

Abatement Notice
Notice Number: RMA25001
Section 324, Resource Management Act 1991

Tikanga Aroro Charitable Trust
796B Te Ngae Road
Rotokawa
Rotorua 3074

Attention: §7(2)(a)
General Manager, Pūwhakamua Programme
Tikanga Aroro Charitable Trust

A site inspection conducted by Rotorua Lake Council's (**Council**) officers on 26 February 2025 confirmed that an unconsented reintegration housing facility (Pūwhakamua) is currently being operated by Tikanga Aroro Charitable Trust on the property located at 796B Te Ngae Road, Rotokawa, Rotorua 3074.

1. Rotorua Lakes Council gives notice that you must:

- a. Cease and continue to cease the following action:

Using 796B Te Ngae Road, Rotokawa, Rotorua 3074 (**the property**), Legal Description Part 1/3 Pt Whakapoungakau 16 Sec 2B2G2B Pt No 2B Blk XIV Rotoiti SD -Tripartite Dee Site for an unconsented reintegration housing facility.

- b. Take the following action:

Apply to Council for a resource consent to use the property as it is currently being used (reintegration housing facility) under Rule RURZ-R2 of the Rotorua Operative District Plan (RODP).

AND

Provide written confirmation to Council that the activity on the property has ceased so that a site inspection can be conducted by council officers to ensure compliance with this Notice. Confirmation email to be sent to RMACompliance@rotorualc.nz.

OR

Revert to using the property for an activity permitted under the RODP Rural Zone.

2. The location to which this abatement notice applies is:

796B Te Ngae Road, Rotokawa, Rotorua 3074 being Part 1/3 Pt Whakapoungakau 16 Sec 2B2G2B Pt No 2B Blk XIV Rotoiti SD -Tripartite Dee Site.

3. You must comply with this notice within the following period:

You must comply with Clause 1a and b of this Notice within 30 working days from service of this Notice.

4. This notice imposes the following further conditions:

You are directed to give the enforcement officer who issued this Notice the following information about the person on whose behalf you are breaching obligations under the Resource Management Act 1991, namely the full name and address of the Pūwhakamua contract manager at the Department of Corrections.

5. Statutory basis:

This notice is issued under sections 322(1)(a)(i) and 322(1)(b)(i) and 322(2)(a) and (b), and section 22(3) of the Resource Management Act 1991.

6. Reasons for the notice:

- a. Pūwhakamua, a reintegration housing facility, is currently being operated by Tikanga Aroro Charitable Trust at the property. Pūwhakamua provides a live-in residential programme for men released to the community by the New Zealand Parole Board. Residents are subject to parole conditions.
- b. The property is in Rural 1 Zone of the RODP. Operating a reintegration housing facility (the **activity**) is not expressly provided for in the Rural Zone. As it is not expressly provided for, the activity is a con-complying activity and requires consent (refer RURZ-R2).
- c. The current use of the property does not meet the RODP definition of a 'residential unit' as this means a building or part of a building that is used for a residential activity exclusively by one household. The property is not a residential unit as multiple households reside there.
- d. The current use of the property also does not meet the RODP definition of 'community housing' as the definition stipulates a maximum of eight persons can reside at the property (including residents and residential staff) where some element of care or support is provided for residents. The definition includes emergency housing (including temporary overnight accommodation) and rehabilitation centres but excludes facilities where the movement of residents are legally restricted. Residents on a particular sentence such as parole, home detention and EM bail may be or are subject to conditions restricting their movement.

- e. The use of the property as a reintegration housing facility cannot be categorised as either a residential unit or community housing in accordance with the definition under the RODP. The activity is not otherwise expressly stated in the Rural 1 Zone and requires resource consent as a non-complying activity under rule RURZ-R2 of the RODP.
- f. On 22 May 2024 Council received concerns from neighbouring properties regarding a reintegration housing facility being operated at the property 796B Te Ngae Road, Rotokawa, Rotorua.
- g. On 14 February 2025 Council was provided with a letter from Department of Corrections confirming that Tikanga Aroro Charitable Trust has been contracted by Corrections to deliver the Pūwhakamua service at the property since 1 November 2022.
- h. Corrections confirmed that Pūwhakamua supports up to 14 people at any one time and as of 10 February 2025, 11 individuals were residing at the property subject to a sentence or order managed by Corrections.
- i. On 26 February 2025 a site inspection was conducted by Council which confirmed that a reintegration housing facility is being currently being operated at the property without the Tikanga Aroro Charitable Trust first obtaining the necessary resource consent from Council.

7. Consequences of non-compliance:

If you do not comply with this notice, you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).

8. Right of appeal:

You have the right to appeal to the Environment Court against the whole or any part of this notice. If you wish to appeal, you must lodge a notice of appeal in form 49 with the Environment Court within 15 working days of being served with this notice.

9. Stay of the notice:

An appeal does not automatically stay the notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325(3A) of the Resource Management Act 1991 (see form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

10. Application to cancel:

You also have the right to apply in writing to Rotorua Lakes Council to change or cancel this notice in accordance with section 325A of the Resource Management Act 1991.

11. Authorisation:

Rotorua Lakes Council authorised the enforcement officer who issued this notice. Its address is:

1061 Haupapa Street
PO Box 3029, Rotorua Mail Centre
Rotorua 3046

The enforcement officer is acting under the following authorisation:

Warranted officer under section 38 or 343I of the Resource Management Act 1991.



.....
Fazila Nisha
Licensing and Compliance Officer

Date: 05th March 2025

Form 49 (Appeal Notice) can be located at:

<https://www.legislation.govt.nz/regulation/public/2003/0153/latest/DLM196622.html>

Form 50 to obtain a stay can be located at:

<https://www.legislation.govt.nz/regulation/public/2003/0153/latest/DLM196627.html>