute housing shortage in Rotorua, while providing strong local leadership. There would be a high degree of certainty if the Government supported the Bill through the Parliamentary process. Local input could be sought through the select committee process.
15. A local Bill also provides an opportunity to address other aspects of the development process such as zoning, disposal and resource consenting if required. This would increase the certainty and speed of these processes.

16. A legislative process typically takes nine to ten months but could be sped up through a shortened select committee process.

The Reserves Act is an established process but there is no guarantee of outcome

17. The Reserves Act would enable strong local leadership using an established process. However, like all statutory decision-making processes, there is no guarantee of outcome because the application could be declined.
18. Te Tūāpapa Kura Kāinga is also concerned the Reserves Act process could become drawn out. Anecdotally, we have heard this process can take 18 months or more, due to time taken on operational and decision-making processes by the Department of Conservation and the Minister of Conservation. There is also the potential for judicial review.
19. If this option is pursued, Te Tūāpapa Kura Kāinga would need to liaise closely with the Department of Conservation to monitor progress.

A Government Bill would remove local ownership and is more appropriate for longer-term, national approaches

20. While a Government Bill would provide potentially the fastest process, it would represent a significant intervention by central government. It would not support local leadership and is inconsistent with the approach taken through the place-based partnership.
21. Te Tūāpapa Kura Kāinga considers this option would be more appropriate if there is wider demand from councils to use reserve land for housing, or in response to broader issues with the revocation process. Any work in this area would need to be done with the Department of Conservation.
22. A legislative process typically takes nine to ten months but could be sped up through a shortened select committee process and the use of urgency.

This proposal could result in up to 170 transitional and public houses in the next three years

23. Kāinga Ora has identified that eight of the fourteen sites could have transitional and public houses in place within 13-15 months of revoking reserve status. It would use its off-site manufacturing programme to do this.

Dependencies for success

24. Depending on the speed of the revocation, disposal, and consenting processes, up to 170 transitional and public houses could be delivered within the next three years.
25. The 13-15 months delivery timeframe for Kāinga Ora is highly dependent on:
 - a. RLC undertaking further due diligence processes (such as previous owner checks, engagement with iwi, and review of titles) – this will commence if approval in-principle is provided by councillors in October;
 - b. sale and purchase agreements being progressed within two months of revocation;
 - c. RLC efficiently progressing resource consent processes and all sites being granted non-notified resource consents.

The reserves proposal complements other actions Kāinga Ora is taking to increase the supply of transitional and public housing in Rotorua

26. Kāinga Ora has intensified its efforts to increase transitional and public housing opportunities in Rotorua in recent years.

27. Since 2017, Kāinga Ora has delivered 64 public houses (through purchasing and redevelopments) and 22 transitional houses (new build and redevelopments). A further 69 public houses and 155 transitional houses are in progress¹, with the aim of being completed by 2023.
28. As well as the reserves proposal and the transitional and public housing in progress, Kāinga Ora is exploring the following opportunities:

Opportunities to develop transitional and public housing	Estimated yield				Likelihood that yield is fully achieved
	2021-22	2022-23	2023-24	Total to 2024	
S7(2)(c)(i)					
Kāinga Ora redevelopments	35	No expected delivery	No expected delivery	35	High
Motel purchases	30	No expected delivery	No expected delivery	30	High
S7(2)(c)(i)					

29. If all these opportunities eventuate, Kāinga Ora could deliver up to 435 transitional and public housing places by 2024. The reserves proposal would bring this total to approximately 600. However, this number is highly dependent on negotiations with landowners and other relevant processes succeeding.

Progressing the reserves proposal and other opportunities requires Kāinga Ora to overdeliver public housing places in Rotorua

30. Progressing these opportunities and the reserves proposal is dependent on Kāinga Ora being able to act on and fund houses in addition to the expectations set in the Public Housing Plan 2021-2024. If all these are delivered, this will exceed delivery intentions for Rotorua, 190 by 2024, and potentially the target of 450 homes for the Bay of Plenty.
31. Te Tūāpapa Kura Kāinga recommends that you set an expectation for the over delivery of up to 650 new homes in Rotorua. This would enable Kāinga Ora to progress all the opportunities outlined in the table above and take on new opportunities that arise, such as the reserves proposal.
32. Given risks to delivery in other parts of New Zealand and your intention to seek contingency funding through Budget 2022 for over delivery, funding for additional places in Rotorua will be available to support the build by Kāinga Ora.

¹ In progress includes projects in procurement, being contracted, or in construction.

S7(2)(c)(i)

34. With the lead time required to bring new opportunities into development, it is important to provide the expectation for over delivery now, even though a specific source of funding, for unfunded places, is not locked in.

Treaty implications and engagement with Te Arawa iwi

35. Council officials have indicated RLC will engage closely with Te Arawa iwi on the reserves proposal if agreement in principle is given by councillors. Te Tūāpapa Kura Kāinga will continue to work with RLC to ensure ongoing, meaningful engagement with Māori and iwi, including on opportunities to purchase sites once reserve status has been revoked.

Consultation

36. Kāinga Ora and RLC have been consulted on the contents of this briefing.

Next steps

37. We will provide you with an aide-memoire to inform your discussion with RLC and Tāmati Coffey closer to the meeting on 20 October.

Annexes

38. Annex A: List of reserves being considered for housing.
39. Annex B: Comparison of mechanisms for revoking reserve status.

Annex A: List of reserves being considered for housing

Reserve	Size	Yield	Ease of development ²	Risks
Lee Road Reserve	18,291m ²	50-60	Medium	Within Inner Airport Noise overlay. Drainage issues. 15–20-minute drive from Rotorua central.
Steeles Lane Reserve	13,412m ² Note – only part of reserve is proposed for use	20-25	High	
Wrigley Road Reserve	38,666m ² Note – only part of reserve is proposed for use	20-25	High	Poor vehicle access. Street frontage currently blocked by skate park.
Park Road Reserve	25,000m ² Note – only part of reserve is proposed for use	20-25	Medium	Poor vehicle access. Street frontage currently blocked by skate park.
High Street Reserve	Approx. 3373m ² Note – only part of reserve is proposed for use	15	High	Vehicle access would require removing an existing KO home.
Coulter Road Reserve	12,297m ² Note – only part of reserve is proposed for use	10-14	High	Existing vehicle access is narrow but could be serviced by a one-way system.
Waitawa Place Reserve	4,426m ² Note – only part of reserve is proposed for use	5-8	Medium	Access to road is narrow, and reserve is surrounded by privately owned houses – question of how to create vehicle access.
Ranginui Street Reserve	809m ²	2	Medium	

² Initial judgment by Kāinga Ora reflecting ease of development, fit with strategic projects and appropriateness for housing.

Annex B: Comparison of mechanisms for revoking reserve status

Option	Speed	Certainty that land will be delivered	Roles	Flexibility	Iwi/Public engagement
Reserves Act process	Typically takes two years. Largely reliant on Department of Conservation (DOC) and Minister of Conservation (MOC) Decision making. Could be faster if DOC/MOC prioritise it. Additional processes (e.g. consenting) required afterwards to enable construction.	Highly reliant on the council to complete this process, some risk given local Government elections in 2022. Highly reliant on DOC/MOC decision making. Potential for Judicial Review. Process doesn't guarantee land is available for TH/PH. RLC may be required to return land to previous owners if due diligence shows sites were previously owned by Crown or iwi.	RLC owns and leads this process. MOC is final decision maker – based on DOC advice. Te Tūāpapa Kura Kāinga supports RLC.	Only revokes reserve status. May be required to offer/return land to previous owner. Separate process to dispose land after revocation. Reserves chosen for revocation only if consistent with RLC policies.	Mandated minimum one-month public engagement (RLC indicated it would go longer). Process not well known publicly and may not be very visible depending on RLC comms approach. Occurs in Rotorua. Hears oral submissions. RLC is familiar with the process.
Local Bill	Generally takes 9-10 months. Select committee process can be shortened (though PCO doesn't draft the Bill and select committee might be needed for technical fixes). Cannot use urgency.	Highly reliant on the council to complete this process, some risk given local Government elections in 2022. High legislative priority – Local Bills are top of the order paper on Members' days (with some exceptions).	RLC drafts the Bill and participates in the legislative process. A local MP leads the process. Parliament does the rest. Te Tūāpapa Kura Kāinga supports RLC and the process.	Broad scope for action (like with a Government Bill) but only applies to Rotorua Lakes District.	Select committee process. Public notice before introduction. Can hold hearings in Rotorua.
Government Bill	Generally takes 9-10 months. Depends on legislative priority. Can use urgency and shorten select committee.	Dependent on Government priority and legislative decisions.	Te Tūāpapa Kura Kāinga drafts advice and supports select committee process. PCO drafts Bill. No active role for RLC.	Maximum flexibility – can vest land, deal with zoning, consents etc. Could enable use of reserves in other parts of NZ.	Select committee process. Hearings can be held in Rotorua.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Friday, 1 October 2021 1:57 PM
To: Stephanie Kelly
Cc: Jean-Paul Gaston
Subject: FW: BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua
Attachments: BRF2021071051 Using Reserve Land to enable Transitional & Public Housing.....docx; BRF2021071051 Using Reserve Land to enable Transitional & Public Housing.....pdf

FYI Steph minor thing but we've taken out the reference to 155 TH being in progress now – they are part of the opportunities being explored in the table in the doc.

Thanks

Dan

From: Hauauru Rae <Hauauru.Rae@parliament.govt.nz>
Sent: Friday, 1 October 2021 1:46 PM
To: Lani Wallace <Lani.Wallace@hud.govt.nz>
Cc: S7(2)(a) @parliament.govt.nz; S7(2)(a) @parliament.govt.nz; Brad Ward <Brad.Ward@hud.govt.nz>; Rebecca Maplesden <Rebecca.Maplesden@hud.govt.nz>; Sandra Mansor <Sandra.Mansor@hud.govt.nz>; Briefing Requests <Briefing_Requests@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Sarah Graham <Sarah.Graham@hud.govt.nz>; Lani Wallace <Lani.Wallace@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Nic Hill <Nic.Hill@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>
Subject: RE: BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua

Kia ora tātou

Please find attached the revised version of the briefing.

To confirm, the change is to an error at para 27. I've removed reference to TH in that para, as requested.

Ngā mihi

S7(2)(a)

Private Secretary (Housing)

S7(2)(a) @parliament.govt.nz S7(2)(a)

Office of Hon Dr Megan Woods

Minister of Energy and Resources | Minister of Research, Science and Innovation | Minister of Housing | Associate Minister of Finance

Private Bag 18041 | Parliament Buildings | Wellington 6160 | New Zealand

Office Phone: +64 4 817 8705 Email: m.woods@ministers.govt.nz

From: Lani Wallace [mailto:Lani.Wallace@hud.govt.nz]
Sent: Wednesday, 29 September 2021 4:51 PM
To: S7(2)(a) @parliament.govt.nz

Cc: Brad Ward <Brad.Ward@hud.govt.nz>; Rebecca Maplesden <Rebecca.Maplesden@hud.govt.nz>; Sandra Mansor <Sandra.Mansor@hud.govt.nz>; Briefing Requests <Briefing_Requests@hud.govt.nz>; Jessica Ranger <Jessica.Ranger@hud.govt.nz>; Sarah Graham <Sarah.Graham@hud.govt.nz>; Lani Wallace <Lani.Wallace@hud.govt.nz>; Caroline Reid <Caroline.Reid@hud.govt.nz>; Nic Hill <Nic.Hill@hud.govt.nz>; Dan Shenton <Dan.Shenton@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>

Subject: BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua

Kia ora **S7(2)(a)**

Please find attached BRF20/21071051 Using Reserve Land to enable Transitional & Public Housing in Rotorua. Can you please forward onto the Associate Minister of Housing (Māori Housing) and Associate Minister of Housing (Homelessness).

Briefings: Please record date sent.

Ngā mihi, nā
Lani

Lani Wallace

PA to Caroline Reid | Place-Based Outcomes

PA to Rebecca Maplesden | Places and Partnerships

Place-Based Policy and Programmes

lani.wallace@hud.govt.nz **S7(2)(a)**

www.hud.govt.nz | Level 8, NZ Post House, 7 Waterloo Quay, Wellington 6011



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Briefing

Using reserve land to enable transitional and public housing opportunities in Rotorua

Date:	29 September 2021	Security level:	In Confidence
Priority:	Medium	Report number:	BRF20/21071051

Action sought

	Action sought	Deadline
Hon Dr Megan Woods Minister of Housing	Agree to set an expectation for Kāinga Ora to overdeliver public housing places in Rotorua. Forward this briefing to the Associate Minister of Housing (Māori Housing) and Associate Minister of Housing (Homelessness).	20 October 2021

Contact for discussion

Name	Position	Telephone	1 st contact
Jessica Ranger	Manager - Urban Development Regulatory Tools	S7(2)(a)	✓
Caroline Reid	Manager – Place-based Outcomes		
Dan Shenton	Senior Advisor		

Other agencies consulted

Kāinga Ora, Rotorua Lakes Council

Minister's office to complete

- ☐ Noted
- ☐ Seen
- ☐ Approved
- ☐ Needs change
- ☐ Not seen by Minister
- ☐ Overtaken by events
- ☐ Declined
- ☐ Referred to (specify)

Comments

Date returned to HUD:

Briefing

Using reserve land to enable transitional and public housing opportunities in Rotorua

For: Hon Dr Megan Woods, Minister of Housing

Date: 29 September 2021

Security level: In Confidence

Priority: Medium

Report number: BRF20/21071051

Purpose

1. This briefing provides you with an update on progress Rotorua Lakes Council (RLC) is making with the proposal to use reserve land for transitional and public housing; ahead of your meeting with the Mayor of Rotorua, Hon Steve Chadwick, RLC Chief Executive Geoff Williams, and Rotorua-based MP Tāmati Coffey on 20 October 2021.
2. It also seeks your agreement to set an expectation for Kāinga Ora to overdeliver against the Public Housing Plan 2021-2024, so that Kāinga Ora can progress a range of opportunities to develop public and transitional housing.

Recommended actions

3. It is recommended that you:

1. **Agree** to set an expectation for over delivery against the Public Housing Plan 2021-2024, so Kāinga Ora can progress opportunities (including on reserve land) that could deliver up to **S7(2)** homes in Rotorua.
2. **Forward** this briefing to the Associate Minister of Housing (Māori Housing) and Associate Minister of Housing (Homelessness).

Agree

Forward

Jessica Ranger
Manager, Urban Development
Regulatory Tools

29/9/21

Hon Dr Megan Woods
Minister of Housing

..... / /

RLC is progressing a proposal to use reserve land to deliver public and transitional housing

RLC has identified 14 reserves that could potentially be used for transitional and public housing

4. Through the place-based partnership in Rotorua, Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development has been working closely with Rotorua Lakes Council (RLC), Te Arawa iwi, Kāinga Ora, and other agencies to find solutions to the pressing emergency housing issues in Rotorua. These issues include an acute shortage of transitional and public housing.
5. Ensuring a strong pipeline of new transitional and public housing places is vital to addressing this shortage. RLC has identified fourteen reserve sites that could potentially be used for this type of housing (see Annex A). Kāinga Ora has expressed an interest in pursuing eight of them.
6. These sites are poorly used by the community and do not meet the requirements of RLC's open spaces policy. The presence of other reserves with more extensive community use near each site also means these sites are surplus to local requirements.
7. Initially, RLC started work on a local Bill to enable these reserves to be temporarily used for transitional and public housing (BRF20/21061917 refers). After further investigation, council officials now consider they could be used permanently for this purpose. This will require reserve status to be revoked from the sites before they can be disposed.
8. All these sites are zoned residential, meaning housing development would be permitted once reserve status is revoked.

Council officials are seeking an in-principle decision on permanent revocation in October

9. Council officials are going to seek an in-principle decision from councillors to permanently revoke the reserve status of these sites, and to further progress due diligence on them at a confidential session on 8 October. This due diligence process will include engagement with iwi.
10. The advice to councillors will include options for revoking the reserve status of these sites. This includes using the Reserves Act 1977 (Reserves Act) or a local or Government Bill. Each of these mechanisms have advantages and disadvantages when it comes to speed, certainty, and local ownership over the process.
11. If councillors agree in-principle, council officials will seek further decisions in early 2022. This includes the mechanism for revoking the reserve status of the sites.

There is an opportunity to discuss mechanisms for revoking reserve status with RLC on 20 October

12. You are meeting with the Mayor of Rotorua, Hon Steve Chadwick, RLC Chief Executive Geoff Williams, and Rotorua-based MP Tāmāti Coffey on 20 October. This provides an opportunity to discuss the potential mechanisms for revoking reserve status. Further detail on each mechanism is provided in Annex B.
13. A key consideration for central government is the level of support it wants to provide to ensure the proposal results in the best possible outcomes in terms of transitional and public housing.

A local Bill would provide local ownership, as well as certainty of outcome and speed

14. Te Tūāpapa Kura Kāinga considers there are key advantages with progressing a local Bill to revoke the reserve status of these sites. It would recognise the importance of dealing with the acute housing shortage in Rotorua, while providing strong local leadership. There would be a high degree of certainty if the Government supported the Bill through the Parliamentary process. Local input could be sought through the select committee process.
15. A local Bill also provides an opportunity to address other aspects of the development process such as zoning, disposal and resource consenting if required. This would increase the certainty and speed of these processes.

16. A legislative process typically takes nine to ten months but could be sped up through a shortened select committee process.

The Reserves Act is an established process but there is no guarantee of outcome

17. The Reserves Act would enable strong local leadership using an established process. However, like all statutory decision-making processes, there is no guarantee of outcome because the application could be declined.
18. Te Tūāpapa Kura Kāinga is also concerned the Reserves Act process could become drawn out. Anecdotally, we have heard this process can take 18 months or more, due to time taken on operational and decision-making processes by the Department of Conservation and the Minister of Conservation. There is also the potential for judicial review.
19. If this option is pursued, Te Tūāpapa Kura Kāinga would need to liaise closely with the Department of Conservation to monitor progress.

A Government Bill would remove local ownership and is more appropriate for longer-term, national approaches

20. While a Government Bill would provide potentially the fastest process, it would represent a significant intervention by central government. It would not support local leadership and is inconsistent with the approach taken through the place-based partnership.
21. Te Tūāpapa Kura Kāinga considers this option would be more appropriate if there is wider demand from councils to use reserve land for housing, or in response to broader issues with the revocation process. Any work in this area would need to be done with the Department of Conservation.
22. A legislative process typically takes nine to ten months but could be sped up through a shortened select committee process and the use of urgency.

This proposal could result in up to 170 transitional and public houses in the next three years

23. Kāinga Ora has identified that eight of the fourteen sites could have transitional and public houses in place within 13-15 months of revoking reserve status. It would use its off-site manufacturing programme to do this.

Dependencies for success

24. Depending on the speed of the revocation, disposal, and consenting processes, up to 170 transitional and public houses could be delivered within the next three years.
25. The 13-15 months delivery timeframe for Kāinga Ora is highly dependent on:
 - a. RLC undertaking further due diligence processes (such as previous owner checks, engagement with iwi, and review of titles) – this will commence if approval in-principle is provided by councillors in October;
 - b. sale and purchase agreements being progressed within two months of revocation;
 - c. RLC efficiently progressing resource consent processes and all sites being granted non-notified resource consents.

The reserves proposal complements other actions Kāinga Ora is taking to increase the supply of transitional and public housing in Rotorua

26. Kāinga Ora has intensified its efforts to increase transitional and public housing opportunities in Rotorua in recent years.

27. Since 2017, Kāinga Ora has delivered 64 public houses (through purchasing and redevelopments) and 22 transitional houses (new build and redevelopments). A further 69 public houses are in progress¹, with the aim of being completed by 2023.
28. As well as the reserves proposal and the transitional and public housing in progress, Kāinga Ora is exploring the following opportunities:

Opportunities to develop transitional and public housing	Estimated yield				Likelihood that yield is fully achieved
	2021-22	2022-23	2023-24	Total to 2024	
S7(2)(c)(i)					
Kāinga Ora redevelopments	35	No expected delivery	No expected delivery	35	High
Motel purchases	30	No expected delivery	No expected delivery	30	High
S7(2)(c)(i)					

29. If all these opportunities eventuate, Kāinga Ora could deliver up to 435 transitional and public housing places by 2024. The reserves proposal would bring this total to approximately 600. However, this number is highly dependent on negotiations with landowners and other relevant processes succeeding.

Progressing the reserves proposal and other opportunities requires Kāinga Ora to overdeliver public housing places in Rotorua

30. Progressing these opportunities and the reserves proposal is dependent on Kāinga Ora being able to act on and fund houses in addition to the expectations set in the Public Housing Plan 2021-2024. If all these are delivered, this will exceed delivery intentions for Rotorua, 190 by 2024, and potentially the target of 450 homes for the Bay of Plenty.
31. Te Tūāpapa Kura Kāinga recommends that you set an expectation for the over delivery of up to 650 new homes in Rotorua. This would enable Kāinga Ora to progress all the opportunities outlined in the table above and take on new opportunities that arise, such as the reserves proposal.
32. Given risks to delivery in other parts of New Zealand and your intention to seek contingency funding through Budget 2022 for over delivery, funding for additional places in Rotorua will be available to support the build by Kāinga Ora.

S7(2)(c)(i)

¹ In progress includes projects in procurement, being contracted, or in construction.

S7(2)(c)(i)

34. With the lead time required to bring new opportunities into development, it is important to provide the expectation for over delivery now, even though a specific source of funding, for unfunded places, is not locked in.

Treaty implications and engagement with Te Arawa iwi

35. Council officials have indicated RLC will engage closely with Te Arawa iwi on the reserves proposal if agreement in principle is given by councillors. Te Tūāpapa Kura Kāinga will continue to work with RLC to ensure ongoing, meaningful engagement with Māori and iwi, including on opportunities to purchase sites once reserve status has been revoked.

Consultation

36. Kāinga Ora and RLC have been consulted on the contents of this briefing.

Next steps

37. We will provide you with an aide-memoire to inform your discussion with RLC and Tāmati Coffey closer to the meeting on 20 October.

Annexes

38. Annex A: List of reserves being considered for housing.
39. Annex B: Comparison of mechanisms for revoking reserve status.

Annex A: List of reserves being considered for housing

Reserve	Size	Yield	Ease of development ²	Risks
Lee Road Reserve	18,291m ²	50-60	Medium	Within Inner Airport Noise overlay. Drainage issues. 15–20-minute drive from Rotorua central.
Steeles Lane Reserve	13,412m ² Note – only part of reserve is proposed for use	20-25	High	
Wrigley Road Reserve	38,666m ² Note – only part of reserve is proposed for use	20-25	High	Poor vehicle access. Street frontage currently blocked by skate park.
Park Road Reserve	25,000m ² Note – only part of reserve is proposed for use	20-25	Medium	Poor vehicle access. Street frontage currently blocked by skate park.
High Street Reserve	Approx. 3373m ² Note – only part of reserve is proposed for use	15	High	Vehicle access would require removing an existing KO home.
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Waitawa Place Reserve	4,426m ² Note – only part of reserve is proposed for use	5-8	Medium	Access to road is narrow, and reserve is surrounded by privately owned houses – question of how to create vehicle access.
Ranginui Street Reserve	809m ²	2	Medium	

² Initial judgment by Kāinga Ora reflecting ease of development, fit with strategic projects and appropriateness for housing.

Annex B: Comparison of mechanisms for revoking reserve status

Option	Speed	Certainty that land will be delivered	Roles	Flexibility	Iwi/Public engagement
Reserves Act process	Typically takes two years. Largely reliant on Department of Conservation (DOC) and Minister of Conservation (MOC) Decision making. Could be faster if DOC/MOC prioritise it. Additional processes (e.g. consenting) required afterwards to enable construction.	Highly reliant on the council to complete this process, some risk given local Government elections in 2022. Highly reliant on DOC/MOC decision making. Potential for Judicial Review. Process doesn't guarantee land is available for TH/PH. RLC may be required to return land to previous owners if due diligence shows sites were previously owned by Crown or iwi.	RLC owns and leads this process. MOC is final decision maker – based on DOC advice. Te Tūāpapa Kura Kāinga supports RLC.	Only revokes reserve status. May be required to offer/return land to previous owner. Separate process to dispose land after revocation. Reserves chosen for revocation only if consistent with RLC policies.	Mandated minimum one-month public engagement (RLC indicated it would go longer). Process not well known publicly and may not be very visible depending on RLC comms approach. Occurs in Rotorua. Hears oral submissions. RLC is familiar with the process.
Local Bill	Generally takes 9-10 months. Select committee process can be shortened (though PCO doesn't draft the Bill and select committee might be needed for technical fixes). Cannot use urgency.	Highly reliant on the council to complete this process, some risk given local Government elections in 2022. High legislative priority – Local Bills are top of the order paper on Members' days (with some exceptions).	RLC drafts the Bill and participates in the legislative process. A local MP leads the process. Parliament does the rest. Te Tūāpapa Kura Kāinga supports RLC and the process.	Broad scope for action (like with a Government Bill) but only applies to Rotorua Lakes District.	Select committee process. Public notice before introduction. Can hold hearings in Rotorua.
Government Bill	Generally takes 9-10 months. Depends on legislative priority. Can use urgency and shorten select committee.	Dependent on Government priority and legislative decisions.	Te Tūāpapa Kura Kāinga drafts advice and supports select committee process. PCO drafts Bill. No active role for RLC.	Maximum flexibility – can vest land, deal with zoning, consents etc. Could enable use of reserves in other parts of NZ.	Select committee process. Hearings can be held in Rotorua.

From: Dan Shenton <Dan.Shenton@hud.govt.nz>
Sent: Thursday, 21 October 2021 2:00 pm
To: Stephanie Kelly
Subject: RE: Query

Kia ora Steph

I'd include the below in the email – Laura and Jason/Matt will likely be doing the heavy lifting/ providing support from the HUD side of things. Nick and Laura will also be up in Rotorua next week meeting with JP and co on a Housing Action Plan (which should include the reserves work), so you may want to also catch up with them when they are in the RLC office. I'm still going to be involved in Rotorua though – but more from the iwi housing side of things, so you'll still see me around and feel free to call or email me.

Ngā mihi

Dan

[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 21 October 2021 11:21 AM
To: Dan Shenton <Dan.Shenton@hud.govt.nz>
Subject: Query

Hi Dan,

Remind me again who from HUD I need to include in this email re. reserve revocation now that you are no longer involved?

Thanks

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*
P: 07 351 8853 | 021 238 8856
E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand



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From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 21 October 2021 2:45 pm
To: Jason Haskell; Matt Pilkinton; Laura Sutherland; Rob Pitkethley; Julianne Wilkinson; S7(2)(a)
Cc: Nick McNabb; Dan Shenton
Subject: CONFIDENTIAL - Reserve revocation work


Kia ora Koutou,

The purpose of this email is to provide you with an update on the work to revoke the classification of a number of reserves sites to achieve housing outcomes.

Last week we obtained support in principle from Council's Strategy, Policy and Finance Committee to revoke the status of the identified reserves with staff making a commitment to bring a full proposal back by March 2022, including:

- A recommendation on the most appropriate legal pathway to enable revocation
- A recommendation on who should acquire each reserve site
- The housing proposal for each site
- How the funds received from the disposal of these reserve sites will be reinvested into the open space network

S7(2)(c)(i)



HUD can you please advise who should be invited to the hui from your organisation – ideally it would be limited to one or two at this stage.

Ngā mihi,

Stephanie

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 07 351 8853 | 021 238 8856

E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

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

ROTORUA
LAKES COUNCIL

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Friday, 22 October 2021 1:51 pm
To: Stephanie.Kelly@rotorualc.nz
Cc: Borko Sajevic
Subject: Reserve revocation hui

Kia ora Steph,

Thanks for the invite to the reserves hui – Borko Sajevic and I will be attending from HUD.

Thanks,

Laura Sutherland ([she/her](#))

Policy Advisor | Place Based Outcomes

Place-Based Policy and Programmes

laura.sutherland@hud.govt.nz | S7(2)(a)

www.hud.govt.nz | 7 Waterloo Quay, Wellington



He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

[UNCLASSIFIED]

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From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Tuesday, 9 November 2021 9:52 am
To: Stephanie Kelly
Subject: RE: DoC Contact

Yes our urban development team have been in touch with them about the revocation process.

[IN-CONFIDENCE:RELEASE EXTERNAL]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 9 November 2021 9:11 am
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Subject: RE: DoC Contact

But there were some conversations previously?

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Tuesday, 9 November 2021 9:07 AM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: DoC Contact

Hi Steph, no I haven't been in touch yet.

[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 9 November 2021 8:47 am
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Borko Sajevic <Borko.Sajevic@hud.govt.nz>
Subject: RE: DoC Contact

Thanks Laura. Are they up to speed with where this has landed?

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Sent: Monday, 8 November 2021 3:53 PM

To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Cc: Borko Sajevic <Borko.Sajevic@hud.govt.nz>

Subject: RE: DoC Contact

Hi Steph,

Our contact at DOC is S7(2)(a)

Thanks,

Laura

[IN-CONFIDENCE:RELEASE EXTERNAL]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Monday, 8 November 2021 2:56 pm

To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>; Borko Sajevic <Borko.Sajevic@hud.govt.nz>

Subject: DoC Contact

Hi Laura and Borko,

As I mentioned in our hui last week, we received the land status report back for the reserves we have identified for potential disposal which identifies that the underlying ownership of these sites is held by the Crown with Council holding them in trust for recreation.

It would be good to bring DOC into this conversation as soon as possible. Can you please connect me with a Senior Official in DoC so I can start the conversation? We are also going to meet with our local DoC office so they are aware of what is going on.

Thanks in advance.

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategic Advisor, District Development*

P: 07 351 8853 | 021 238 8856

E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

A: 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: Monday, 15 November 2021 3:42 pm
To: S7(2)(a); Anne Shaw; S7(2)(a); Jean-Paul Gaston; S7(2)(a); S7(2)(a)
Cc: S7(2)(a); Jonathon Fraser; S7(2)(a); Jason Ward; Jacque White
Subject: RE: Rakau Taumatua Rotorua Place Based Action PSG Wednesday 17th
Attachments: Rākau Taumatua PSG Meeting record 20102021.docx

Please find attached previous minutes with corrections.
 Rosemary

Rosemary Viskovic *Director- Thriving Communities*
Waea: 07 351 8303 **M** 027 203 2196
Īmera: rosemary.viskovic@rotorualc.nz | **Ipurangi:** rotorualakescouncil.nz



From: Rosemary Viskovic
Sent: Monday, November 15, 2021 2:06 PM
To: S7(2)(a); Anne Shaw <anne.shaw@hud.govt.nz>; S7(2)(a); S7(2)(a); Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>; S7(2)(a); S7(2)(a)
Cc: S7(2)(a); Jonathon Fraser <jonathon.fraser@hud.govt.nz>; S7(2)(a); S7(2)(a); Jason Ward <Jason.Ward@rotorualc.nz>; Jacque White <Jacque.White@rotorualc.nz>
Subject: Rakau Taumatua Rotorua Place Based Action PSG Wednesday 17th

Kia ora koutou, please find attached in preparation for our Wednesday 8.30am PSG hui:

- Agenda
- Previous minutes
- Gantt updated
- Risk register updated

Ngā mihi
 Rosemary

Rosemary Viskovic *Director- Thriving Communities*

Waea: 07 351 8303 **M** 027 203 2196
Īmera: rosemary.viskovic@rotorualc.nz | **Ipurangi:** rotorualakescouncil.nz
Taunga: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand



Meeting Record

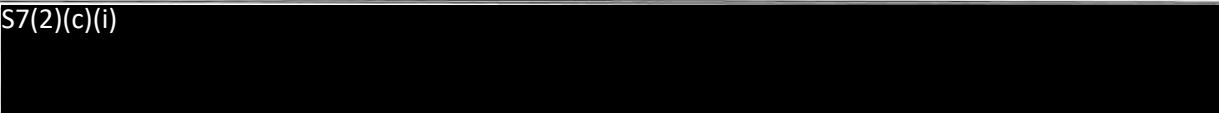
Rākau Taumatua- Rotorua Housing Place-based Action Plan Programme Steering Group

ROTORUA
LAKES COUNCIL

Date: Wednesday 20 October 2021, 8.30am

Venue:	Zoom videoconference meeting
Facilitator:	Rosemary Viskovic
Members Present	Anne Shaw (HUD); S7(2)(a) (MSD); S7(2)(a) (Kāinga Ora) Jean-Paul Gaston (RLC); Rosemary Viskovic, Programme Manager
In attendance	Jacque White (RLC); S7(2)(a)
Apologies	S7(2)(a) Jonathon Fraser, S7(2)(a)

	Agenda Items
1	Welcome and apologies
2	Previous minutes actions/ updates- <ul style="list-style-type: none"> All matters continue to be worked on.
3	Agenda and documents previously circulated taken as read. S7(2)(c)(i)
4	S7(2)(c)(i)

	Agenda Items
	S7(2)(c)(i) 
5	<p>Change Request</p> <p>RV notes that the Programme Gantt refers to use of Local Bill with regards temporary use of reserves for temporary housing. Following investigation and workshop it was identified that the reserves identified as surplus would be better suited for permanent revocation, also considering cost of developing use for housing. Considering a wider tool for fast-track reserve revocation. Council officers have identified 11 reserves. Need Council to approve in principle, then need to consult on revocation, who it is sold to, concept for use and reinvestment of land sale into other reserves. RV to make change to programme plan accordingly.</p>
6	Learnings Register and Issues Register- received
7	Next meeting- 20 October
8	Karakia Whakakapi- meeting closed

From: Jason Haskell <Jason.Haskell@hud.govt.nz>
Sent: Tuesday, 16 November 2021 5:06 pm
To: Stephanie Kelly
Cc: Matt Pilkinton
Subject: RE: Local Bill process

Hey Steph,

We're happy to join in on meetings with the Clerk's office if you'd like us there.

Ngā mihi,

Jason Haskell ([he/him](#))

Policy Advisor i Urban Development Regulatory Tools

Place-Based Policy and Programmes

jason.haskell@hud.govt.nz | **S7(2)(a)**

www.hud.govt.nz | Level 8, 7 Waterloo Quay, Wellington, New Zealand



He kāinga ora, he haporī ora - our purpose is thriving communities where everyone has a place to call home.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 7 December 2021 8:33 am
To: Laura Sutherland; Jason Haskell
Subject: Draft Local Bill
Attachments: APD-222361-475-84-10 draft Rotorua District Council Reserves Revocation Bill 6 Dec 21.docx

Hi Laura and Jason,

Please see attached the draft Local Bill. I am meeting with our legal team on Thursday to finalise the draft before sending to the Parliamentary Counsel Office for review.

Can you please let me know if you have any feedback before then?

Thanks

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 07 351 8853 | 021 238 8856
E: stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

ROTORUA
LAKES COUNCIL



Rotorua District Council (Reserves Revocation and Vesting) Bill 2022

Local Bill	2022 No 1
Date of assent	
Commencement	See section 2

Contents

1	Title.....	1
2	Commencement	2
3	Purposes	2
4	Interpretation.....	2
5	Revocation of reserves	2
6	Land vested in Council	2
7	Application of Resource Management Act 1991	2
8	Powers of District Land Registrar.....	2

The Parliament of New Zealand enacts as follows:

1 Title

APD-222361-475-84-V10:km

This Act is the Rotorua District Council (Reserves Revocation and Vesting) Act 2022.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purposes

The purposes of this Act are to:

- (a) Provide for the revocation of certain reserves within the Council's District currently subject to the Reserves Act 1977 which are no longer required for reserve purposes;
- (b) Provide for those reserves to be vested in Council;
- ~~(b)~~(c) Authorise the sale of that land by Council and direct the application of the proceeds of sale.

4 Interpretation

In this Act **Council** means Rotorua District Council.

5 Revocation of reserves

- (1) The reservation of the land described in Schedule 1 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (2) The reservation of those parts of the land described in Schedule 2 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (3) The reservation of the Crown land held in trust for the Crown by the Council described in Schedule 3 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (4) The reservation of those parts of the Crown land held in trust for the Crown by the Council described in Schedule 4 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under this section.

6 Land vested in Council

The fee simple estate in the land described in the Schedules is vested in Council subject to, and/or with the benefit of, all

existing interests; but in the case of the land described in Schedules 3 and 4, free of the trust in favour of the Crown.

7 Application of Resource Management Act 1991

Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the issue of new Records of Title in the name of the Council of the land in Schedules 2 and 4.

8 Powers of District Land Registrar

The Registrar-General of Land is authorised and directed to make such entries in the registers, and do all such other things as may be necessary, to give effect to the provisions of this Act.

9 Sale of Land

The Council may sell any of the land described in the Schedules for the purpose of facilitating the construction of additional housing.

10 Application of Proceeds of Sale

The net proceeds of sale by Council of any land described in the Schedules, after deduction of all costs of sale, shall be held and applied by the Council for the purpose of either the acquisition of further public reserves within the Council's District, or the development and enhancement of any existing reserve within the Council's District.

Schedule 1

Reserve	Class of reserve	Legal Description	Record of Title
Waitawa Place Reserve	Recreation	Lot 24 DPS 66693	
Ranginui Street Reserve	Recreation	Waiteti 2A1A2A5 No 23 Block and Waiteti 2A1A2A5 No 33 Block (ML 17526)	
Linton Park West (16 Kamahi Road)	Recreation	Lot 31 DPS 15777	
Gallagher Street Reserve	Recreation	Lot 28 DPS 14492	

Schedule 2

Reserve	Class of reserve	Legal Description	Record of Title
High Street Reserve	Recreation	part of Part Lot 92 DPS 604 and Part Lot 1 DP 36238 shown on SO Plan []	
Steeles Road Reserve	Recreation	part of Lot 43 DPS 1725 shown on SO Plan []	
Wrigley Road Reserve	Recreation	part of Lot 366 DPS 10477 and Lot 381 DPS 14169 shown on SP Plan []	

Schedule 3

Crown land	Class of reserve	Legal Description	Record of Title
Lee Road Reserve	Recreation	Lot 59 DP 33114 Lot 8 DP 37398	

Schedule 4

Crown land	Class of reserve	Legal Description	Record of Title
Wrigley Road Reserve	Recreation	part of Lot 366 DPS 10477 shown on SO Plan []	
High Street Reserve	Recreation	part of Part Lot 9Z DPS 33645 shown on SO Plan []	
Park Road Reserve	Recreation	part of Lot 1 DPS 33645, Lot 2 DPS 33645 and Lot 3 DPS 33645 shown on SO Plan []	
Coulter Road Reserve	Recreation	part of Part Lot 37 DPS 3067 shown on SO Plan []	

Explanatory note

This note is not part of the bill, but is intended to indicate its general effect.

[to be inserted]

From: Jason Haskell <Jason.Haskell@hud.govt.nz>
Sent: Thursday, 9 December 2021 3:23 pm
To: Stephanie Kelly
Cc: Matt Pilkinton
Subject: RE: Local Bill
Attachments: Draft Rotorua District Council Reserves Revocation Bill 6 Dec 21 - HUD comments.docx

Hi Steph,

Sorry for the bleated response, we've been quite busy with our Bill going through parliament.

Attached are some comments we have on the Bill.

Ngā mihi,

Jason Haskell ([he/him](#))

Policy Advisor | Urban Development Regulatory Tools

Place-Based Policy and Programmes

jason.haskell@hud.govt.nz | **S7(2)(a)**

www.hud.govt.nz | Level 8, 7 Waterloo Quay, Wellington, New Zealand



He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 9 December 2021 12:53 pm
To: Laura Sutherland <Laura.Sutherland@hud.govt.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>
Subject: FW: Local Bill

Hi Laura,

Apologies I forgot to include you in this email. I have sent the Bill off the Parliamentary Counsel Office.

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
 P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz



Rotorua District Council (Reserves Revocation and Vesting) Bill 2022

Local Bill	2022 No 1
Date of assent	
Commencement	See section 2

Contents

1	Title	1
2	Commencement	2
3	Purposes	2
4	Interpretation.....	2
5	Revocation of reserves	2
6	Land vested in Council	2
7	Application of Resource Management Act 1991	2
8	Powers of District Land Registrar	2

The Parliament of New Zealand enacts as follows:

1 Title

APD-222361-475-84-V10:km

This Act is the Rotorua District Council (Reserves Revocation and Vesting) Act 2022.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purposes

The purposes of this Act are to:

- (a) Provide for the revocation of certain reserves within the Council's District currently subject to the Reserves Act 1977 which are no longer required for reserve purposes;
- (b) Provide for those reserves to be vested in Council;
- ~~(b)~~(c) Authorise the sale of that land by Council and direct the application of the proceeds of sale.

4 Interpretation

In this Act **Council** means Rotorua District Council.

5 Revocation of reserves

- (1) The reservation of the land described in Schedule 1 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (2) The reservation of those parts of the land described in Schedule 2 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (3) The reservation of the Crown land held in trust for the Crown by the Council described in Schedule 3 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (4) The reservation of those parts of the Crown land held in trust for the Crown by the Council described in Schedule 4 as recreation reserves subject to the Reserves Act 1977 is revoked.
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under this section.

6 Land vested in Council

The fee simple estate in the land described in the Schedules is vested in Council subject to, and/or with the benefit of, all existing interests; but in the case of the land described in Schedules 3 and 4, free of the trust in favour of the Crown.

Commented [MP1]: What are these existing interests?

Commented [MP2]: I assume this is intended to extinguish the Crown's ownership of the reserves?

7 **Application of Resource Management Act 1991**

Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the issue of new Records of Title in the name of the Council of the land in Schedules 2 and 4.

Commented [MP3]: Would be worth checking with the lawyers if there is any other part of the RMA or Reserves Act (or any other enactment) other than the specifically identified sections that could frustrate the purpose of the Bill.

8 **Powers of District Land Registrar**

The Registrar-General of Land is authorised and directed to make such entries in the registers, and do all such other things as may be necessary, to give effect to the provisions of this Act.

9 **Sale of Land**

The Council may sell any of the land described in the Schedules for the purpose of facilitating the construction of additional housing.

Commented [MP4]: Should the purpose of the sale be limited to the construction of emergency, transitional or public housing? Or is there some circumstances where the housing could be general market housing?

10 **Application of Proceeds of Sale**

The net proceeds of sale by Council of any land described in the Schedules, after deduction of all costs of sale, shall be held and applied by the Council for the purpose of either the acquisition of further public reserves within the Council's District, or the development and enhancement of any existing reserve within the Council's District.

Commented [MP5]: Has the Council committed to only using the proceeds for these purposes? We'd be happy for the Council to also use the proceeds to further support new housing supply (although given the fungibility of money this could probably be achieved even if the specific proceeds are only applied to reserves).

Schedule 1

Commented [MP6]: Could be helpful to add titles to each schedule

APD-222361-475-84-V10:km

Reserve	Class of reserve	Legal Description	Record of Title
Waitawa Place Reserve	Recreation	Lot 24 DPS 66693	
Ranginui Street Reserve	Recreation	Waiteti 2A1A2A5 No 23 Block and Waiteti 2A1A2A5 No 33 Block (ML 17526)	
Linton Park West (16 Kamahi Road)	Recreation	Lot 31 DPS 15777	
Gallagher Street Reserve	Recreation	Lot 28 DPS 14492	

Schedule 2

Reserve	Class of reserve	Legal Description	Record of Title
High Street Reserve	Recreation	part of Part Lot 92 DPS 604 and Part Lot 1 DP 36238 shown on SO Plan []	
Steeles Road Reserve	Recreation	part of Lot 43 DPS 1725 shown on SO Plan []	
Wrigley Road Reserve	Recreation	part of Lot 366 DPS 10477 and Lot 381 DPS 14169 shown on SP Plan []	

APD-222361-475-84-V10:km

Schedule 3

Crown land	Class of reserve	Legal Description	Record of Title
Lee Road Reserve	Recreation	Lot 59 DP 33114 Lot 8 DP 37398	

Schedule 4

Crown land	Class of reserve	Legal Description	Record of Title
Wrigley Road Reserve	Recreation	part of Lot 366 DPS 10477 shown on SO Plan []	
High Street Reserve	Recreation	part of Part Lot 9Z DPS 33645 shown on SO Plan []	
Park Road Reserve	Recreation	part of Lot 1 DPS 33645, Lot 2 DPS 33645 and Lot 3 DPS 33645 shown on SO Plan []	
Coulter Road Reserve	Recreation	part of Part Lot 37 DPS 3067 shown on SO Plan []	

Commented [MP7]: This is also mentioned in schedule 2. Is part of the Wrigley Road Reserve Crown Land and part of it Council-owned?

Commented [MP9]: As above, this is also mentioned in schedule 2

Commented [LS10R9]: Same as above

Explanatory note

This note is not part of the bill, but is intended to indicate its general effect.

[to be inserted]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, 2 February 2022 9:54 am
To: Nick McNabb
Cc: Jason Haskell; Matt Pilkinton
Subject: RE: Reserves Bill process

Thanks Nick. I am available between 10am-12pm on Friday morning.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Wednesday, 2 February 2022 9:53 AM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: RE: Reserves Bill process

Thanks Stephanie,

I would find it useful to touch base quickly – perhaps Friday morning - about the work underway by other agencies, the specific asks of them, and where you might be anticipating delays. Our Minister is fairly motivated to move things along fast. So keen to understand whether other agencies are taking more time than they need to.

Also good to understand where other agencies might express concerns that we would need to brief our Minister on – for example LINZ have expressed to us that they would need to take a view about whether the Bill should be used to circumvent the return of reserves to the Crown. They did not seem in a hurry to reach a conclusion on this.

Nick

[IN-CONFIDENCE:RELEASE EXTERNAL]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Tuesday, 1 February 2022 8:52 am
To: Nick McNabb <Nick.McNabb@hud.govt.nz>
Cc: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: Reserves Bill process

Hi Nick,

As requested, please see the process for the Reserves Bill attached.

Happy to discuss or answer any questions.

Thanks

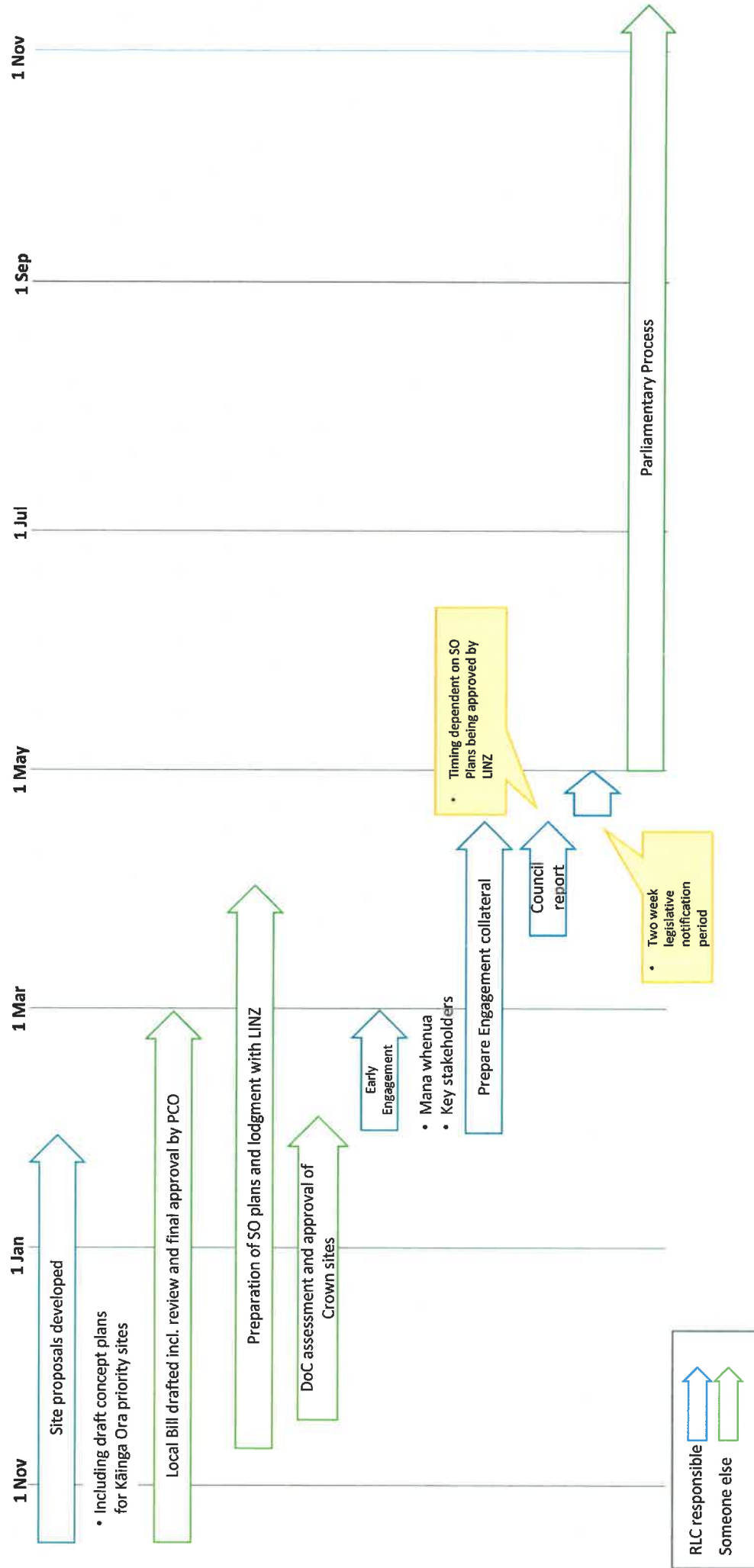
Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 07 351 8853 | 021 238 8856
E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

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Process is complex...



From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 11 February 2022 8:55 am
To: Jason Haskell
Cc: Matt Pilkinton
Subject: RE: Local Bill
Attachments: Rotorua District Council Reserves Revocation and-v1.1.pdf

Hi Jason,

Happy for it to be shared on a confidential basis. This is somewhat out of date now in respect to the sites but the rest of the Bill is unlikely to change.

Thanks,

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Jason Haskell <Jason.Haskell@hud.govt.nz>
Sent: Thursday, 10 February 2022 4:56 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: Local Bill

Kia ora Steph,

A colleague at Te Arawhiti has asked if they could see a copy of the draft Bill, are you comfortable with us sharing it?

Ngā mihi,

Jason Haskell (he/him)
Policy Advisor | Urban Development Regulatory Tools
Place-Based Policy and Programmes
jason.haskell@hud.govt.nz S7(2)(a)
www.hud.govt.nz | Level 8, 7 Waterloo Quay, Wellington, New Zealand



He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

[IN-CONFIDENCE:RELEASE EXTERNAL]

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PCO 24391/1.1

Drafted by Melanie Bromley

IN CONFIDENCE

**Rotorua District Council (Reserves Revocation and
Vesting) Bill**

Local Bill

Explanatory note

[Member of Parliament's name]

Rotorua District Council (Reserves Revocation and Vesting) Bill

Local Bill

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9	Sale of land	3
10	Application of proceeds of sale	3
	Schedule	4
	Land to which this Act applies	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Rotorua District Council (Reserves Revocation and Vesting) Act **2022**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purposes

The purpose of this Act are to—

- (a) provide for the revocation of certain reserves within the Council's district currently subject to the Reserves Act 1977 which are no longer required for reserve purposes; and
- (b) provide for the land comprising the revoked reserves to be vested in Council; and
- (c) authorise the sale of that land by Council for the purpose of housing and direct the application of the proceeds of sale.

4 Interpretation

In this Act, **Council** means Rotorua District Council.

5 Revocation of reserves

- (1) The reservation of the land described in Part 1 of the Schedule as recreation reserves subject to the Reserves Act 1977 is revoked.
- (2) The reservation of those parts of the land described in Part 2 of the Schedule as recreation reserves subject to the Reserves Act 1977 is revoked.
- (3) The reservation of the Crown land held in trust for the Crown by the Council described in Part 3 of the Schedule as recreation reserves subject to the Reserves Act 1977 is revoked.
- (4) The reservation of those parts of the Crown land held in trust for the Crown by the Council described in Part 4 of the Schedule as recreation reserves subject to the Reserves Act 1977 is revoked.
- (5) Sections 24 and 25 of the Reserves Act 1977 do not apply to the revocation of reserve status under this section.

6 Land vested in Council

The fee simple estate in the land described in the Schedule is—

- (a) vested in Council subject to, and with the benefit of, all existing interests; but
- (b) in the case of the land described in Parts 3 and 4 of the Schedule, free of the trust in favour of the Crown.

7 Application of Resource Management Act 1991

Section 11 and Part 10 of the Resource Management Act 1991 do not apply to the issue of new records of title in the name of the Council of the land described in Parts 2 and 4 of the Schedule.

8 Powers of District Land Registrar

The Registrar-General of Land is authorised and directed to make the entries in the register that is kept under the Land Transfer Act 2017, and do all other things as necessary to give effect to this Act.

9 Sale of land

The Council may sell any of the land described in the Schedule for the purpose of facilitating the provision of additional housing.

10 Application of proceeds of sale

The net proceeds of sale by Council of any land described in the Schedule, after deduction of all costs of sale, must be held and applied by the Council for the purpose of either—

- (a) the acquisition of further public reserves within the Council's district; or
- (b) the development and enhancement of any existing reserve within the Council's district.

Schedule
Land to which this Act applies

ss 5, 6, 8, 9, 10

Part 1
Reserve land

Reserve	Class of reserve	Legal description	Record of title
Waitawa Place Reserve	Recreation	Lot 24 DPS 66693	
Ranginui Street Reserve	Recreation	Waiteti 2A1A2A5 No 23 Block and Waiteti 2A1A2A5 No 33 Block (ML 17526)	
Linton Park West (16 Kamahi Road)	Recreation	Lot 31 DPS 15777	
Gallagher Street Reserve	Recreation	Lot 28 DPS 14492	

Part 2
Reserve land

Reserve	Class of reserve	Legal description	Record of title
High Street Reserve	Recreation	part of Part Lot 92 DPS 604 and Part Lot 1 DP 36238 shown on SO Plan [....]	
Steeles Road Reserve	Recreation	part of Lot 43 DPS 1725 shown on SO Plan []	
Wrigley Road Reserve	Recreation	part of Lot 366 DPS 10477 and Lot 381 DPS 14169 shown on SP Plan [....]	

Part 3
Lee Road Reserve

Reserve	Class of reserve	Legal description	Record of title
----------------	-------------------------	--------------------------	------------------------

**Rotorua District Council (Reserves Revocation and
Vesting) Bill**

Schedule

Lee Road Reserve	Recreation	Lot 59 DP 33114 Lot 8 DP 37398
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Part 4

Reserve land

Reserve	Class of reserve	Legal description	Record of title
Wrigley Road Reserve	Recreation	part of Lot 366 DPS 10477 shown on SO Plan []	
High Street Reserve	Recreation	part of Part Lot 9Z DPS 33645 shown on SO Plan []	
Park Road Reserve	Recreation	part of Lot 1 DPS 33645, Lot 2 DPS 33645 and Lot 3 DPS 33645 shown on SO Plan []	
Coulter Road Reserve	Recreation	part of Part Lot 37 DPS 3067 shown on SO Plan []	

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 18 February 2022 2:58 pm
To: Nick McNabb
Cc: Laura Sutherland; Jean-Paul Gaston; Vicki Cawte
Subject: Public comms - Proposed Reserves Bill
Attachments: Key messages - reserves.docx; huia-street-proposal-nov-2019.pdf; Draft Letter to Iwi - Proposed Local Bill.docx; Local Reserves Bill - Presentation.pptx

Hi Nick,

JP asked me to provide you with some information about our key messaging on the Local Reserves Bill.

I have attached the key messages we have prepared so far but please be aware that the communication plan is still a work in progress. Our thinking is that the key messages would inform a statement of proposal similar to the one attached which was developed by Palmerston North District Council who are currently undertaking an amendment to their existing Local Reserves Bill.

I have also attached so the Draft letter to mana whenua (which will be going out on Monday) and the presentation I gave at a Councillor workshop earlier in the week.

Let me know if you have any queries or feedback.

Thanks,

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 07 351 8853 | 021 238 8856
E: stephanie.kelly@rotorualc.nz | **W:** rotorualakescouncil.nz
A: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand

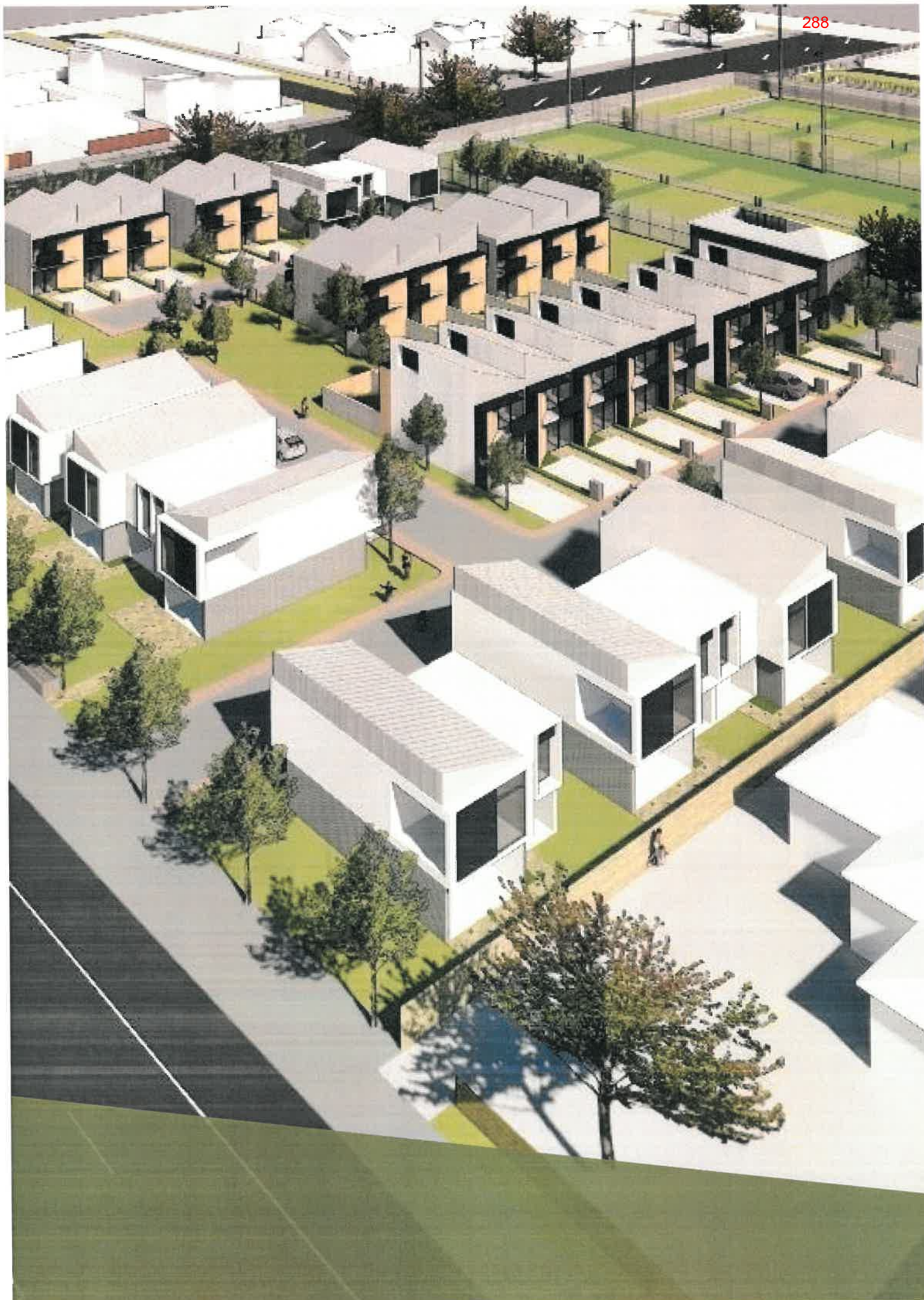
ROTORUA
LAKES COUNCIL

- Rotorua is dealing with a housing crisis. Evidence shows our city has a severe lack of homes and Council is working with urgency to respond to the demand.
- Council's role is to enable and encourage growth and to build partnerships with those who can deliver what we need to help our community thrive.
- The community has called on Council to find solutions to the housing crisis. One solution is to use Council land to build homes.
- Council has identified a number of reserves (or parts of reserves) and land lots that have potential as residential developments.
- The identified sites could provide an additional 126 homes for Rotorua.
- The reserves and land lots have been identified as surplus to requirement due to them being underutilised, access and safety issues, size and suitability as public space.
- Council has applied its Open Spaces Policy to all identified reserves to ensure that the community in those areas will still have access to an open space within 500m.
- Where possible Council will retain part of the reserve to ensure the community continues to have access to playgrounds and green space.
- Rotorua requires a range of housing types across the district. Council is looking to partner with Central Government and philanthropic organisations to deliver homes as well as sale to the private market.
- To enable the sale of the land Council is proposing to revoke the reserve status of each site via a Local Bill.
- This is more than just about enabling more homes to be built. Council has an opportunity to reinvest the sale proceeds back into the community via the city's open space network.
- Council is/has engaged mana whenua across the district to understand any future aspirations that may be related to the identified land.
- The community will have an opportunity to have a say through the Local Bill process.
- The revocation process is likely to take up to 12 months.



**THE FUTURE USE OF HUIA STREET RESERVE
(CORNER OF PARK ROAD AND FITZHERBERT AVENUE)
STATEMENT OF PROPOSAL**

NOVEMBER 2019





Introduction

This Statement of Proposal relates to the future use of Huia Street Reserve¹, located on the corner of Fitzherbert Avenue and Park Road.

An aerial image of Huia Street Reserve is shown below in Figure 1.

The Council's preferred option is to make the necessary amendments to the Palmerston North Reserves Act 1922 and / or the Palmerston North Reserve Empowering Act 1966 and the District Plan to enable the sale or development of Huia Street Reserve for housing.

Separate statutory processes and further consultation will be required to make the necessary amendments to the legislation and the District Plan should the Council decide to adopt its preferred option.

Before making a formal decision regarding the future use of Huia Street Reserve, the Council sees significant value in undertaking consultation with interested and affected stakeholders. The consultation is also a requirement under the Local Government Act 2002.

This Statement of Proposal identifies Council's preferred option to enable the sale or development of Huia Street Reserve for housing. A series of alternative options are also identified.

The Proposal

That the Council initiates the necessary amendments to the Palmerston North Reserves Act 1922 and / or the Palmerston North Reserve Empowering Act 1966 and the District Plan to enable the sale or development of Huia Street Reserve for housing.

¹ LOTS 3 4 PT LOTS 1 2 DP 545

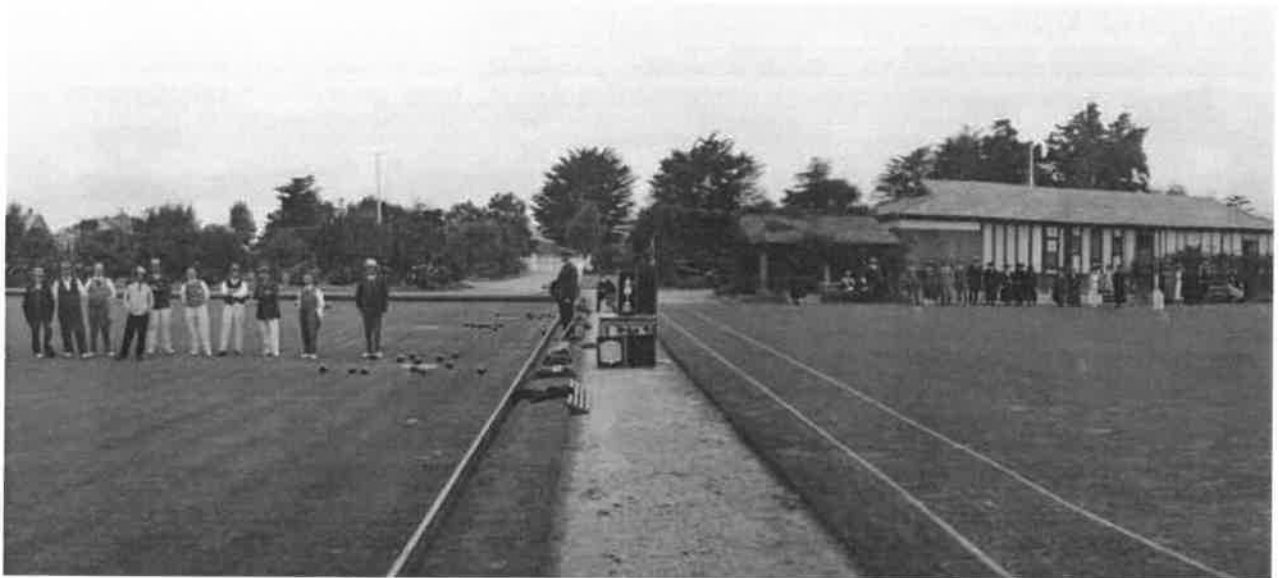
Reasons for the Proposal

The reasons for the proposal are:

1. The Council passed a resolution to prepare a consultation document on this matter.
2. The City Development Strategy records that *Council also has a significant property portfolio that can be used to contribute to city growth and development, while also providing revenue. This could include repurposing underutilised land or identifying land where uses can be relocated to enable sustainable housing development and intensification.*
3. The Council's Housing Needs Assessment identifies a strong demand for housing and a requirement for further land for housing.
4. Part of the Huia Street Reserve has been vacant since 2005 and is not required by the Council to meet any community or recreation needs.
5. Consultation is required under the Local Government Act 2002 before the Council makes a formal decision about the future use of Huia Street Reserve.

Figure 1: Huia Street Reserve





Background

The portion of Huia Street Reserve formerly occupied by the Manawatū Bowling Club has been vacant since 2005. Huia Street Reserve is held 'in trust' under the Palmerston North Reserves Act 1922. The reserve was originally given to the City in 1876 by the Wellington provincial government as a *public park and recreation ground and botanical garden for the inhabitants of Palmerston North and its vicinity* so formed part of the wider land holding that includes the Victoria Esplanade, Manawaroa, Ongley and Fitzherbert Parks. At present there is no power of sale contained in the Palmerston North Reserves Act 1922.

The proposal covers the entire Huia Street Reserve, including the portion occupied by the Manawatū Lawn Tennis Club. Separating the entire reserve from the requirements of the Palmerston North Reserves Act 1922 and / or the Palmerston North Reserve Empowering Act 1966 does not commit the Council to selling or developing the portion currently occupied by the Manawatū Lawn Tennis Club. The Manawatū Lawn Tennis Club have a lease with Council over part of the reserve that commenced in 2017 for a five-year term, with one right of renewal.

Separate statutory processes and further consultation will be required to make the necessary amendments to the legislation and the District Plan should the Council decide to adopt its preferred option.

Subject to the nature of any amendments made to the Palmerston North Reserves Act 1922 and / or the Palmerston North Reserve Empowering Act 1966, any revenue generated from the sale or development of Huia Street Reserve for housing would be used to help fund the various recreational projects identified in the Council's Long Term Plan.

There is significant public open space within the vicinity of Huia Street Reserve including Ongley Park, Victoria Esplanade, Fitzherbert Park, Wallace Park and the Manawatū River.

Analysis Of Options

The Council's preferred option (Option 1) is to initiate the necessary amendments to the Palmerston North Reserves Act 1922 and / or the Palmerston North Reserve Empowering Act 1966 and the District Plan to enable the sale or development of Huia Street Reserve for housing.

Alternative Options include:

Option 2: Land-bank the site: No changes to the overall management regime for the reserve. The land is retained by the Council for a use to be determined at some time in the future.

Option 3: Develop for recreational purposes: The reserve is developed by the Council for a recreational purpose such as a park, playground or sports field.

Option 4: Consider proposals from the community to use the site for a recreational, cultural or community purpose: The Council undertakes a consultation exercise and engages with key stakeholders to consider proposals for the use of the site.

Option 5: Enable the sale or development of Huia Street Reserve for a commercial purpose: Similar to the preferred option but the site is zoned for a commercial use, not a residential use. While included as a potential option for the purposes of consultation, this option is not supported by Council strategy.

An analysis of the preferred option and the alternative options is detailed below:

OPTION 1: THE PROPOSAL

That the Council initiates the necessary amendments to the Palmerston North Reserves Act 1922 and / or the Palmerston North Reserve Empowering Act 1966 and the District Plan to enable the sale or development of Huia Street Reserve for housing.

Benefits	Costs
<ul style="list-style-type: none"> Additional land for housing. Gives effect to Housing Needs Assessment. Opportunity for Council to show leadership by supporting a medium density housing development that will support change in the traditional housing typologies being delivered by the market. Potential housing development scenarios are shown in Appendix A. <p><i>Please note:</i> Council is not seeking specific feedback on the housing development scenarios shown in Appendix A. These have been included to demonstrate the range of housing development scenarios that could be delivered on the site.</p> <p>Access, parking and potential effects on the Manawātū Lawn Tennis Club will need to be worked through as part of the detailed design of any housing development. The housing development scenarios shown in Appendix A are not final.</p> <ul style="list-style-type: none"> Good location for medium density housing close to high amenity areas and services. Alternative revenue source. Does not commit the Council to immediately selling or developing the portion of the Reserve currently occupied by the Manawātū Lawn Tennis Club. 	<ul style="list-style-type: none"> Process costs to amend legislation and District Plan. Reduction in green space. Lost opportunity to develop new recreational asset.

OPTION 2: LAND-BANK THE SITE

Benefits	Costs
<ul style="list-style-type: none"> Retain in Council ownership for future needs and opportunities. 	<ul style="list-style-type: none"> Lost opportunity to address housing supply and provide alternative source of revenue.



Options Continued:

OPTION 3: DEVELOP FOR RECREATIONAL PURPOSES

Benefits	Costs
<ul style="list-style-type: none"> Enhanced recreational opportunities. 	<ul style="list-style-type: none"> Lost opportunity to address housing supply and provide alternative source of revenue.

OPTION 4: CONSIDER PROPOSALS FROM THE COMMUNITY TO USE THE SITE FOR A RECREATIONAL, CULTURAL OR COMMUNITY PURPOSE

Benefits	Costs
<ul style="list-style-type: none"> Opportunity for community to identify a use for the site. 	<ul style="list-style-type: none"> Lost opportunity to address housing supply and provide alternative source of revenue.
<ul style="list-style-type: none"> Enhanced recreational, cultural or community opportunities. 	
<ul style="list-style-type: none"> Opportunity for Rangitane to identify a cultural opportunity for the site. 	

OPTION 5: ENABLE THE SALE OR DEVELOPMENT OF HUIA STREET RESERVE FOR A COMMERCIAL PURPOSE

Benefits	Costs
<ul style="list-style-type: none"> Additional land for commercial development. Alternative revenue source. 	<ul style="list-style-type: none"> Undermines centres-based office and retail strategy. Does not give effect to Business Needs Assessment or City View Objectives of the District Plan. Process costs to amend legislation and District Plan. Reduction in green space. Lost opportunity to develop new recreational asset. Difficult to access for commercial purposes.

Consultation Process

The requirements for the Special Consultative Procedure are outlined in sections 83 and 87 of the Local Government Act 2002. Anyone can make a submission on the Statement of Proposal on the future use of Huia Street Reserve.

You can view and obtain a copy of the Statement of Proposal at:



Palmerston North City Council website
pncc.govt.nz/HuiaStreet



Customer Service Centre, Palmerston North City Council, The Square, Palmerston North;



City Library, The Square, Palmerston North, and the libraries at Ashhurst, Awapuni, Roslyn, Linton and Te Pātikitiki/Highbury; and

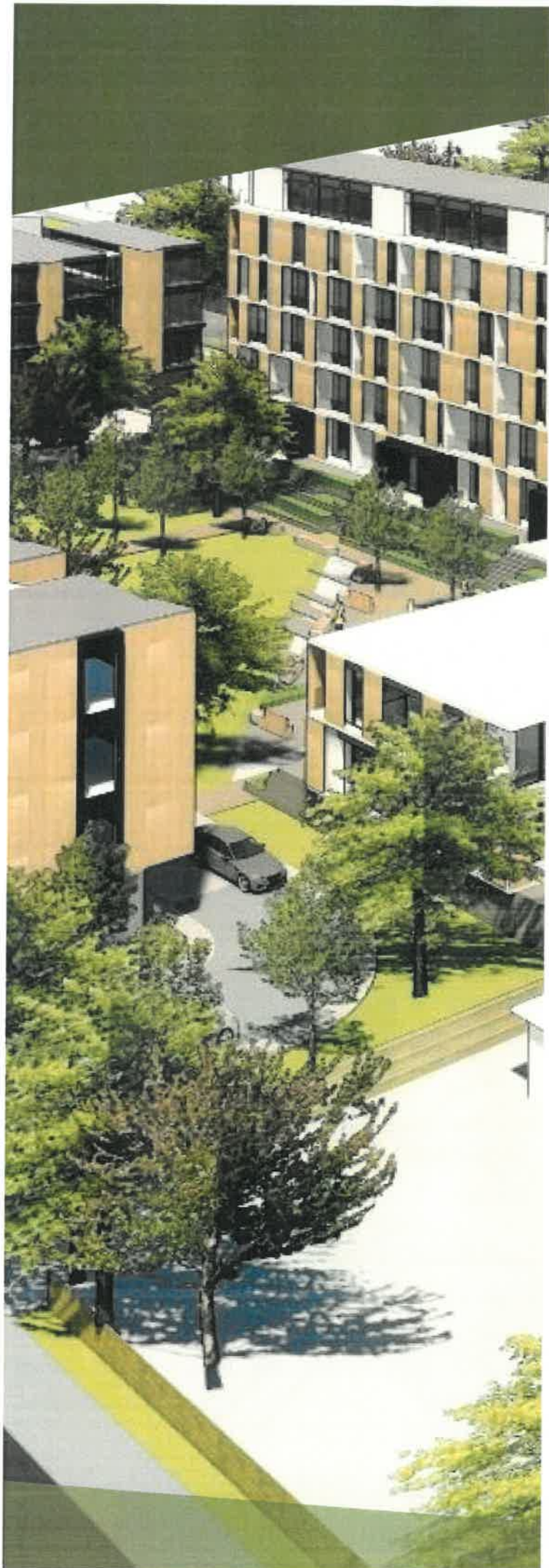
You are welcome to appear before the Council and speak to your submission. Please indicate on your submission form whether you wish to do this. The date and time for hearings will be confirmed following the closing of submissions.

To get your submission to us, either:

- By mail:** Future Use of Huia Street Reserve Submissions, Democracy Support Officer, Palmerston North City Council, Private Bag 11034, Palmerston North 4442
- In person:** Palmerston North City Council Customer Services Centre, 32 The Square, Palmerston North
- By email:** submission@pncc.govt.nz (put Future Use of Huia Street Reserve in the subject)

Please note that all written submissions, including the contact details on the submission, will be made available to the public and media unless you specifically request that your contact details are kept private. For further information on this consultation please phone the Council on 06 356 8199 or email us at info@pncc.govt.nz

Submissions close 4pm Monday 10 February 2020



APPENDIX A: POTENTIAL HOUSING DEVELOPMENT SCENARIOS

OPTION A

Option A

PARK ROAD

Baseline

(Complies with District Plan bulk & form standards)

- 17 Lots
- Two storey detached house on 350m² minimum lot sizes.
- Compliant with District Plan yard height in relation to boundary, site coverage and minimum lots size standards.
- Tennis pavilion retained



BASELINE



OPTION B (I)

Option B(i)

Multi-unit Housing

(Complies with District Plan bulk & form standards)



- 34 units, being a mix of 2 and 3 bedroom units
- Minimum 1 carpark/unit
- Development to two storey max
- Tennis pavilion retained
- Retail at corner of Park Rd and Fitzherbert Ave with commercial (eg. medical centre) or possibly apartments above
- Central green space, integrating trees for visual amenity and privacy



MULTI-UNIT HOUSING



OPTION B (II)

Option B(ii)

Multi-unit Housing

(Plan as compliant, except 3 storeys high in places)



- 34 units, being a mix of 2 and 3 bedroom units
- Minimum 1 carpark/unit
- Development to two storeys except three storeys at corner of Park Rd & Fitzherbert Ave, and over parts of middle blocks.
- Tennis pavilion retained
- Retail at corner of Park Rd and Fitzherbert Ave with commercial (eg. medical centre) or possibly apartments above
- Central green space, integrating trees for visual amenity and privacy

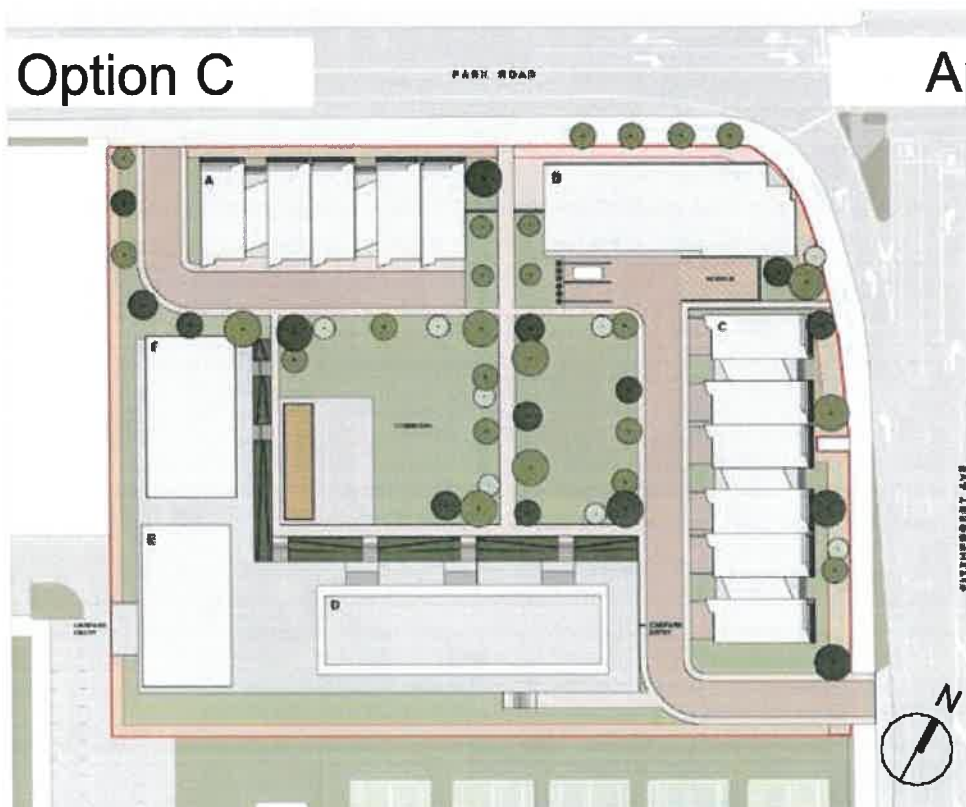


MULTI-UNIT HOUSING



OPTION C

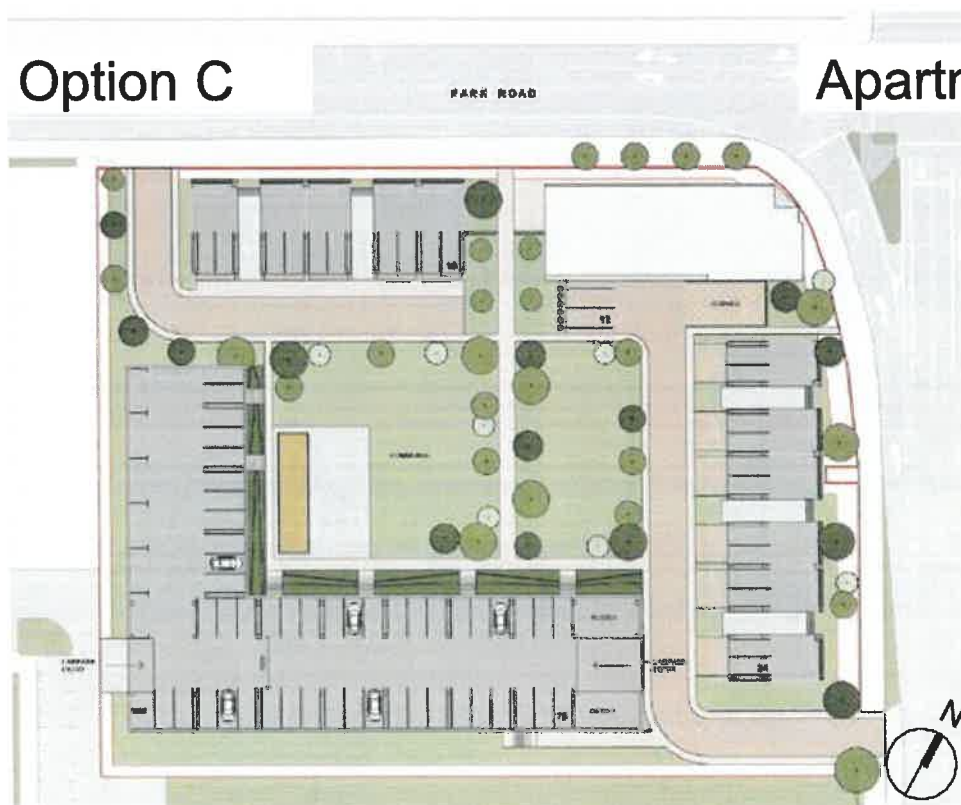
Option C



Apartments

- 80 Apartments,
- 78 Car Parks
- Tennis pavilion retained
- 4 Storey Apartments around perimeter, 6 storey at the centre (includes parking level)
- Allow for one parking space per unit.
- Carparking under blocks at edge.
- Retail at corner of Park Rd and Fitzherbert Ave extend green edge to provide separation between apartments and busy road.
- Main pedestrian entrance from Park Road, vehicle access from both Park Rd & Fitzherbert Ave.

Option C



Apartment Parking

- Allow for one parking space per unit.
- Level of parking under slab at centre of site.
- Carparking under blocks at edge.
- Main pedestrian entrance from Park Road, vehicle access from both Park Rd & Fitzherbert Ave.
- Indicatively and subject to testing, up to around 80 apartments might be achieved, with limitation likely to be carparking.

APARTMENTS





Palmerston North City Council

Future Use of Huia Street Reserve

We want to hear from you

Please note, as required by legislation, your submission (including contact details provided on the submission form), will be available to the public and media as part of the decision-making process unless you request that these details be kept private.

Your contact details

Full Name: _____

Organisation (if applicable): _____

Postal Address: _____

Phone (day): _____

Email: _____

Do you want to speak to the Council in support of your submission? (please tick) ☐ Yes ☐ No

The submission hearing date will be confirmed following the closure of submissions.

Your submission

1. The specific parts / options of the proposal my submission relates to are as follows:

(Specify the part(s) of the proposal to which your submission relates.)

2. My submission is that:

(Include whether you support or oppose the various parts of the proposal or wish to have them amended, and the reasons for your views.)



(Give precise details about the decision you want the Council to make)

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper. There is no handwriting or other markings on the page.

By mail: Proposed Amendment to the Cemeteries and Crematorium Bylaw 2018 Submissions,
Governance and Support Team Leader, Palmerston North City Council, Private Bag 11034, Palmerston North 4442

In person: Palmerston North City Council Customer Services Centre, 32 The Square, Palmerston North

By email: submission@pncc.govt.nz (write 'Huia Street Reserve' in the subject)

By phone: 06 356 8199 **By fax:** 06 355 4115

Online: pncc.govt.nz/HuiaStreet



 SUBMISSIONS CLOSE 4PM, MONDAY 10 FEBRUARY 2020



Te Kaunihera o Papaioea | Palmerston North City Council

pncc.govt.nz | info@pncc.govt.nz | 06 356 8199

Private Bag 11034, The Square, Palmerston North, 4442





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

Date Created

File Ref: Container.Record Number

Doc No: Record Number

Komiti Nui

Dear Salutation

Title (Free Text Part)

Like much of Aotearoa New Zealand, Rotorua is facing a housing crisis. There are a significant number of local people living in, or on the brink of, serious housing distress.

In late 2019, as part of a place-based assessment Council and the Ministry of Housing and Urban Development (MHUD) worked together to understand the housing challenges that Rotorua was facing. It was identified that there was a deficit of 1,750 homes and that number was growing.

Other challenges included a lack of public housing, increasing homelessness, unaffordability of house sale prices and rentals, a lack of available land for development, cost of building and the availability of trades people, RMA consenting requirements high rates of unemployment and low wage rates compared to the rest of the country.

Council is working with urgency on many fronts to enable more housing in Rotorua. Together with partners such as Te Arawa, central Government agencies and local housing providers, a coordinated approach is underway to achieve a better Rotorua with more housing choices and thriving communities.

As part of its response to the housing crisis Council has identified a number of reserves that are considered surplus and is proposing undertake a process to uplift the reserve status and dispose of the sites for housing.

A number of these reserves Including:

- Lee Road Reserve
- High Street Reserve
- Waitawa Place Reserve
- Wrigley Road Reserve
- Coulter Road Reserve
- Park Road Reserve
- Steeles Lane Reserve

Commented [SK1]: Not sure whats appropriate to say here but general gist is that they have been identified as mana whenua over these sites?

Commented [SK2]: Would it be better to include them in a tabl with addresses and attach?

It is proposed to uplift the reserve status through a local Bill. A local Bill is a Bill promoted by a local authority that becomes a local Act if enacted. The local Bill process is outlined in the attached document.

We welcome your feedback on the proposal including the identified reserves and the process outlined.

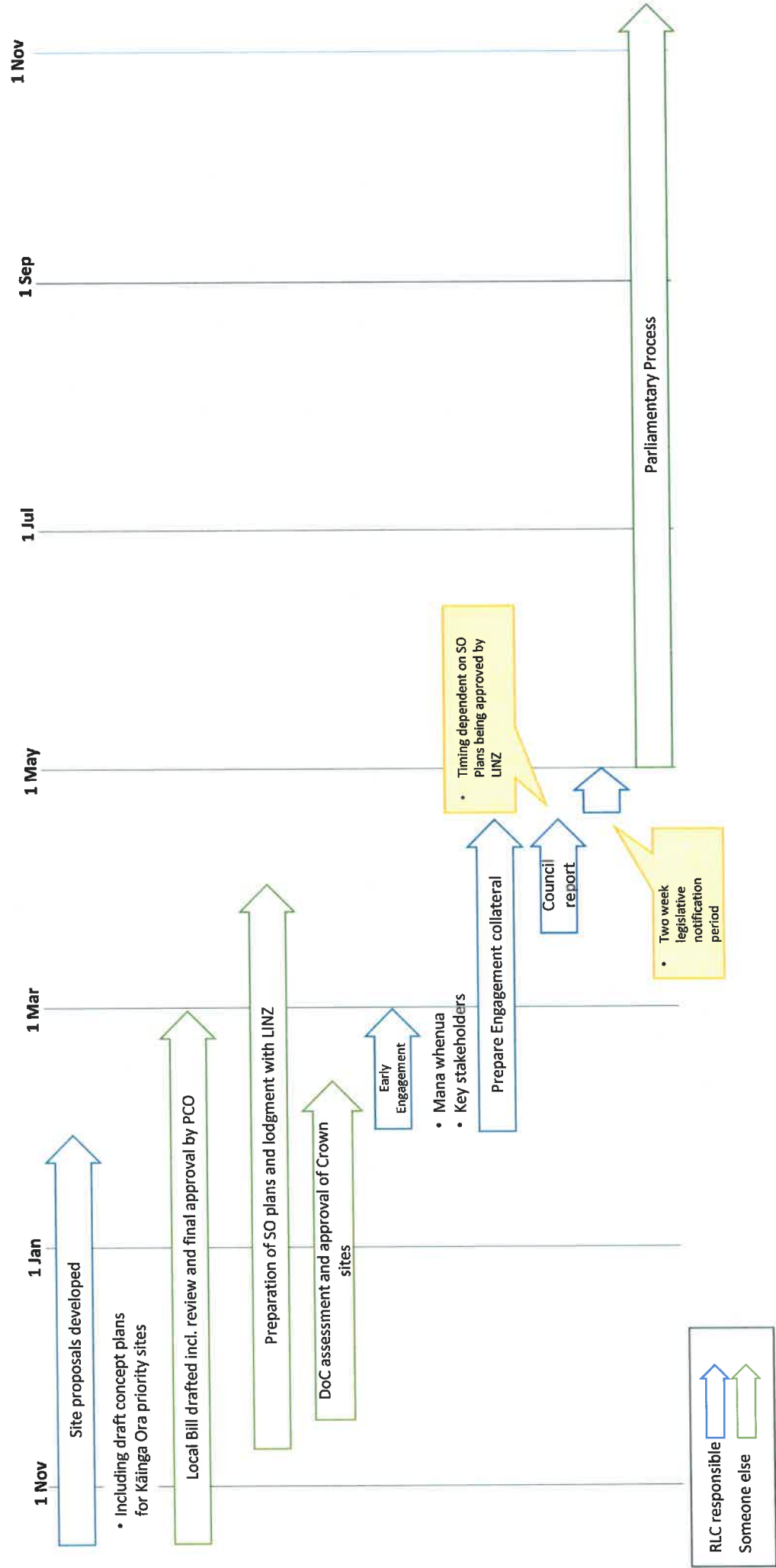
Commented [SK3]: Is this what we are asking?

Yours faithfully

Author.Display Name
Author.Job Title

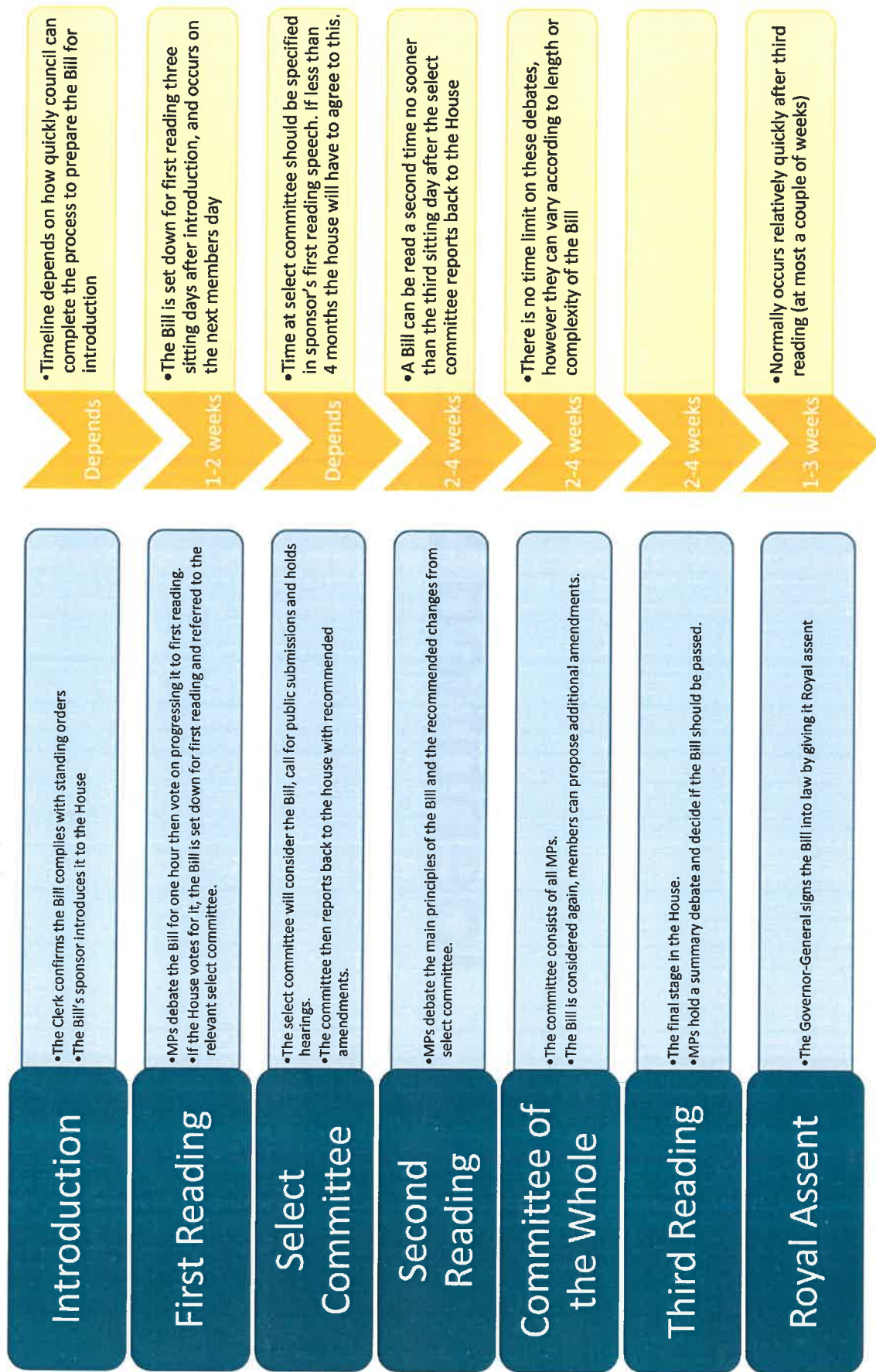
Rotorua District Council Reserves (Revocation and Vesting) Bill

Process is complex...



Parliamentary process

Timeframes

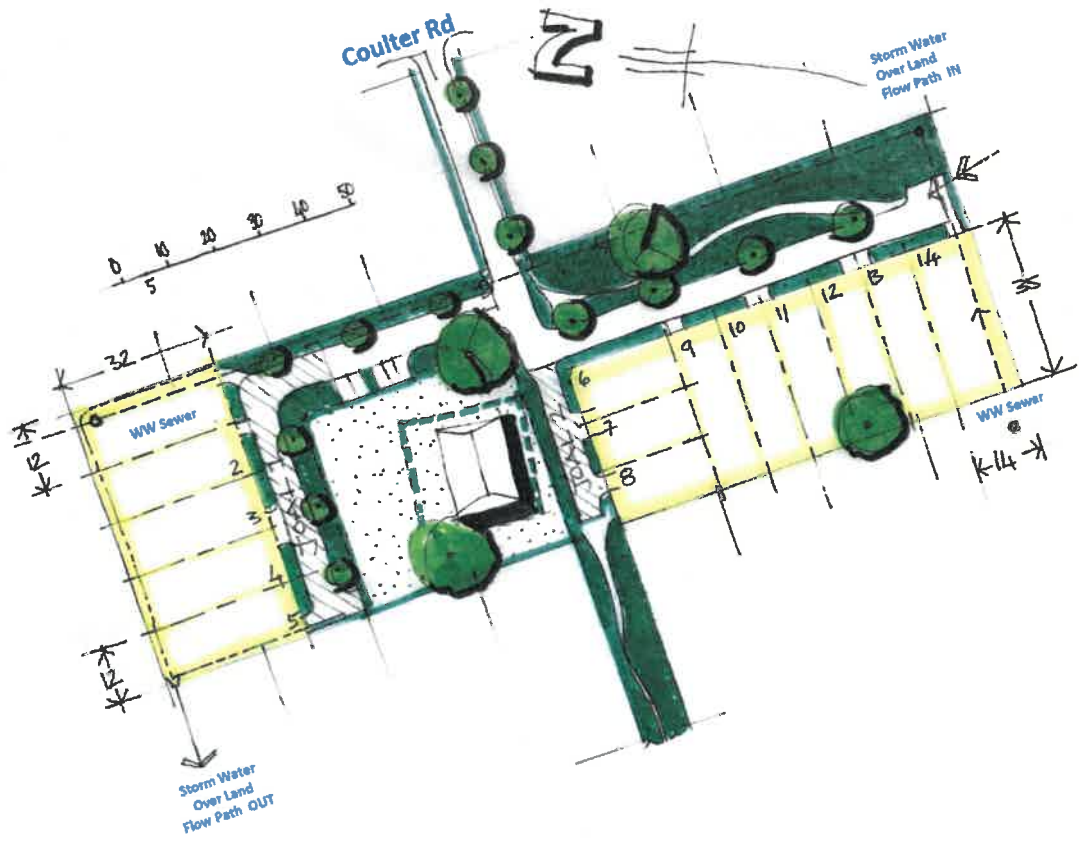


Identified Sites

Lee Road Reserve

- Propose direct sale to Kāinga Ora
- Additional 18 sites proposed for Middleton Road site (under contract)





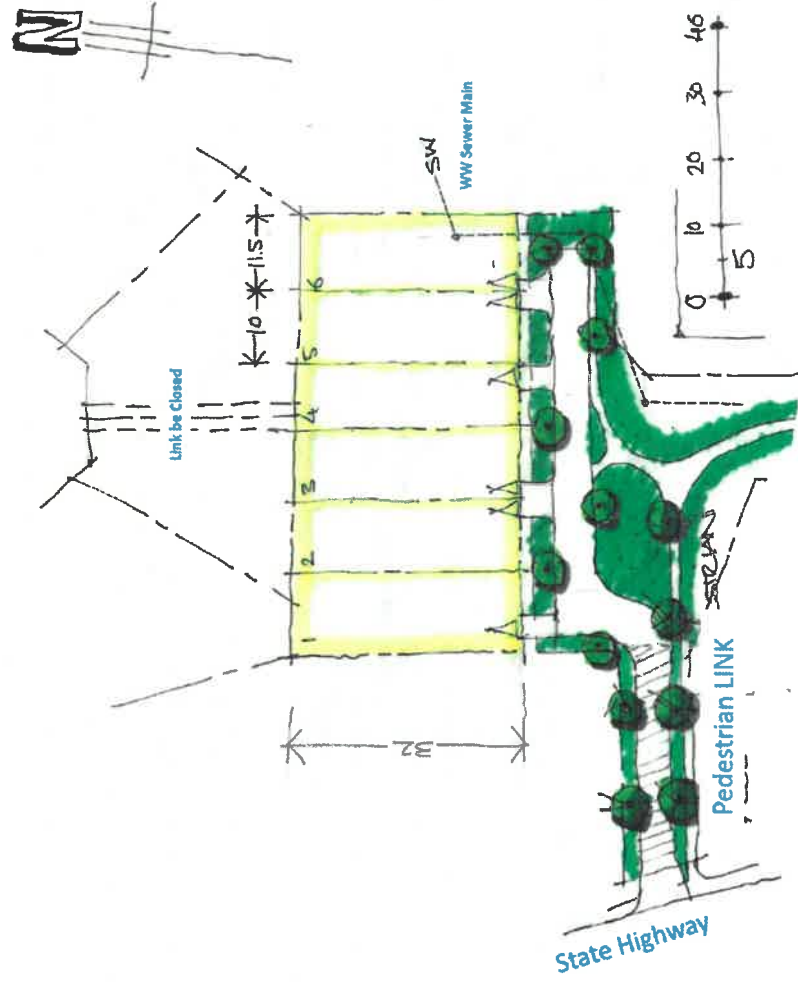
Coulter Road Reserve

- Proposed direct sale to Kāinga Ora
- Kōhanga Reo proposed to be retained



High Street Reserve

- Priority for Kāinga Ora
- Underlying Crown ownership
- Requires access of State Highway



Steeles Lane Reserve

- Proposed direct sale to Kāinga Ora
- Acquired through subdivision

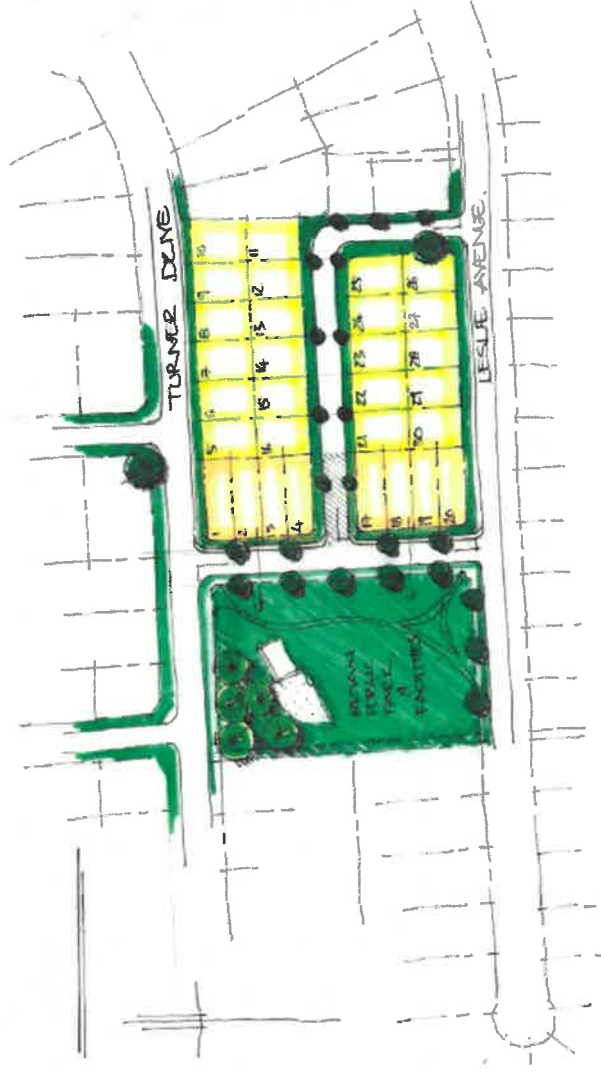


Turner Drive Reserve (part only)

- Proposed direct sale to Kāinga Ora
- Underlying crown ownership

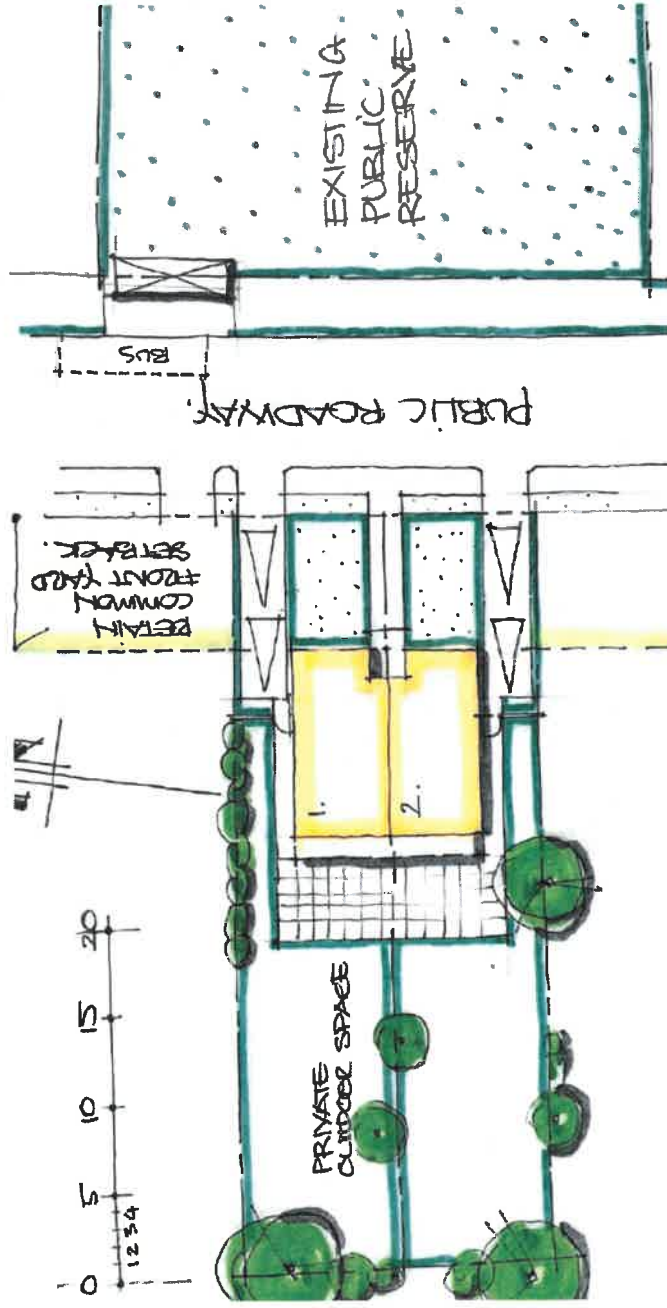


OPTION 3: RETAIN 'LARGE' PUBLIC PARK + FACILITIES [20 LOTS]



Ranginui Street Reserve

- High value site - Recommend market sale
- Acquired through subdivision



Gallagher Street Reserve

- No interest from Kāinga Ora due to location
- Potential site for philanthropic or market sale
- Potential yield 18-20
- Acquired through subdivision



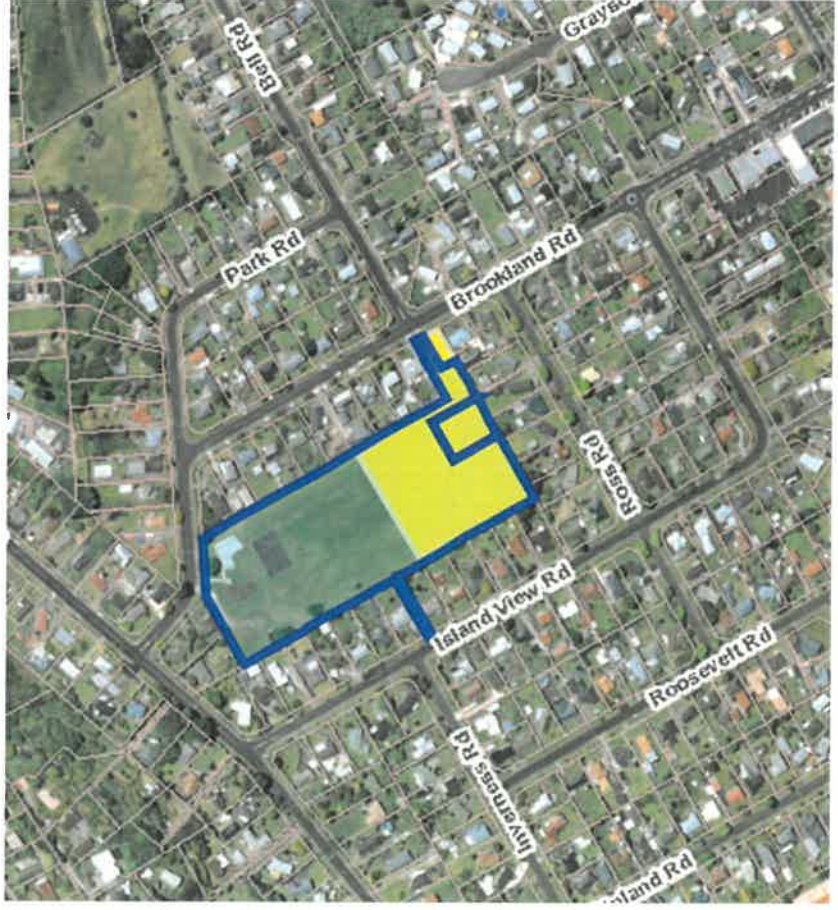
117 Clinkard Avenue

- Local Purpose Reserve
- Surplus to requirements
- Potential yield 2
- Propose market sale
- Underlying crown land



Park Road Reserve (part only)

- No interest from Kāinga Ora
- Ground levels likely to make site difficult to develop
- Potential site for RLC/philanthropic pensioner housing development
- Potential yield 15



Linton Park West (16 Kamahi Street)

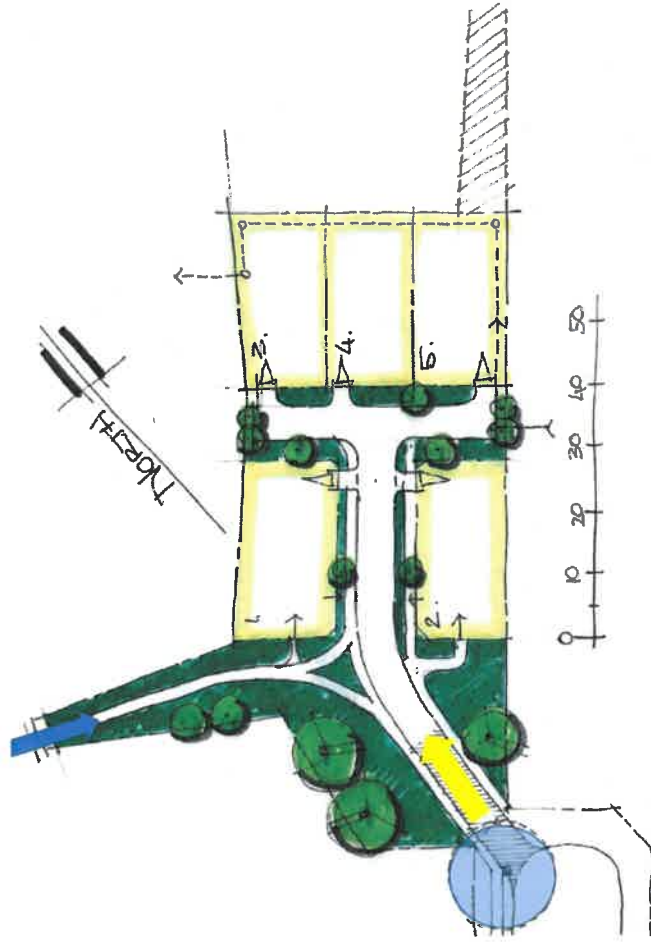
- Currently no vehicle access to site
- Potential site for RLC/philanthropic pensioner housing development
- Excess reserve land acquired through subdivision



**Sites no longer being
progressed**

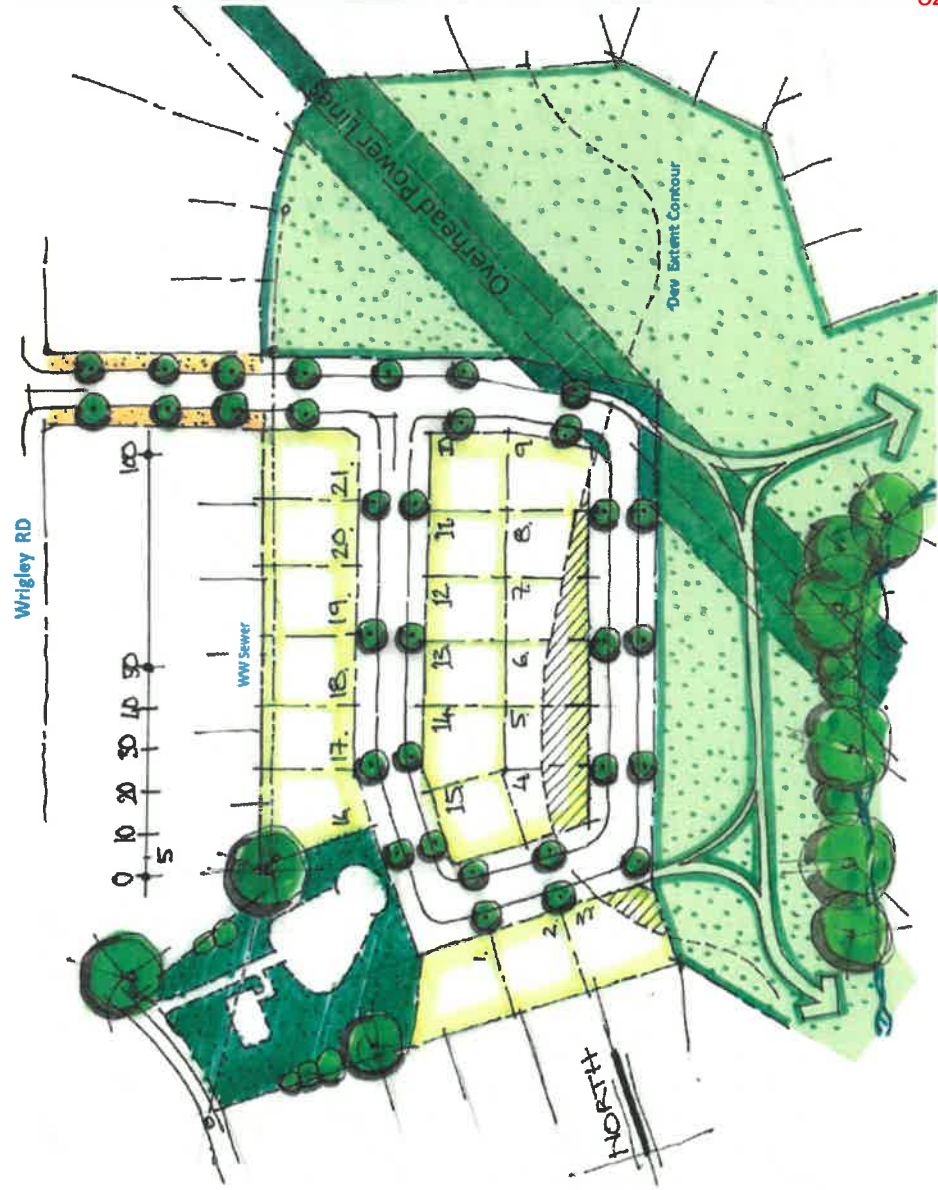
Waitawa Place Reserve

- Significant stormwater overland flow path



Wrigley Road Reserve

- High priority for Kāinga Ora
- Current proposal is not supported by the Fordlands Community Association
- Joint agency approach to address housing issues being undertaken



Housing Outcomes

Proposal for disposal/development	Number of sites	Total potential yield
Direct sale to Kāinga Ora	5	79
Market sale	3	22
RLC/philanthropic pensioner housing development	2	25
Total potential housing yield		126

Local Bill Provisions

- Revokes reserve classification of reserves
- Vests crown reserves in Council
- Enables Council to sell the land for the purposes of housing
- Enables use the proceeds of sale for reinvestment in reserve network and to achieve housing outcomes

From: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>
Sent: Friday, 11 March 2022 12:32 pm
To: Nick McNabb ; Anne Shaw; S7(2)(a) Jean-Paul Gaston; S7(2)(a)
S7(2)(a)
S7(2)(a) Anaru Pewhairangi; S7(2)(a)
S7(2)(a) Jonathon Fraser; S7(2)(a)
Subject: Rakau Taumatua -Rotorua place-based housing Programme Steering Group agenda and documents for 16 March meeting
Attachments: RLC summary report to Rakau Taumatua PSG 16 March 2022.docx; Rākau Taumatua-PSG Agenda 16032022.docx

Tena koutou, please find attached agenda for our meeting next week. Also attached is summary report from RLC. Would you please circulate any further reports for your organisation updates, to be taken as read so the meeting can focus on the main agenda discussion items. Please note the time extension 8.30 to 10am.

Thank you, Rosemary

Rosemary Viskovic *Director- Thriving Communities*

Waea: 07 351 8303 M 027 203 2196

Īmera: rosemary.viskovic@rotorualc.nz | **Ipurangi:** rotorualakescouncil.nz

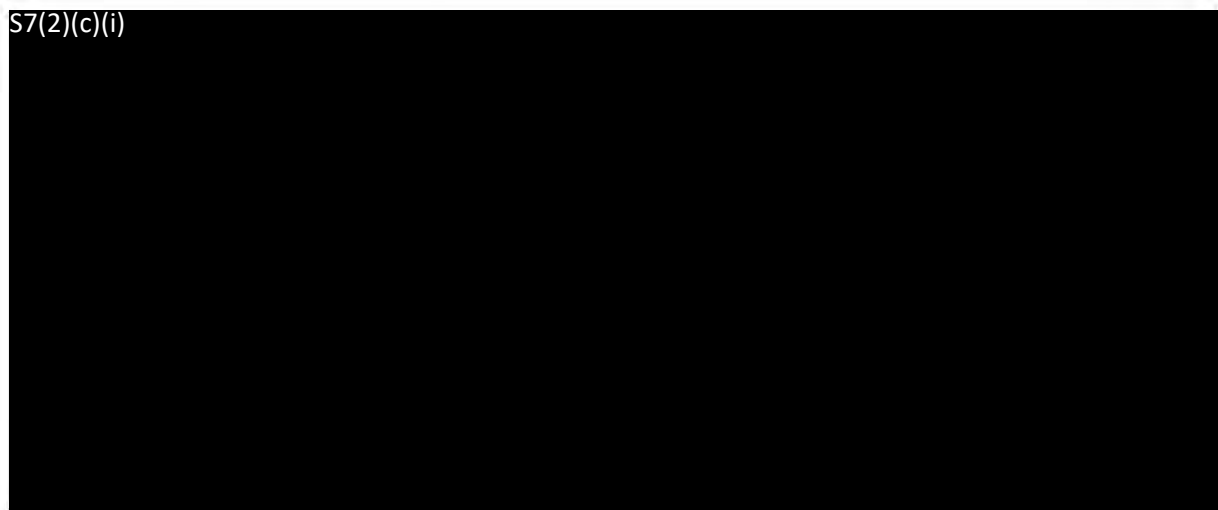
Taunga: 1061 Haupapa St, Private Bag 3029, Rotorua Mail Centre, Rotorua 3046, New Zealand



Date:	16 MARCH 2022	ROTORUA LAKES COUNCIL
From:	JEAN-PAUL GASTON DCE DISTRICT DEVELOPMENT/ ROSEMARY VISKOVIC; DIRECTOR THRIVING COMMUNITIES	
Subject:	SUMMARY REPORT TO RĀKAU TAUMATUA PROGRAMME STEERING GROUP 16 MARCH 2022	

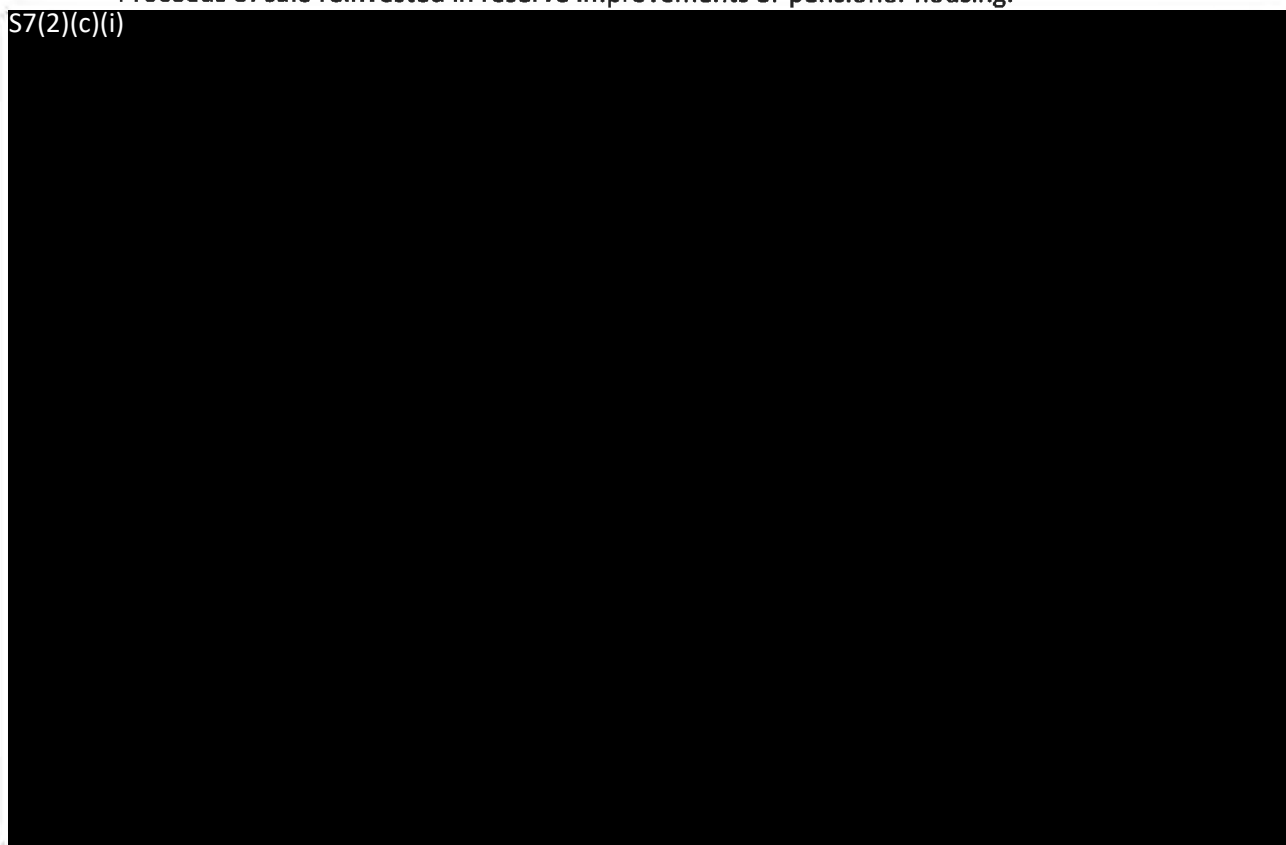
Enabling and Supporting Increased Supply:

S7(2)(c)(i)



- Reserve Revocation Bill written. 12 reserves identified. Survey, acquisition history and mana whenua consultation underway. Working towards council resolution end of April (Propose seven sites to Kāinga Ora, two to four to private market of Community Housing Provider. Proceeds of sale reinvested in reserve improvements or pensioner housing.

S7(2)(c)(i)



Agenda Rākau Taumatua- Rotorua Housing Place-based Action Plan –Programme Steering Group	
Date:	16 March 2022, 8.30-10.00am

Venue:	Join Zoom Meeting https://rotorualc.zoom.us/j/88147770894?pwd=NDVvSEQybnBaNiVlUzFQ1dEdNMC9PUT09 Meeting ID: 881 4777 0894 Passcode: 544634 (or Rotoiti meeting room , RLC)
Facilitator:	Jean-Paul Gaston
Members:	Anne Shaw, Jonathon Fraser, Nick McNabb (HUD); S7(2)(a) (Kāinga Ora); S7(2)(a) (MSD); S7(2)(a) (Regional Public Service Lead); Jean-Paul Gaston (RLC); Rosemary Viskovic, Programme Manager
In Attendance	S7(2)(a) (Kāinga Ora); S7(2)(a) (MSD); Jason Ward (RLC); S7(2)(a) (RPSL)
Apologies	Anne Shaw

1. Agenda Items

	Items for Discussion	Action Required
1	Karakia Whakatuwhera	
2	S7(2)(c)(i)	
3		
4		

	Items for Discussion	Action Required
5	S7(2)(c)(i)	
6		
7	Next meeting	Determine next, focus and frequency
8	Karakia Whakakapi	

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Friday, 18 March 2022 7:50 am
To: Stephanie Kelly
Subject: RE: LINZ contact

Morena Stephanie

Feel free to copy me in. We have previously signalled to S7(2) our Minister's interest in this moving quickly.

I hope it is more two steps forward one step back.....

Nick

[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Thursday, 17 March 2022 11:44 am
To: Nick McNabb <Nick.McNabb@hud.govt.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>
Subject: RE: LINZ contact

Thanks Nick, most helpful. I will email him today. Do you think it might make things go faster if I cc you in?

I also appreciate the email to S7(2)(a) It feels like one step forward and one step back with this process.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Wednesday, 16 March 2022 1:49 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>
Subject: FW: LINZ contact

Kia ora Stephanie

Can I suggest you follow up with S7(2)(a) @linz.govt.nz, the Manager of Crown Land and Information Policy. We had initially checked the sites in schedules 3 and 4 of the draft Bill with S7(2) and he was able to find the right people across LINZ

S7(2)(a)

Manager, Crown Land and Information Policy
Strategy, Policy and Design

S7(2)(a)

I now realise going back to S7(2)(a) feedback that LINZ appear to have arrived at a different conclusion to DOC about underlying Crown ownership for the sites you had initially listed in schedules 3 and 4. LINZ confirmed each site was initially crown derived. While DOC had a different perspective.

I will reach out to S7(2)(a) now noting the different assessment they had reached and ask they reconcile the different positions. I will copy you in.

Sorry for picking this up so late – too many plates spinning

Nick

Nick McNabb

Chief Advisor | System Insights and Strategy
Intelligence and System Direction
Ministry of Housing and Urban Development

nick.mcnabb@hud.govt.nz | S7(2)(a)
www.hud.govt.nz | 7 Waterloo Quay, Wellington



He kāinga ora, he hapori ora - our purpose is thriving communities where everyone has a place to call home.

[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>

Sent: Tuesday, 15 March 2022 1:34 pm

To: Jason Haskell <Jason.Haskell@hud.govt.nz>; Nick McNabb <Nick.McNabb@hud.govt.nz>

Subject: FW: LINZ contact

Hi Nick and Jason,

Part of Wrigley Road Reserve is one of the reserves proposed to be included in our housing Bill. The area of the reserve proposed for housing is the area taken under the Public Works Act for state housing and unfortunately Kainga Ora have declined this site which would have overcome any PWA obligations. Our legal advice suggests the Local Bill could overcome any PWA obligations but we would be cautious to remove the legal rights of the previous owner and would like to get a view from the Crown on what their likely obligations are under the PWA if this site is no longer held as reserve.

S7(2)(a) from DoC has provided the general contact details for LINZ but I anticipate it will take a long time to get a response. Do you have a specific contact at LINZ who may be able to provide some high level advice?

Thanks

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>
Sent: Friday, 18 March 2022 4:41 pm
To: Anne Shaw; S7(2)(a) Jean-Paul Gaston; S7(2)(a) Anaru
S7(2)(a) Pewhairangi
Cc: S7(2)(a) Jonathon Fraser; S7(2)(a) Nick
McNabb
Subject: Meeting record Rakau Taumatua PSG
Attachments: Rākau Taumatua PSG Meeting record 16032022.docx

Tena koutou, please find attached meeting record form Wednesday. Please advise any corrections/ amendments.
Ngā mihi
Rosemary

Rosemary Viskovic *Director- Thriving Communities*

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

Īmera: rosemary.viskovic@rotorualc.nz | **Ipurangi:** rotorualakescouncil.nz

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



Meeting Record

Rākau Taumatua- Rotorua Housing Place-based Action Plan Programme Steering Group**ROTORUA**
LAKES COUNCIL**Date:** Wednesday 16 March 2022, 8.30-10am

Venue:	Zoom videoconference meeting
Facilitator:	Jean-Paul Gaston
Members Present	Anne Shaw (HUD); S7(2)(a) (Kāinga Ora); S7(2)(a) (MSD); Jean-Paul Gaston, Anaru Pewhairangi (RLC)
In attendance	S7(2)(a) (MSD); Jonathon Fraser, Nick McNabb (HUD); Rosemary Viskovic, (RLC); S7(2)(a) (KO)
Apologies	S7(2)(a)

	Agenda Items
1	Karakia whakatuwhera: (Anaru)
2	Welcome and apologies: Introduction Anaru new Deputy CE Community Wellbeing at RLC.
3	S7(2)(c)(i)
4	S7(2)(c)(i) Pre-consultation on reserves, workshop with Councillors, Reserve Bill to Council in April, Tamati Coffey to parliament May.
5	S7(2)(c)(i)
6	
8	

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 21 March 2022 3:45 pm
To: Nick McNabb
Subject: RE: Rotorua reserves

Great thanks Nick. I really appreciate your help with this.

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Monday, 21 March 2022 2:34 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: RE: Rotorua reserves

Kia ora Stephanie

Understand LINZ will have advice back to us shortly on the PWA matters

Nick

[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 21 March 2022 2:26 pm
To: Nick McNabb <Nick.McNabb@hud.govt.nz>
Subject: RE: Rotorua reserves

Yes that's great thanks Nick. So you are aware, I am still waiting on comment from DoC's legal team on the content of the draft Bill and advice from LINZ on any obligations under the PWA with respect to Wrigley Road Reserve

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Monday, 21 March 2022 1:57 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Subject: FW: Rotorua reserves

Kia ora Stephanie

DOC and LINZ have discussed and with respect to Lee Rd, Coulter Rd and Park Rd, LINZ agree with DOC's assessment that the relevant sites are council assets.

I hope that reflects three steps forward.

Nga mihi

Nick

Nick McNabb

Chief Advisor | System Insights and Strategy
Intelligence and System Direction
Ministry of Housing and Urban Development

nick.mcnaabb@hud.govt.nz | S7(2)(a)

www.hud.govt.nz | 7 Waterloo Quay, Wellington



He kāinga ora, he hāpori ora - our purpose is thriving communities where everyone has a place to call home.

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 8 April 2022 8:47 am
To: Nick McNabb
Cc: Jason Haskell; Matt Pilkinton
Subject: RE: Wigley Rd reserve

Thanks Nick. This does make sense and if this is the case then I assume it would be treated the same as all of the other crown reserves and be vested in Council under the Local Bill to enable it to be disposed by Council.

I will commission a s40 report and see where we land.

Thanks

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Thursday, 7 April 2022 4:10 PM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: RE: Wigley Rd reserve

Kia ora Stephanie

I have discussed with our legal team.

Firstly, when land was vested in council in 1997 our view is the state housing purpose was extinguished at that point. Accordingly removal of reserve status (if done under the Reserves Act) would mean the land would revert to the Crown under the Land Act and be administered by LINZ.

Irrespective of which arm of governemtn the offer back obligation applies to, we recommend you commission a s40 report to understand the degree of risk. If there is risk then Council and LINZ would need to work out the best way to manage this.

I hope that makes sense

Give me a call if not

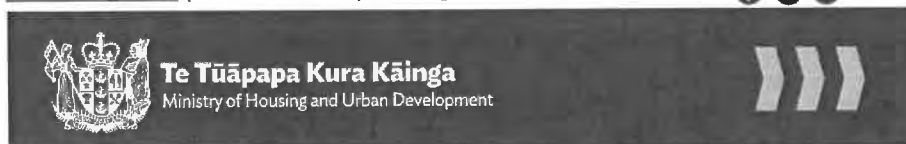
Nga mihi

Nick

Nick McNabb
Chief Advisor | System Insights and Strategy

Intelligence and System Direction
Ministry of Housing and Urban Development

nick.mcnabb@hud.govt.nz | [S7\(2\)\(a\)](#)
www.hud.govt.nz | 7 Waterloo Quay, Wellington



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[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Wednesday, 30 March 2022 12:57 pm
To: Nick McNabb <Nick.McNabb@hud.govt.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: RE: Wigley Rd reserve

Hi Nick,

The site is back on this list at the request of the Fordlands Community Association but whether it is the community association or a CHP that owns the land and develops the housing has not yet been determined. While KO have declined this site, the proposed housing has been designed (by Veros) to enable KO to redevelop some of their existing stock on the edge of the reserve.

Veros are leading some work for the community association about housing in the Fordlands area with the first workshop scheduled for tomorrow. I believe KO are involved but I am not aware of their wider development plans.

Thanks for your help with this.

Steph

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Wednesday, 30 March 2022 11:41 AM
To: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: RE: Wigley Rd reserve

Thanks Stephanie - I will follow up with our lawyers.

I note your comment below about Kāinga Ora not having an interest in the site. I thought this site came back onto the list because Kāinga Ora and Council saw potential for this to be transferred/sold to the Fordland's Community Group and would support Kāinga Ora's wider plans for redevelopment of Fordland's

Is that right? I can't recall the specific details

Nick

Nick McNabb

Chief Advisor | System Insights and Strategy
Intelligence and System Direction
Ministry of Housing and Urban Development

nick.mcnabb@hud.govt.nz S7(2)(a)
www.hud.govt.nz | 7 Waterloo Quay, Wellington



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Ministry of Housing and Urban Development



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[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Monday, 28 March 2022 4:06 pm
To: Nick McNabb <Nick.McNabb@hud.govt.nz>
Cc: Jason Haskell <Jason.Haskell@hud.govt.nz>; Matt Pilkinton <Matt.Pilkinton@hud.govt.nz>
Subject: FW: Wigley Rd reserve

Hi Nick and team,

Please see the response from LINZ below with respect to Wrigley Road Reserve. It seems that on revocation of the reserve, the site would come to MHUD as the crown agency under the Housing Act 1955 and subsequently it is for MHUD to consider their obligations. Not hugely helpful and not sure whether this is something your legal team can consider?

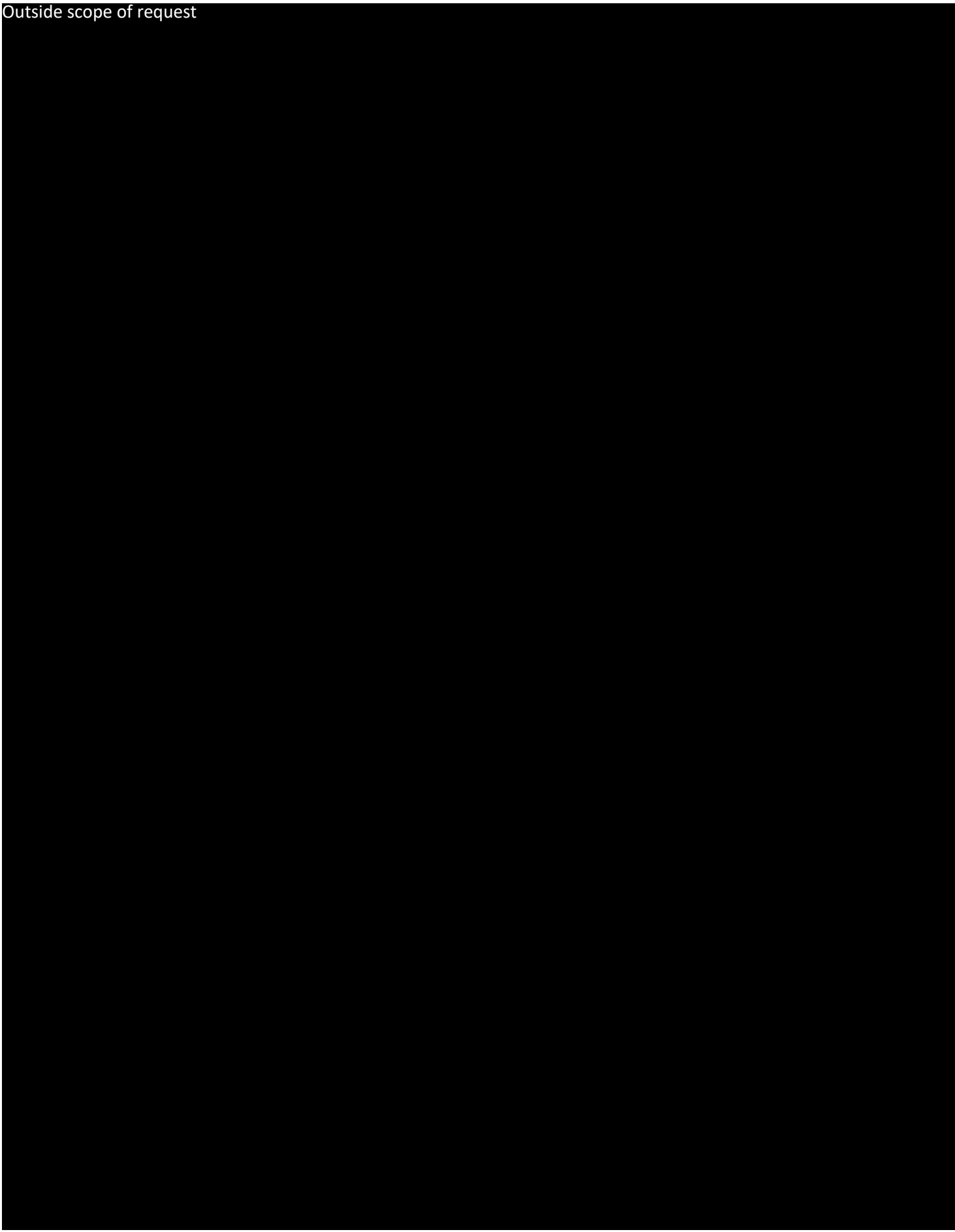
I will see if our lawyers can do some digging as to the compensation query as there might be a greater level of comfort including this site in the bill if there was compensation?

Thanks

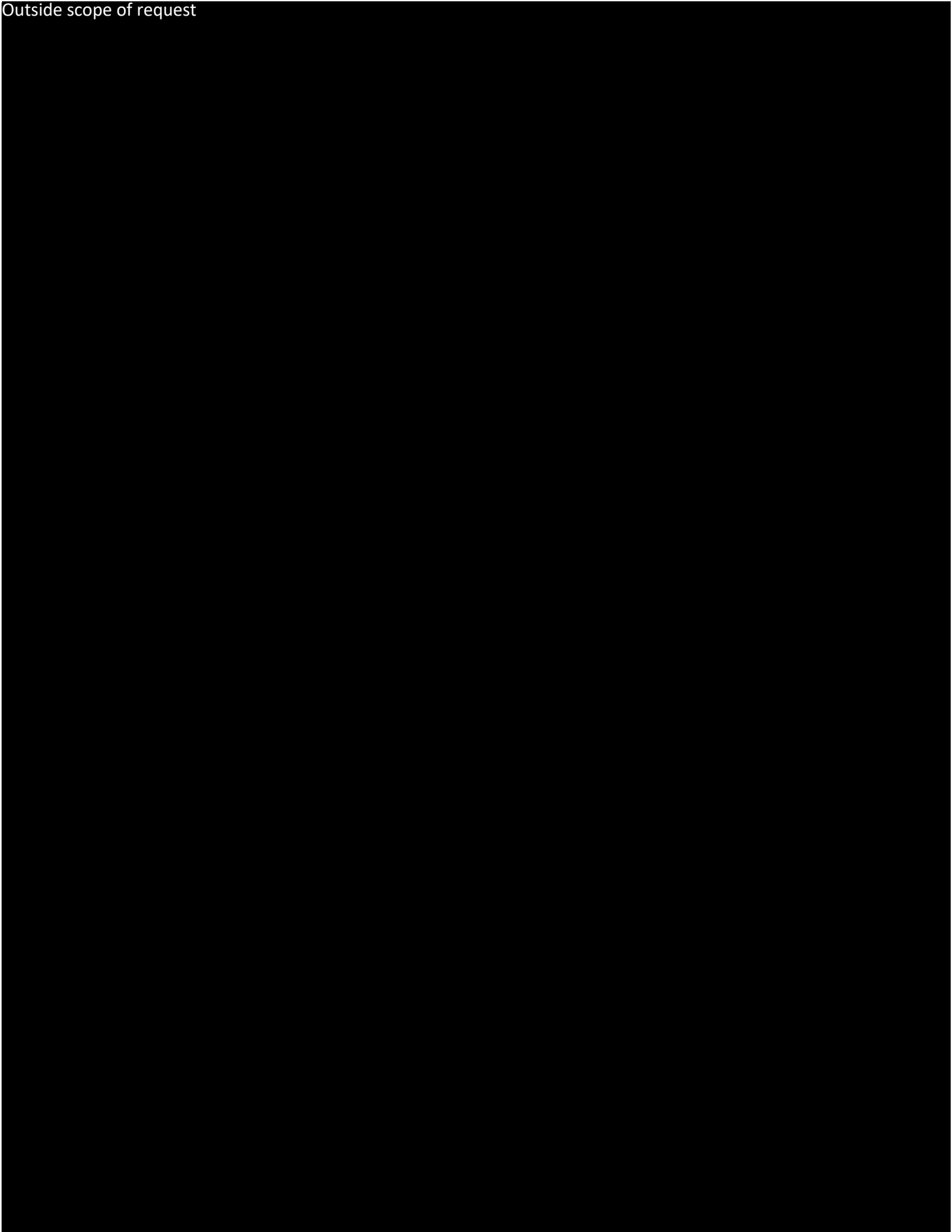
Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*
P: 021 238 8856 | E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

Outside scope of request

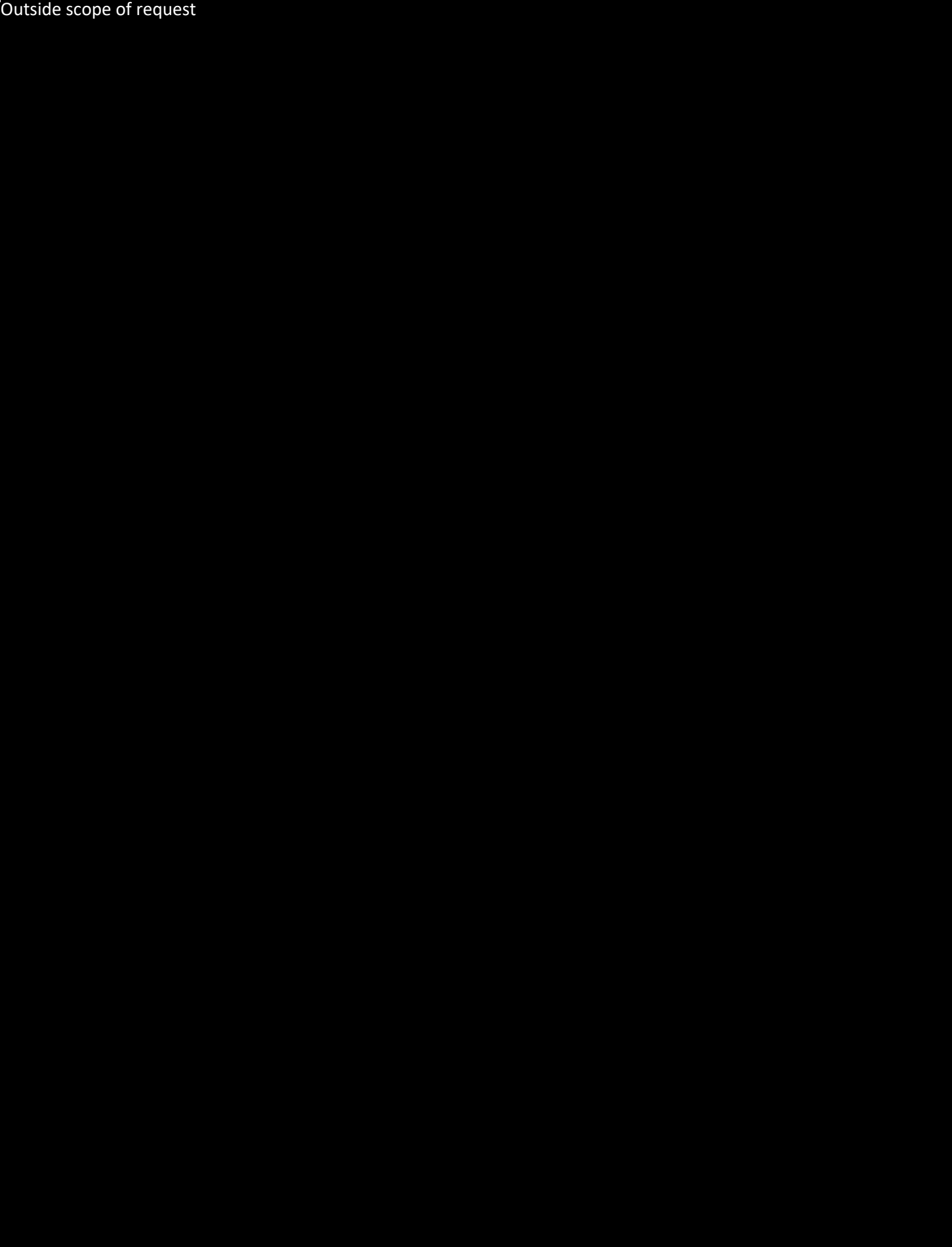
Outside scope of request



Outside scope of request



Outside scope of request



From: Dennis de Reus <Dennis.DeReus@hud.govt.nz>
Sent: Wednesday, 13 April 2022 5:05 pm
To: s7(2)(a); Ingrid Tiriana; Rosemary Viskovic; Jean-Paul Gaston; Nick McNabb;
s7(2)(a)
Subject: RE: Heads up re media enquiry re reserves bill

Kia ora

Our Minister's office has asked for some lines talking about our partnership work with the Council which we are drafting but also making it clear that this is work that we are supportive off and it's being led by the Council.

Will share they are finalised.

Ngā mihi
Dennis

[IN-CONFIDENCE:RELEASE EXTERNAL]

From: s7(2)(a)@kaingaora.govt.nz>
Sent: Wednesday, 13 April 2022 4:16 pm
To: Ingrid Tiriana <Ingrid.Tiriana@rotorualc.nz>; Dennis de Reus <Dennis.DeReus@hud.govt.nz>;
grabrielle.henderson@hud.govt.nz; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: RE: Heads up re media enquiry re reserves bill

Thanks Ingrid, we have just now received the attached query also from Felix on the same.

I'll give you a call shortly Ingrid on this, but likewise expect any comment to be brief also

Nga mihi
s7(2)(a)



s7(2)(a)

Senior Communications Advisor
Te Puku Ikaroa - Central

s7(2)(a)

From: Ingrid Tiriana <Ingrid.Tiriana@rotorualc.nz>

Sent: Wednesday, 13 April 2022 3:58 PM

To: Dennis.DeReus <Dennis.DeReus@hud.govt.nz>; s7(2)(a)

grabielle.henderson@hud.govt.nz; Jonathan Underhill <jonathan.underhill@hud.govt.nz>; Rosemary Viskovic <Rosemary.Viskovic@rotorualc.nz>; Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>

Subject: Heads up re media enquiry re reserves bill

CAUTION: External email. Do not click or open attachments unless you recognise the sender and know the content is safe. If unsure use the Report Phishing button.

Kia ora koutou,

Just a heads up about the below media enquiry we have received today and which you may also be contacted about. The Minister's office may also be contacted.

We have not responded as yet but I will share our response with you all. It will likely be brief.

Tracy give me a call if you wish to discuss.

nga mihi

Ingrid

Ingrid Tiriana *Kaihautū Whakapā/Council Communications Manager*

P: 07 351 8110 | M: 021 190 8868

E: ingrid.tiriana@rotorualc.nz | W: rotorualakescouncil.nz

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

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From: Felix Desmarais <felix.desmarais@nzme.co.nz>

Sent: Wednesday, 13 April 2022 1:49 PM

To: News Rotorua <News.Rotorua@rotorualc.nz>

Subject: Query: Rotorua District Council Reserves (Revocation and Vesting) Bill

Kia ora,

Through documents that have been provided to me I understand:

On February 15 the council had a forum for elected members on the 2022 housing work programme.

In it, elected members discussed a "Rotorua District Council Reserves (Revocation and Vesting) Bill".

I understand council officers proposed a local bill (the above) was presented to:

Revoke reserve classification of the below reserves

Vest Crown reserves in council

Enable the council to sell reserve land for the purposes of housing

Enable the use of the proceeds of the sale for reinvestment in reserve network and to enable housing

It was discussed it would take about nine months for the members bill to go through the parliamentary process, and a November 2022 enactment was anticipated.

The 10 reserves are:

Lee Road Reserve (KO)

Coulter Road Reserve (KO)

High Street Reserve (KO)

Steele Lane Reserve (KO)

Turner Drive Reserve (part only) (KO)

Ranginui Street Reserve

Gallagher Street Reserve

117 Clinkard Avenue

Park Road Reserve (part only)

Linton Park West (16 Kamahi Street)

Elected members were told five of these would be for direct sale to Kainga Ora, with a potential housing yield of 79

Three reserves would be sold on the open market - potential yield 22 houses

Two reserves would be for Rotorua Lakes Council or philanthropic pensioner housing development - potential housing yield 25.

Elected members were told the Housing Minister had asked Kainga Ora to move its 2024 public housing commitment from 160 to 650. Kainga Ora was now engaged with the council and had "tagged" five of the 10 reserves and created plans for the reserves.

Elected members were told the Minister had also asked Rotorua Lakes Council to "stand up and be part of the solution"

In the forum, chief executive Geoff Williams said it was "pace versus local conversations ... can't have both". He said if the council wanted to drive a lot of local conversations it would take time to investigate and "get people on board" and elected members and or the council organisation needed to weigh up "whether that is worthwhile".

In the document I have been provided it says:

"The more time that is taken the longer we have motels for emergency housing. It is important to drive housing solutions and as quickly as possible. What is being presented is a distributed housing model."

Local researcher and historian Ben Manley had identified mana whenua the council needed to talk to and there had been "limited engagement to date".

Engagement had possibly been discussed as for April / May.

Could the council please:

- Confirm, deny or clarify the above. How far along has it progressed? Has the bill been drafted? How much has its development cost to date (please provide GST inclusive figure and state what the costs have been for).
- Please explain more about this kaupapa - how were the reserves were identified and what will the process be? What from the above has changed or is incorrect?
- Why is the council pursuing this?
- *"Kainga Ora was now engaged with the council and had "tagged" five of the 10 reserves and created plans for the reserves."* Can you please explain if KO has created plans for all of the reserves or just the five it has "tagged"? What does "tagged" mean in this context?
- Is the above what Geoff Williams said in the forum? Does that mean the council did not intend to make the pursuit of this bill public until it was presented to Parliament? Will it not undergo local public engagement or consultation? Why / why not?
- I understand there are some rules around the amount of green space councils are required to set aside. Can you please explain more about these rules and how they work (or not) with the proposed bill? Would the proposed bill override these rules? Where would the council create other green space as suggested by the above ("reinvestment in reserve network")
- What is the estimate or total number of homes this bill could result in and how many people would these house? What type of homes would they be (ie single level, multiple, high rise, duplex etc)? How many bedrooms - two bedroom homes, one? Three? What kinds of homes would the Kainga Ora homes be - transitional, affordable, public?
- The council has not added to its pensioner housing portfolio in some time and some may see these as costly since it is difficult to keep rents affordable. Why is this aspect being pursued? Has the council costed its affordability as an asset/liability?

Can the council please respond to these questions no later than 2pm Thursday April 14.

Thank you

Felix

FELIX DESMARAIS

Local Democracy Reporter | Editorial

M: 027 614 3999

E: felix.desmarais@nzme.co.nz

ME: My pronouns are he/him

**please note my hours are normally 7.30am - 4pm Monday to Friday. I may not reply or see an email outside of these times.*

From: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Sent: Thursday, 12 May 2022 1:17 pm
To: Nick McNabb
Cc: s7(2)(a)
Subject: Re: PH numbers

Thanks Nick. Awesome as always!
 I'll see what our rating database says for dwellings as well.
 Through step 1 on reserve revocation. If you can be bothered, item took about 1 1/2 hours.

Get Outlook for Android

From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Thursday, May 12, 2022 9:20:53 AM
To: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Cc: s7(2)(a)
Subject: PH numbers

Morena JP,

I noticed the reference in the Reserves paper to the number of public homes in Rotorua of 2% compared to the NZ average of 4%.

I get a around 2.75% for Rotorua.

Underlying point remains correct for historic reasons Rotorua has a lower proportion of PH compared to other parts of the country. But would not say Rotorua has half what it should. Also the question about the optimal number of public and affordable homes is not clear either. The national average may be insufficient also.

As December 21 Rotorua had 788 active public housing tenancies. This was just over 1% of the total public housing tenancies (75308 as at March 22). Rotorua has 1.5% of population (based on SNZ subregional stats from 31 June 21)

With respect to households, SNZ report 1,865,300 households in NZ of which 75,309 are public homes – or 4%. At census Rotorua had 28536 occupied and unoccupied private dwellings – 788 public homes make up 2.75%. I can't find similar recent household figures for Rotorua so total private dwellings is a proxy – although from census and dated is remains about right.

As noted does not change the overall story: Need to build more public homes, need to build more affordable homes and need market to build more homes too. All need land to do it on.

Nick

Nick McNabb

Chief Advisor | System Insights and Strategy
 Intelligence and System Direction
 Ministry of Housing and Urban Development

nick.mcnabb@hud.govt.nz | s7(2)(a)



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[UNCLASSIFIED]

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From: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Sent: Friday, 13 May 2022 11:13 am
To: Nick McNabb
Subject: Re: Proposed Revocation of Reserves

Yes. All through to council. Recommendations 1-8 passed.
 Talked to s7(2)(a) about presenting to vouncil meeting.

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From: Nick McNabb <Nick.McNabb@hud.govt.nz>
Sent: Friday, May 13, 2022 10:54:38 AM
To: Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: RE: Proposed Revocation of Reserves

Kia ora JP

Just to check the SPF Committee approved the highlighted recommendation to Council

Even so the recommendation to council that they approve in principle sale to KO, subject to conditions, leaves lots of wriggle room.....

Have not watched the council meeting, may try later this afternoon

Thanks

Nick

[UNCLASSIFIED]

From: Stephanie Kelly <Stephanie.Kelly@rotorualc.nz>
Sent: Friday, 13 May 2022 10:10 am
To: s7(2)(a)
 s7(2)(a) Nick McNabb <Nick.McNabb@hud.govt.nz>; Jason Haskell
 <Jason.Haskell@hud.govt.nz>
Cc: s7(2)(a); Jean-Paul Gaston <Jean-Paul.Gaston@rotorualc.nz>
Subject: Proposed Revocation of Reserves

Tēnā Koutou,

Yesterday the Strategy, Policy and Finance Committee approved a recommendation to Council to undertake consultation with the community on the proposal to revoke the reserve classification of 10 reserves (8 in part and 2 full) to enable their disposal for housing through a Local Bill. The recommendation also sought approval in principle for the direct sale of six of those sites to Kāinga Ora subject to a number of conditions. A copy of the full report is attached.

The recommendation will need to be approved at the Council meeting on 26 May. If approved we will commence consultation the following Monday. Councils communications team is currently working on a statement of proposal that will form the basis of the communication.

Let me know if you have any queries.

Ngā mihi

Stephanie

Stephanie Kelly Kaiurungi Rautaki - *Senior Strategy Advisor, District Development*

P: 07 351 8853 | 021 238 8856

E: stephanie.kelly@rotorualc.nz | W: rotorualakescouncil.nz

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

ROTORUA
LAKES COUNCIL

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File No: 65-43-881-03
RDC-1252717ROTORUA LAKES COUNCILMayor
Chair and Members
STRATEGY, POLICY AND FINANCE COMMITTEE**PROPOSAL FOR THE REVOCATION AND DISPOSAL OF IDENTIFIED RESERVES FOR HOUSING****Report prepared by:** Stephanie Kelly, Senior Strategy Advisor, District Development**Report reviewed by:** Jean-Paul Gaston, Deputy Chief Executive District Development**Report approved by:** Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this report is for the Committee to consider and make a recommendation to Council on the proposal to revoke the status of identified Council reserves, or parts of reserves, for housing.

The report details a two-step process where local feedback will be used to inform a decision on the reserves for revocation and disposal and the legal mechanism for that to occur.

**2. TE TUHINGA WHAKARĀPOPOTOTANGA
EXECUTIVE SUMMARY**

The Open Space Level of Service Policy outlines Council's approach to the provision and development of the open space network including determining open space requirements for new development areas and providing a framework for assessing the suitability of existing open space.

Assessment of the open space network against the Policy has identified a number of Council's existing reserves that do not meet the objectives of the Open Space Policy and where disposal of those reserves, in full or in part, would improve open space outcomes. Disposal of the reserves would first require the classification of the reserve to be revoked.

Rotorua is also facing a housing crisis and disposal of the identified reserves also presents an opportunity to achieve housing outcomes.

The standard process under the Reserves Act 1977 for revoking the classification of a reserve is lengthy typically taking two years or more. It is recommended that a local Bill process be used to revoke the classification of the identified reserves.

Prior to making a decision to commence a Local Bill process, it is proposed to undertake consultation and invite written feedback from neighbouring residents of the identified reserves and the wider community. The feedback received would then be used to inform Council's decision on whether to proceed with the proposal.

Kāinga Ora has committed to developing additional homes in Rotorua if appropriate sites are available and has expressed an initial interest in acquiring six of the identified reserves through a direct sale.

3. HE TŪTOHUNGA RECOMMENDATION

1. That the report 'Proposal for the revocation and disposal of identified reserves for housing' be received.
2. That the Committee notes that the reserves or part reserves for possible revocation and disposal have been identified using the levels of service identified in the Council's approved Open Spaces Level of Service Policy and the following criteria:
 - There is excess reserve provision in the area;
 - There is no clear purpose for or function of the reserve;
 - The size of reserve significantly exceeds the minimum size identified in the Open Spaces Level of Service Policy and could be reduced without compromising recreation or open space values;
 - The provision of housing on part of the reserve would improve the safety and use of the reserve;
 - There are no viable options to improve the reserve to meet level of service standard.
3. That the Committee notes the significant housing deficit that exists in the Rotorua urban area (identified in the Housing and Business Capacity Assessment (HBA)), the below average number of transitional and public homes available in Rotorua and significant emergency housing problems.
4. That the Committee recommends to Council that consultation with neighbours of all reserves proposed and the wider community be undertaken through the distribution of a Statement of Proposal (SOP) document inviting written feedback, for a period of 4 weeks, on the proposals detailed below. That the feedback be used to inform Council's decisions on:
 - Whether or not to proceed with the revocation and disposal of any reserve or part reserve
 - The legal method for revocation and disposal (i.e. Local Bill or existing Reserves Act process);
 - The reserves to be developed or enhanced with funds received from the proceeds of the disposal;
 - Any conditions to be applied to housing development by the purchaser.
5. That the Committee recommends to Council that the following reserves (two full reserves and eight parts of reserves) be proposed for revocation and disposal in the Statement of Proposal:
 - Lee Road Reserve
 - Coulter Road Reserve (part only)
 - High Street Reserve (part only)
 - Glenholme Reserve - 117 Clinkard Avenue (part only)
 - Gallagher Street Reserve
 - Linton Park West – 16 Kamahi Road (part only)

- Wrigley Road Reserve (part only)
- Turner Drive Reserve (part only)
- Park Road Reserve (part only)
- Steeles Lane Reserve (part only)

6. That the Committee recommends to Council that the Statement of Proposal identify in-principle the preferred legal method for revocation and disposal of reserves be through a Local Bill and notes that all proceeds of land sales will be re-invested in improvements to existing reserves or the purchase of new reserves.
7. That the Committee recommends to Council that it includes within the Statement of Proposal, that it supports in-principle, a direct sale to Kāinga Ora of the following reserves (or parts of Reserves):
 - Lee Road Reserve
 - Coulter Road Reserve (part only)
 - High Street Reserve (part only)
 - Glenholme Reserve - 117 Clinkard Avenue (part only)
 - Turner Drive Reserve (part only)
 - Steeles Lane Reserve (part only)

And that the sale of those reserves to Kāinga Ora be conditional on:

- a. Kāinga Ora and Council reaching agreement on the value of the identified sites; and
 - b. Kāinga Ora committing to providing mixed model housing developments that includes a mix of social housing and progressive home ownership models and market sale; and
 - c. Kāinga Ora committing to delivering housing on the identified sites within two years.
8. That the Committee recommends to Council that remaining identified reserves (or parts of reserves) be sold via market sale or directly to a community housing provider where appropriate, conditional on the purchaser committing to delivering housing within two years.

4. TE TĀHUHU BACKGROUND

Open Space Policy & Needs

In April 2021, Council adopted the Open Space Level of Service Policy, following a formal public submission and hearing process. The purpose of the Policy is to inform open space requirements in new development areas and provide a framework for assessing the suitability of Councils existing open space network. This means ensuring that the Rotorua community has access to quality open space that provides a variety of recreation experiences, and that the open space network is the result of good design and is highly valued by the community.

The Rotorua District has more than 370 individual reserves, and approximately 1500 hectares of managed open space. While we are fortunate in that we have a large amount of open space providing a diverse range of experiences, the quality and accessibility of the open space network is variable.

Assessed against modern design standards these fall short with no road frontage, minimal visibility and significant CPTED (Crime Prevention Through Environmental Design) issues. There are reserves that have no clear purpose or function or are being used for an activity that does not align with the purpose of a reserve. In some areas we have a significant oversupply of reserve land due to the historic use of those reserves as sportsfields before Rotorua moved to a more centralised sportsfield model, and in other areas, particularly within the central area, there is limited or no provision of open space.

Assessment of the open space network against the Policy has identified a number of reserves that do not align with objectives of the Policy and where disposal of the reserve, in part or full, would achieve a better open space outcome. This includes increasing use, safety and access to the reserve network, and freeing up capital for re-investment into existing reserves to improve quality and increase recreation opportunities. At its meeting of 28 October 2021, Council considered a proposal to revoke the classification of the identified reserves (or parts of reserves). Council did not make a final decision at that time but did give unanimous 'in-principle' support to staff to begin due diligence processes.

Council's in-principle approval was subject to Council staff undertaking further work. This included additional assessment of the identified sites and consideration of the preferred legal mechanism for the revocation and disposal of the identified sites.

The need for houses

With Housing being the most critical issue currently facing the Rotorua community, disposal of the identified reserves in part or full could enable the development of additional housing and increased housing choice for our community.

Council's Housing and Business Capacity Assessment has identified a current deficit of approximately 1,500 homes in the Rotorua district. Across New Zealand, public housing equates to approximately 4% of all housing stock compared to only 2% in Rotorua. Approximately 750 additional public houses would be required to simply meet the national average. This does not recognise high levels of deprivation that exist in our community. Housing challenges are compounded by a shortage of other housing types including affordable rentals, first homebuyers and progressive home ownership models and market housing.

Further, Rotorua has a disproportionate number of larger three and four bedroom homes and a limited supply of smaller dwellings. With the population of Rotorua aging and families getting smaller, significant demand for smaller household types (one and two bedrooms) is expected during the next 10 years.

Council has worked closely with the Ministry of Housing and Urban Development (MHUD) to identify the scale of the housing deficit and planning and infrastructure investment options to address housing supply in the medium to longer-term. This work has resulted in the Rotorua Lakes Council being included with tier 1 Council's in adopting the medium density residential standards and the successful inclusion of Rotorua's storm water infrastructure investment project for the western and central areas of the city, totalling \$99m, in the final negotiation phase of the Infrastructure Acceleration Fund (IAF). This follows a previous funding allocation of \$55m from the Crown Infrastructure Partners (CIP) Fund for roading and storm water infrastructure to support residential development in the eastside of Rotorua.

Recognition of Rotorua's dire housing situation led to the formation of the Housing Taskforce in 2021 and the contracting (consenting process underway) of 13 motels for whānau needing emergency housing. The Te Pokapu – hub which has recently opened as a result of the taskforce, provides direct processing and support to clients needing emergency housing.

Housing Minister Megan Woods also encouraged Kāinga Ora to proceed as quickly as possible with the development of public homes in Rotorua and the Kāinga Ora pipeline is increasing.

Minister Woods asked Council to examine its land holdings to determine whether there were any opportunities to create further public and affordable housing more quickly and Kāinga Ora has indicated its willingness to provide more public homes in Rotorua if suitable land is available.

The availability of public homes in Rotorua will directly impact on the requirements for using motels for emergency housing.

5. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

5.1 Reserves (or parts of reserves) identified for revocation and disposal

13 reserves and land lots were originally identified as not aligning within Council's Open Space Level of Service Policy and were subsequently approved in-principle by Council to be considered for disposal. This meant identifying reserves that met one or more of the following criteria:

- There is excess reserve provision in the area;
- There is no clear purpose or function of the reserve;
- The size of reserve significantly exceeds the minimum size identified in the Policy and could be reduced without compromising recreation or open space values;
- The provision of housing on part of the reserve would improve the safety and use of the reserve;
- There is no viable options to improve the reserve to meet level of service standard.

Five sites have since been removed from the list following further investigation and due diligence including engagement with mana whenua and an additional two reserves (or parts of reserves) have been identified.

Ten reserves (two full reserves and eight parts of reserves) are subsequently proposed for permanent disposal, following the revocation of the reserve status. The total reserve land proposed for disposal equates to approximately 9.5 hectares or 0.6% of Council's overall reserve network.

A large number of Council's assets within the open space network (e.g. playgrounds) are aging and in some instances no longer meet required safety standards or the expectations of our community. The disposal of the identified reserves would enable the proceeds of sale of these sites to be reinvested back into the open space network, improving overall quality and providing greater recreation opportunities for our community. Council staff would work with individual communities to understand their aspirations for their reserves and to inform the best use of any proceeds from the disposal of these sites.

Information on each identified reserve, including existing use, issues and opportunities is provided below. The reserves have been grouped to provide an open space network view of each area. Further information of the land status and acquisition history of each reserve is included in **Attachment 4**.

Eastern Area

The Eastern area of Rotorua has a high provision of quality open space that provides a range of recreational opportunities including play, sport and lake access and the community has access to more than one neighbourhood reserve (or equivalent) within 500m of their properties.

Two reserves within the Eastern area do not meet the objectives of the Open Spaces Policy. Further information and maps on the reserve network within the Eastern area and the reserves proposed for disposal are included as **Attachment 1**.

1. Lee Road Reserve

- Large open grass space that has no clear purpose or function.
- Not usable much of the year due to drainage issues
- Significant reserve provision within the wider area with Waikawau/Hannahs Bay Reserve and Waingaehe Reserve located within 400 metres. Both of these reserves are high quality open spaces that provide a range of recreation opportunities and are highly valued by the community.
- Disposal of this site would enable capital investment into Waikawau/Hannahs Bay Reserve to deliver on the actions of the Reserve Management Plan which was adopted in 2020.

2. Coulter Road Reserve (part only)

- CPTED issues due to poorly designed open space with no road frontage and minimal visibility into the reserve
- Reports of vandalism from the Kōhanga Reo located on the reserve and ongoing antisocial behaviour
- Reserve includes an aging playground that is nearing the end of its life
- Disposal of part of the reserve for housing would improve passive surveillance, safety and use of the reserve
- Kōhanga Reo leases part of the reserve (not proposed for disposal) is supportive in principle of the proposal.
- Disposal of this site would enable investment into park facilities including the aging play equipment and a redundant tennis court.

Central Area

The provision of open space within the central area of Rotorua (between the Puarenga and Utuhina streams) is varied. There is a significant under-supply of open space provision in the Glenholme suburb between Ranolf and Fenton Streets. Addressing this will be a challenge and is likely to require the purchase of existing properties or the vesting of land as a result of redevelopment.

The remainder of the Central area, particularly Springfield and the Inner City, have high provision of quality open space and the community has access to more than one neighbourhood reserve (or equivalent) within 500m of their properties.

Three reserves within the Central area do not meet the objectives of the Open Space policy. Further information and maps on the reserve network within the Central area and the reserves proposed for disposal are included as **Attachment 2**.

3. High Street Reserve (part only)

- Significant CPTED issues due to poorly designed open space with no road frontage, minimal visibility into the reserve.
- Size of the reserve limits the ability to improve open space outcomes and resolve safety concerns.
- Frequent and ongoing instances of antisocial behaviour including drug use, broken glass, illegal dumping and rough sleepers.
- Good provision of open space within the wider area.
- Kindergarten leases part of the reserve not proposed for disposal and is supportive of the proposal.
- Reserve includes an aging playground that is nearing the end of its life.
- Disposal of this site would enable investment into the development of play and recreation facilities on Glenholme reserve which is located 250m from High Street Reserve.

4. Glenholme Reserve - 117 Clinkard Reserve (part only)

- Small site (approx 700sqm) adjacent to Glenholme Reserve – previously occupied by a toilet block when Glenholme reserve was used as a sportsfield.
- Frequent issues with illegal dumping, graffiti and vandalism.
- Disposal of this site would not impact on the wider use of Glenholme Reserve.
- Disposal of this site would enable investment into the development of play and recreation facilities on Glenholme reserve.

5. Gallagher Street Reserve

- Large reserve that provides no recreation use or function.
- Reserve is fenced and has been grazed under a lease for more than 15 years.
- Good provision of open space within the wider area.
- Disposal of this site would enable investment into existing sporting facilities and development of esplanade reserves.

Western Area

The Western area of Rotorua has a high provision of quality open space that provides a range of recreational opportunities including play, sport and walking and cycling. The community has access to a more than one neighbourhood reserve (or equivalent) within 500m of their properties.

A number of the reserves within the Western area were previously used as sportsfields before Rotorua moved to a more centralised sportsfield model with the development of Westbrook and Linton Park. The size of these reserves significantly exceeds Council's open space level of service requirements.

Five reserves within the Western area do not meet the objectives of the Open Space policy. Further information and maps on these are included as **Attachment 3**.

6. Linton Park West - 16 Kamahi Road (part only)

- CPTED issues due to poorly designed open space with no road frontage, minimal visibility into the reserve;
- Part of a much larger quality reserve which provides a range of recreation opportunities;
- Frequent instances of illegal dumping, vandalism and antisocial behaviour;
- Disposal of this site would enable investment in Linton Park.

7. Wrigley Road Reserve (part only)

- Significantly sized reserve which provides a range of recreation opportunities.
- Proposal to provide housing on a small part of the reserve was requested by the community association which aims to increase housing and provide more housing choice within the community.
- Housing on part of the reserve would create road frontage and subsequently increase passive surveillance into the reserve and improve safety.
- Disposal of this site would enable investment into additional recreation provision within the Fordlands community.

8. Turner Drive Reserve (part only)

- Significantly sized reserve which provides a range of recreation opportunities (previously used as sportsfield).
- Ongoing and frequent vandalism to playground and redundant toilet block.
- Housing on part of the reserve would improve passive surveillance.
- It is proposed to retain a good provision of open space including existing quality recreation facilities.
- High provision of open space within the wider area.
- Disposal of this site would enable investment into additional recreation provision within the Western Heights community.

9. Park Road Reserve (part only)

- CPTED issues due to poorly designed open space with minimal road frontage and minimal visibility into the reserve.
- Significantly sized reserve which provides a range of recreation opportunities (previously used as sportsfield).
- Ongoing and frequent vandalism to playground.
- Housing on part of the reserve would improve passive surveillance.
- It is proposed to retain a good provision of open space including existing quality recreation facilities.
- High provision of open space within the wider area.
- Disposal of this site would enable investment into additional recreation provision within the Western Heights community.

10. Steeles Lane Reserve (part only)

- Large reserve primarily used to provide access to Western Heights High School.
- Disposal of part of the reserve for housing would not significantly impact on open space or recreation outcomes.
- High provision of open space within the wider area.
- Disposal of this site would enable investment into additional recreation provision within the Western Heights community.

5.2 Recommended process and community consultation

All of the identified reserve sites are classified under the Reserves Act 1977. Disposal of the identified sites first requires the classification of the reserves to be revoked.

There are two viable options for revoking the classification of the reserves:

1. Revocation by Minister of Conservation pursuant to section 24 of the Reserves Act 1977;
2. Change of legislation by way of a local bill.

The process under Section 24 of the Reserves Act includes the following steps:

1. Resolution of Council as the Reserve Administering Body to commence the revocation process;
2. Consultation with the Minister of Conservation;
3. Public notification of the proposal to revoke the reserve status including the reasons for the proposal;
4. Minimum one month consultation process;
5. Council as Reserve Administering Body to consider objections and make a recommendation to the Minister of Conservation;
6. Minister of Conservation decision of proposal to revoke.

The local Bill process involves public notification of the Bill, as well as the hearing of submissions by a select committee. A summary of the process is as follows:

1. The draft bill is submitted to the Parliamentary Counsel Office for review;
2. The Council must publish a notice of intention to pursue the bill in a daily newspaper and on its website and must make the bill available for inspection for 15 working days;
3. The bill is submitted to the Office of the Clerk, with a declaration from the Chief Executive that the public notice requirements have been met;
4. The bill is introduced to the House by a Member of Parliament;
5. The bill receives its first reading, and is referred for consideration by the select committee;
6. Once the select committee's report is available, the bill receives its second and third readings;
7. The bill is then prepared for assent by the Governor General and, once it has received assent, becomes an Act of Parliament.

There are a number of pros and cons for each option as outlined below:

	Reserves Act process	Local Bill
Pros	<ul style="list-style-type: none"> - Council has undertaken this process several times perviously - Enables local community input - Provides Council with greater role in hearing submissions and decision making - Requires the proceeds to be reinvested in the reserve network 	<ul style="list-style-type: none"> - Significantly quicker process (approx. 9 months) - Enables Crown-owned reserves to be vested and disposed of by Council - Enables local community input - Requires the proceeds to be reinvested in the reserve network
Cons	<ul style="list-style-type: none"> - Lengthy process due to operational and decision making processes (approx. 2 years) 	<ul style="list-style-type: none"> - A Local Bill process may be an unfamiliar process to the community

	<ul style="list-style-type: none"> - Crown-owned reserves would revert back to the Crown, reducing the amount that can be reinvested back into the reserve network 	<ul style="list-style-type: none"> - Select committee hears submissions, rather than Council - Overall decision making sits with central government
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The recommended legal mechanism to enable the revocation and disposal of the identified reserve sites is to progress a local Bill. This would provide the most certainty in terms of speed of process, typically taking nine to 10 months compared to the traditional Reserves Act process which can take up to two years.

A local Bill would need to achieve a number of purposes, including:

1. Vesting all reserves with underlying Crown ownership in Rotorua Lakes Council;
2. Revoking the classification of the reserves;
3. Enabling Council to dispose of the land for housing;
4. Requiring the use of the proceeds from the sale of the land to be used for the purposes of purchasing new reserve land or developing existing reserves.

Prior to commencing a formal process to revoke the classification of the identified reserves, it is proposed to undertake a targeted feedback process. This would include information on the proposal being provided (through a Statement of Proposal) and written feedback being sought from residents within 500m of each identified reserve. The wider community would also have the opportunity to provide written feedback through Council's Kōrero Mai engagement platform.

Feedback received would be collated and presented to Elected Members to inform a decision on whether to commence a formal process to revoke the classification of the identified reserves.

5.3 Housing proposal

It is anticipated there would be significant public interest in the type of housing proposed and in the proposed developer of the identified sites. Therefore ensuring this information, wherever possible, is available and communicated to the community is critical regardless of which approach is used.

Kāinga Ora has expressed an initial interest in acquiring six of the identified sites through a direct sale and is undertaking initial due diligence as part of its acquisition processes. Those sites are:

- Lee Road Reserve
- Coulter Road Reserve (part only)
- High Street Reserve (part only)
- Glenholme Reserve - 117 Clinkard Avenue (part only)
- Turner Drive Reserve (part only)
- Steeles Lane Reserve (part only)

As stated above, Kāinga Ora has committed to building additional homes in Rotorua within the next three years if appropriate sites are available. There is merit in providing a wider selection of sites for Kāinga Ora to develop, enabling more distributed provision of public homes across the city. Kāinga

Ora is open to providing a mix of housing types within each site (e.g. Kiwi builds) but notes the dire emergency housing situation that exists in our community and the ongoing and unsustainable reliance on motels.

It is recommended that any decision to sell any of the identified reserves sites directly to Kāinga Ora is conditional on:

- Kāinga Ora and Council reaching agreement on the agreed value of the identified sites, and
- Kāinga Ora committing to providing mixed model housing developments that include a mix of social housing and progressive home ownership models and market sale, and
- Kāinga Ora committing to developing the sites within two years.

Council staff have been working collaboratively with the Fordlands Community Association to achieve housing and wellbeing outcomes within the wider Fordlands area, leading to the inclusion of Wrigley Road Reserve in this proposal. One of the outcomes the community association is trying to achieve is influencing the placement processes of community housing providers (CHP) to ensure whanau from Fordlands currently living in emergency housing are given the opportunity to return to Fordlands.

With respect to Wrigley Road Reserve, it is recommended that Council staff work directly with the community association to identify an appropriate CHP to acquire the land and enable the wider housing outcomes for the Fordlands community to be achieved.

All other sites would be disposed of through market sale and would also be conditional on the purchaser committing to developing the sites within two years.

The alternative option is that all identified sites, with the exception of Wrigley Road Reserve, be disposed of through market sale. With a large number of developers based in or interested in investing in Rotorua it is expected there would be significant interest in the sites. This option would also provide the opportunity for Kāinga Ora to purchase some of the sites but through a market process.

Next steps

The following actions are required to be undertaken before a local Bill could be progressed:

- Final engagement with mana whenua and key stakeholders on the sites proposed for inclusion in the local Bill;
- Development and finalisation of information and documentation to inform the community of the proposal and process for having a say;
- Analysis of feedback and final decision-making by Council;
- Drafting of the local Bill and consultation with the Parliamentary Counsel Office;
- Preparation and approval by Land Information New Zealand of Survey Office Plans for identified sites (required for any local Bill dealing with land);
- Final in-principle agreement reached with Kāinga Ora.

6. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decisions in this report are considered significant in accordance with Council's Significance and Engagement Policy. This states that the matter is likely to be significant where a proposal or decision is likely to generate a high level of community interest.

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

Early consultation on the proposal with mana whenua has been undertaken and is ongoing.

In addition, Council staff have consulted with the Kōhanga Reo on Coulter Road Reserve and the Kindergarten on High Street Reserve, both of which have existing leases for these sites. It is not proposed to revoke the status of the land occupied by these groups. Consultation to date has been positive.

The development of a Statement of Proposal and resulting feedback process provides an initial public and neighbourhood process. Both a local bill process and the standard Reserves Act process would provide further opportunity for public submissions on the proposal.

8. HE WHAIWHAKAARO CONSIDERATIONS

8.1 Mahere Pūtea Financial/budget considerations

There are no financial considerations associated with the decisions in this report.

8.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

The decisions associated with this report are consistent with the 2030 Goals of 'Thriving Communities' and 'Homes that match needs' and He Papakāinga, He Hāpori Taurikura – A Strategy for Homes and Thriving Communities

8.3 Tūraru Risks

There is a risk that the decisions associated with this report could result in a negative public perception. The breach of confidential discussions from an elected members forum has created a negative perception of the proposal and did not identify the reasons and considerations that have been traversed in this report and in the due diligence process being applied to any potential reserve.

This report notes that a preliminary report was provided to Council in October and unanimous 'in-principle' support provided to staff to begin due diligence processes. As noted in this report, this has resulted in some possible sites being removed.

8.4 Te Whaimana Authority

Council have authority to make decisions associated with this report.

**9. NGĀ ĀPITIHANGA
ATTACHMENTS**

Attachment 1: Eastern Area - Reserves (or parts of reserves) identified for revocation and disposal -
RDC-1256498

Attachment 2: Central Area - Reserves (or parts of reserves) identified for revocation and disposal -
RDC-1256499

Attachment 3: Western Area - Reserves (or parts of reserves) identified for revocation and disposal-
RDC-1256500

Attachment 4: Land status and acquisition history of identified reserves- RDC-1253599

