

Report released 26 May 202260-12-023-03
RDC-1134667ROTORUA LAKES COUNCILMayor
Members
COUNCIL**TEMPORARY HOUSING OPTIONS UNDER INVESTIGATION****Report prepared by:** Stephanie Kelly, Senior Strategy Advisor**Report reviewed by:** Jocelyn Mikaere, Deputy Chief Executive, Operations**Report approved by:** Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this report is to seek the Council's endorsement to identify reserve land that could potentially be utilised for time-limited temporary housing. If this proposal is endorsed by the Council a report detailing potential reserves will be presented to Council along with further information and options.

**2. HE TŪTOHUNGA
RECOMMENDATION**

1. That the report 'Temporary Housing Options under Investigation' be received.
2. That the Council notes the acute housing and temporary housing crisis adversely affecting the city and our community.
3. That the Council supports in principle, the use of Council reserve lands for temporary housing.
4. That the Council note a report including further information and options will be presented in due course.
5. That this report not be made publicly available.

AND

6. That the minutes relating to this item be made publicly available when a formal decision has been reached.

3. TE TĀHUHU BACKGROUND

On 22 April 2021 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.

There are approximately 380 households, including 200 families, living in emergency accommodation in Rotorua. A key focus for HUD and Kāinga Ora is to implement temporary housing solutions while more permanent long-term housing needs are addressed.

Temporary housing solutions have focused on Iwi land Trusts and positive discussions are currently underway to establish a number of small temporary sites on Māori leasehold land and appropriately serviced and zoned land.

The report to the Ministers also included discussion on enabling the use of Council reserves for temporary housing. Subsequently, Minister Woods has directed officials to further investigate giving Council a time-limited power to use reserve land for temporary housing as an additional tool that could be utilised if required.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

Open Space Level of Service Policy

At its meeting on 29 April 2021, Council adopted the Open Space Level of Service Policy. The purpose of the policy is to inform open space requirements in new development areas and provide a framework for assessing the suitability of the existing open space network.

Council staff have undertaken an initial assessment of the open space network against the Policy and have identified a number reserves, or parts of reserves. The area identified equates to approximately 82 hectares which could potentially yield 160 temporary homes. Specifically the reserves have been identified for one or more of the following reasons:

- There is excess reserve provision in the area
- The size of reserve significantly exceeds the minimum size identified in the Policy
- The provision of housing on the reserve would improve the safety and use of the reserve
- The reserve does not align with the level of service standards in the Policy and there is limited options to bring it up to standard

Council staff are also developing an Open Space network plan that will identify where there are gaps in provision, where investment may be required to bring reserves up to the specified level of service and where there may be options to permanently divest reserve land. Any proposal to divest reserve land permanently will need to go through a Reserves Act process including significant community consultation and final approval from the Minister of Conservation.

Time Limited Power

Under the Reserves Act 1977 the use of reserves for housing is not permitted and specific legislation through either a Local Bill or a Government Bill would be required to give Council the power to use reserves for a time-limited period for temporary housing.

This would enable the Council to begin using the reserves land for temporary housing while working with HUD and Kāinga Ora on other permanent solutions for housing.

A similar power was provided to a number of Councils within the Canterbury Region following the 2011 Christchurch earthquake. The Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 (the “Canterbury Order”) was an Order in Council made under relevant Canterbury earthquake recovery legislation. The Order gave Councils the power to use reserves for a range of temporary purposes, including temporary housing. The Order will expire on 30 June 2021.

The Canterbury Order would be the starting point for the development of any time-limited power to enable Council to use reserves for temporary housing. The proposed power would apply to any reserves owned, administered, managed or controlled by the Council and could include Crown reserves, if directed by the Minister of Conservation.

Local Bill or Government Bill

Either a local Bill or Government Bill process will be required to enable the use of reserves for temporary housing for a time-limited period.

If a local Bill were to be used, it would require Council to drive the process. This includes drafting the Bill (with assistance from HUD), passing a formal resolution on the specific wording of the Bill, and the intention to introduce the local Bill being 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). Through this process, the Council could withdraw the Bill at any stage before enactment.

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 draft Bill would then follow the standard Cabinet process.

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.

Next steps

HUD is due to report back to Minister Woods in June. The report back will cover whether Council should be given the time-limited power to use reserves for temporary housing, and if so, some high-level design discussions of the power. The decisions in this report will directly inform any recommendations to the Minister. If it is decided that Council should be given a time-limited power, either the local Bill or Government Bill process, as outlined earlier in this report, could commence subject to Council agreement.

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decisions in this report are considered significant in accordance with Council’s Significant 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 controversy in the community.

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

The introduction of a local or Government Bill to give Council the power to use reserves from temporary housing would need to go through a full legislative process including select committee process where public submissions can be made.

The Bill itself would not require Council to consult on specific proposals to use individual reserves for temporary housing.

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations

There are no financial considerations associated with the decisions in this report.

7.2 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.

7.3 Tūraru Risks

There is a risk that the decisions associated with this report could result in a negative public perception.

7.4 Te Whaimana Authority

Council have authority to make decisions associated with this report.