Before an Independent Hearings Commissioner of Rotorua Lakes Council

In the matter of **Rotorua Lakes Council**

Proposed Plan Change 10:

Definitions and Rule Refinements

Statement of expert planning evidence by Sarah Jane Stevenson

21 September 2026

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Statement of expert planning evidence by Sarah Jane Stevenson

1 Introduction

1.1 My full name is Sarah Jane Stevenson.

1.2 I hold a Bachelor of Planning (Honours) from the University of Auckland (1997), and I am accredited under Section 39A of the Resource Management Act 1991 as a resource management commissioner, with chair endorsement. I have over 30 years' professional experience in planning and resource management in New Zealand, across the public and private sectors.

1.3 I have been a full member of the New Zealand Planning Institute since 2002. In 2024 I was awarded the NZPI Distinguished Service Award for an outstanding contribution to the planning profession. I have also served two terms on the Resource Management Law Association National Committee, been a member of the editorial panel for Planning Quarterly magazine and for the Quality Planning website and currently serve on the New Zealand Planning Institute Membership Interview Panel.

1.4 I have provided expert planning evidence at council hearings as both a council reporting officer and on behalf of applicants and submitters and to the Environment Court and the High Court of New Zealand. I have also sat on panels considering territorial authority and regional council plan changes. In 2024 I was appointed an independent commissioner alongside Gisborne District councillors and mana whenua representatives, in considering their replacement Tairāwhiti Resource Management Plan including its urban environment provisions.

1.5 My experience includes leading plan preparation, plan changes, designations, and resource consenting processes; undertaking urban growth studies and associated plan changes; preparing Section 32 and S32AA evaluations; and preparing and presenting S42A reports. From 2016 to 2018 I led the proposed Kāpiti Coast District Plan through hearings, decisions, and to appeals.

1.6 I am employed by the Ministry for Cities, Environment, Regions and Transport (MCERT), previously Te Tūāpāpā Kura Kāinga the Ministry of Housing and Urban Development (HUD). I have held this role since

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August 2025. For the preceding three years I was an independent planner and commissioner.

1.7 I provide this evidence not as a representative of MCERT, but in my capacity as a planner and expert witness. The opinions expressed in this evidence are my own professional opinions, based on my qualifications, experience and expertise in planning matters. They should not be taken as representing the views or position of MCERT unless I explicitly state otherwise.

1.8 In preparing this evidence I have understood and observed my obligation as an expert witness to assist the Commissioner impartially on matters within my expertise.

1.9 I have read the Code of Conduct for expert witnesses set out in section 9 of the Environment Court Practice Note 2023. I complied with the Code of Conduct in preparing this written statement of evidence and agree to adhere to it in giving any oral or written evidence to the hearing.

2 Purpose and scope of evidence

2.1 My evidence addresses the planning approach in proposed Plan Change 10 (PC10) that affects the use of visitor accommodation by people in severe and urgent housing need who receive an Emergency Housing Grant (EHG).

2.2 I rely on the evidence of Jonathon Fraser for: the historic circumstances of the Rotorua housing context including the context in which Contracted Emergency Housing was delivered; housing supply constraints in Rotorua; collaboration between agencies, Rotorua Lakes Council and iwi; recent increases in housing supply; the current operation of the EHG by the Ministry of Social Development; and the operation of motels currently used to temporarily accommodate grant recipients. I do not repeat that evidence except where necessary to explain the basis for my planning assessment.

3 Executive Summary

3.1 My evidence addresses two principal planning issues arising from PC10:

(a) the interpretation of visitor accommodation where it is used to temporarily accommodate recipients of Emergency Housing Grants (EHGs), and

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(b) the proposed inclusion of references to “public safety” within residential zone objectives.

3.2 In my opinion, the notified Section 32 evaluation and the Section 42A response do not demonstrate that the temporary occupation of visitor accommodation by EHG recipients creates environmental effects that are materially different from those generated by other occupants of visitor accommodation. This is material because, as I set out in my evidence, PC10 and provisions resulting from it cannot be considered in isolation of current RLC district plan interpretation and enforcement action.

3.3 The notified Section evaluation 32 and the Section 42A response rely substantially on historic Rotorua circumstances associated with large-scale motel use during the housing crisis and the former Contracted Emergency Housing programme. Neither evaluation adequately assesses whether the current, significantly reduced use of motels by EHG recipients gives rise to a resource management issue requiring additional regulation, or different regulation than visitor accommodation generally.

3.4 The Section 42A reporting officer now recommends that the proposed references to “public safety” in RESZ-O7, RESZ-O14 and RESZ-O17 be deleted and that the operative wording be retained. I agree with that recommendation.

3.5 The Section 42A Report does not resolve the Visitor Accommodation issue. It treats the issue principally as one of definition/interpretation and activity classification and considers that a person who has no other accommodation or place of residence may not be a “visitor”. In my opinion, that approach is not effects-based, and does not identify land-use effects or an objective change in the factual or operational use of the motel.

3.6 More generally, I consider the Section 32 evaluation does not adequately demonstrate that the relevant PC10 provisions are the most appropriate means of achieving the purpose of the Resource Management Act 1991. The evaluation does not sufficiently assess alternative methods, does not clearly identify the environmental effects requiring management, and does not adequately explain how the proposed provisions would operate in practice.

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3.7 Accordingly, I recommend that:

(a) the National Planning Standards definition of Visitor Accommodation be retained and applied consistently regardless of how a person's temporary accommodation is funded;

(b) identifiable effects associated with Visitor Accommodation should be managed through objective and measurable provisions applying consistently to Visitor Accommodation, rather than perpetuating approaches based on the funding source or housing circumstances of occupants; and

(c) the proposed references to "public safety" in RESZ-O7, RESZ-O14 and RESZ-O17 should be deleted and the operative objective framework retained.

(d) the recommended amendment to RESZ-R8 should apply only where there is an actual conversion from Visitor Accommodation to residential units. It should not be treated as determining that temporary accommodation of EHG recipients is a residential use and therefore necessitating such a conversion to the units before EHG recipients can occupy them.

3.8 I conclude that PC10 should focus on regulating identifiable environmental effects arising from land use, rather than historic circumstances, or the personal circumstances, support needs, funding arrangements, or housing status of occupants. In my opinion, this approach would be more consistent with effects-based planning, national direction, the statutory framework of the RMA, and principles of clear and efficient plan administration.

4 Background – nature of emergency housing

4.1 Mr Fraser's evidence provides the factual background on which I rely. It describes Rotorua's historic housing-supply shortage and RLC's acknowledged deficit in monitoring the District Plan and enabling housing supply[1]. I note that RLC was one of a very small number of Territorial Authorities to request the Minister direct it to implement the Medium Density Residential Standards, which it then did by way of Plan Change 9.

[1] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraph 3.1

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4.2 Mr Fraser also describes the subsequent collaboration among government agencies, RLC and iwi to address the drivers of homelessness[2]. His evidence also describes the increase in housing supply and the associated reduction in households requiring urgent housing support[3].

4.3 Mr Fraser's evidence explains the former Contracted Emergency Housing model arose in materially different circumstances. It operated at significant scale in response to housing-supply constraints and the economic effects of Covid-19. Referrals ceased on 15 June 2025, and the end of Contracted Emergency Housing in Rotorua was announced on 19 November 2025[4] .

4.4 Since October 2024, two motels have been utilised to accommodate EHG recipients in Rotorua. The selection of these two motels reflects the outcome of the agreement with RLC under the former Rotorua Housing Accord. The two motels, Victoria Court and Gibson Court, currently accommodate up to 24 families as short-term guests[5].

4.5 Mr Fraser outlines the different nature and scale of the current Emergency Housing environment. Mr Fraser's evidence states that there are no contracts requiring motel operators to accept EHG recipients. Operators may decline referrals and may accept other guests.

4.6 Mr Fraser's evidence records that average stays have reduced to just under three weeks over the past two and a half years[6]. At Gibson Court, recipients check in in the same way as other guests, pay the same nightly rates, and receive the same services, including daily cleaning, linen and basic amenities such as tea and coffee[7]. Ministry of Social Development records indicate that most recipients leave the two motels for private rental accommodation rather than social housing.

4.7 I understand from Mr Fraser's evidence that Gibson Court has required no additional management or security service, and that no complaints have been received from neighbours or the public about its operation during the past two years.

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[2] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraphs 4.1 to 4.4
[3] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraphs 6.1 to 6.4
[4] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraphs 7.1 to 7.6
[5] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraph 8.6
[6] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraph 8.4
[7] Jonathon Fraser, *Statement of Evidence* (28 September 2026), paragraph 9.2 and 9.3

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4.8 As well as relying on Mr Fraser's evidence for factual background, in drafting my evidence I have reviewed the economic evidence of Shamubeel Eaqub [8]prepared for the 2022 Rotorua Contracted Emergency Housing resource consent applications.

4.9 Mr Eaqub examined Police victimisation data for Rotorua and for the Fenton Street area, where many emergency housing motels were located. He concluded that the available data did not show a sustained increase in victimisation in the affected area alongside increased use of emergency accommodation in motels and did not demonstrate victimisation trends in Rotorua that exceeded national patterns.

4.10 In my opinion, that evidence is relevant because it demonstrates the need for caution in attributing crime or public-safety outcomes to emergency housing accommodation in the absence of clear evidential support

5 Planning issue - visitor accommodation and need for performance standards

5.1 PC10 proposes adopting the National Planning Standards definition of Visitor Accommodation. I support the use of nationally standardised definitions as a matter of good planning practice. The definition must, however, be considered in combination with other PC10 provisions, the notified Section 32 and 42A evaluations, and RLC's current interpretation and enforcement of the District Plan.

5.2 The notified Section 32 report characterised motel-based emergency housing as residential activity because, where an EHG recipient has no other accommodation, the motel is considered to become their "normal place of residence"[9]. The Section 42A Report adopts a related but differently expressed approach under the proposed definition, asking whether a person with no other accommodation is properly characterised as a "visitor" in the ordinary meaning of that term.

5.3 I accept that activity classification and comparative environmental effects are distinct questions. I do not agree, however, that the current factual

[8] Shamubeel Eaqub Economic Evidence – Rotorua CEH Applications October 2022, paragraphs 7.1-7.6

[9] Rotorua Lakes Council, *Proposed Plan Change 10 Section 32 Report (Notified Version)*, page 13, paragraph 3

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circumstances described by Mr Fraser establish a change from Visitor Accommodation to Residential Activity.

5.4 I understand from Mr Fraser's evidence that current accommodation for EHG recipients is temporary, tariff-paid and operated as conventional motel accommodation. Further, the evidence does not identify environmental effects generated by EHG recipients that are materially different from the effects of other occupants of visitor accommodation. Using the logic of the Section 32 evaluation, a motel becomes *any visitor's* "normal place of residence" if they do not have alternative residential accommodation. This applies regardless of whether a visitor is the recipient of an EHG.

5.5 The planning issue is therefore that the land use classification question must be answered by reference to the factual character of the land use and be clearly related to evidence of effects. The character would include its duration, contractual and tariff arrangements, services, management, physical configuration and whether the premises continue to operate as a motel.

5.6 It is also unclear what practicable district-plan method would enable RLC to identify the funding source used by a guest or to distinguish EHG recipients, who pay the motel privately, from other tariff-paying guests.

6 Planning issue - "public safety" reference in residential zone objectives

6.1 PC10 as notified proposed to add "public safety" to RESZ-O7, RESZ-O14 and RESZ-O17. I oppose those amendments for the following reasons.

6.2 The notified Section 32 report referred to community concerns arising from the historic emergency-housing experience, including crime, intimidation, aggression, violence, verbal abuse, pressure on social services, effects on tourism and Rotorua's reputation, and effects on property sales and nearby businesses.

6.3 Planning provisions should regulate activities by reference to environmental effects within the district plan's statutory scope. Concerns about an individual's status, criminal offending or undesirable behaviour must be distinguished from effects on the environment that can properly be managed through land-use planning.

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6.4 Neither the notified Section 32 evaluation nor the Section 42A report identifies a clear, locality-specific evidential basis for adding “public safety” to the residential-zone objectives, nor do they explain how decision-makers would assess that term objectively through a resource-consent process. The current evidence concerning Gibson Court is also relevant: Mr Fraser records no complaints from neighbours or the public and no need for additional management or security during the past two years.

6.5 In my opinion, the analysis underpinning PC10 conflates matters addressed through criminal, harassment, parole and other regulatory systems, such as those that fall under the jurisdiction of NZ Police, with the resource-management framework. From a planning perspective, the wording lacks a sufficiently clear resource-management purpose, evidential or higher-level RMA basis and lacks an effective – and clear - method of application.

6.6 The Section 42A report recommends that the proposed “public safety” additions be deleted, and the operative wording be retained. The reporting officer accepts that the generic term does not identify the land use effect being managed, may be interpreted as extending to anticipated criminal or antisocial behaviour or assumptions about particular groups of occupants, and adds little to the District Plan’s ability to manage identifiable effects through more specific provisions.

6.7 I agree with that recommendation. Subject to the Commissioner’s consideration, my concern regarding the wording of RES-O7, RESZ-O14 and RES-O17 is resolved.

7 Statutory framework

7.1 The statutory framework relevant to my planning assessment is as follows.

7.2 Part 2 of the Resource Management Act 1991 (RMA) states the purpose and principles. Of particular relevance are enabling people and communities to provide for their social, economic and cultural wellbeing, the efficient use and development of natural and physical resources, and the maintenance and enhancement of amenity values and the quality of the environment.

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7.3 Section 31 of the RMA identifies the functions of territorial authorities. These include establishing, implementing and reviewing objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated resources, and controlling actual or potential effects of land use and development.

7.4 Section 74 of the RMA requires a territorial authority preparing or changing a district plan to act in accordance with its section 31 functions, Part 2 and section 32, and to consider the other statutory and planning documents specified in that section.

7.5 Section 75 of the RMA requires a district plan to give effect to national policy statements, national planning standards and the regional policy statement, and not to be inconsistent with a regional plan.

7.6 Section 74 of the RMA sets out the matters to be considered by a territorial authority in preparing or changing its district plan. These matters include doing so in accordance with its functions under Section 31 of the RMA, the provisions of Part 2, and its duty under Section 32. Further, consideration is also required of other documents including operative and proposed regional planning documents, management plans and strategies prepared under other Acts, and iwi planning documents.

7.7 Section 32 of the RMA requires an evaluation of whether proposed objectives are the most appropriate way to achieve the purpose of the Act and whether the proposed policies, rules and other methods are the most appropriate means of achieving those objectives. The evaluation must identify reasonably practicable options, assess efficiency and effectiveness, summarise the reasons for the preferred provisions, assess anticipated environmental, economic, social and cultural benefits and costs, quantify them where practicable, and assess the risks of acting or not acting where information is uncertain or insufficient. The level of detail must correspond to the scale and significance of the anticipated effects.

7.8 For changes recommended after notification, section 32AA requires further evaluation under section 32(1) to (4) at a level of detail corresponding to the scale and significance of the changes.

7.9 Where an amending proposal affects existing provisions, the section 32 evaluation must relate to the provisions and objectives of the amending

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proposal and the relevant objectives of the existing plan that would remain in force.

8 Section 32 Evaluation of Alternatives

8.1 I reviewed the notified Section 32 evaluation for PC10. In my opinion, the notified Section 32 report does not contain an adequate evaluation of the particular regulatory consequences relevant to my evidence. The Section 32 evaluation does not adequately evaluate the significance of the proposed changes, particularly the proposed “public safety” amendments and the regulatory consequences of RLC’s interpretation of visitor accommodation.

8.2 The notified Section 32 report does not adequately compare the efficiency and effectiveness of reasonably practicable methods for managing identified land use effects. In particular, it does not clearly distinguish effects capable of land use management from criminal, harassment or behavioural matters address through other regulatory systems.

8.3 **Public safety:** Noting the Section 42A report resolves my concerns regarding the issue of “public safety” in residential zone objectives, the Section 32 evaluation does not demonstrate that adding “public safety” to the residential-zone objectives is the most appropriate way to achieve the purpose of the Act. It refers to historic social, criminal and nuisance concerns but does not identify the particular environmental effects to be managed, the causal relationship between the proposed wording and those effects, or the method by which the wording would be applied objectively, particularly through a resource consent process (both notification decision and substantive decision).

8.4 The notified Section 32 evaluation does not identify a technical or locality-specific evidential basis demonstrating that the identified effects distinguish people temporarily accommodated through and EHG from other occupants of visitor accommodation.

8.5 **Visitor accommodation:** The Section 32 evaluation relies substantially on the 2022 to 2024 resource-consent processes and commissioner decisions relating to the former Contracted Emergency Housing model. It does not separately assess the current, materially smaller and non-contracted use described by Mr Fraser.

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8.6 The report states that, because EHG recipients lack another "normal place of residence", a motel becomes their normal place of residence, and their occupation is therefore residential. It does not identify an objective duration or threshold for that change in character. In particular, it does not explain when temporary, tariff-paid accommodation ceases to be visitor accommodation and becomes residential activity.

8.7 That omission is significant because the report accepts that motels and hotels may accommodate people for non-tourism purposes, including business, conferences, social events, renovations and displacement following a natural disaster – and for extended periods. It states that those uses do not detract from the premises being visitor accommodation (no further analysis or evidence is provided) and acknowledges that a subjective evaluation may be required. The report does not explain why equivalent evaluative flexibility is not applied to the current accommodation of EHG recipients.

8.8 There is also an internal inconsistency concerning duration. In discussing boarding houses, the report relies on the Residential Tenancies Act threshold of an intended or actual stay of 28 days or more to distinguish residential occupation. Its treatment of EHG recipients does not analyse duration at all, notwithstanding the evidence that current average stays are just under three weeks.

8.9 The Section 42A report does not rely on a fixed duration threshold - it considers such a threshold arbitrary. I accept that duration alone is unlikely to help in consistently determining land use classification. In my opinion, however, duration remains a relevant characteristic when considered with the tariff, services, contractual arrangements, physical configuration, and continuing motel operation.

8.10 The practical significance of the classification issue is demonstrated by the abatement notice issued to SC Gibson Holding Limited on 20 February 2026[10] (attached to my evidence as Annex A).

8.11 The notice describes the activity as 'emergency housing or long-term residential accommodation'. Emergency housing' is not defined in the operative Plan or PC10. On the information available to me, the

[10] Abatement Notice issued by Rotorua Lakes Council to SC Gibson Holding Limited, 20 February 2026

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classification appears to depend materially on the occupants' receipt of EHG support rather than an identified change in the operation or physical use of the motel.

8.12 The Section 42A Report[11] refers to RLC actively enforcing non-compliant motel use for emergency housing. It does not set out the factual findings on which the current operation of each of the two motels is said to have changed from Visitor Accommodation to Residential Activity.

9 Section 42A Report and Section 32AA Further Evaluation

9.1 I have reviewed the Section 42A Report recommendations relating to Visitor Accommodation. The reporting officer recommends that the National Planning Standards definition of Visitor Accommodation be retained as notified, without an express emergency housing inclusion, exclusion, occupation-duration test or other amendment. The reporting officer also recommends amendments to RESZ-R8 to provide a permitted pathway for conversion of up to three Visitor Accommodation units to residential units where the applicable residential performance standards are met[12].

9.2 I agree with the reporting officer that "emergency housing" is not, in itself, a land use capable of meaningful definition in the District Plan, for district-plan administration purposes. The Section 42A Report describes emergency housing as a social policy and funding concept that may be delivered through a range of accommodation arrangements and notes that the planning task is to classify the actual use of land and building according to their factual characteristics[13].

9.3 I also agree that the activity classification and comparative environmental effects are distinct analytical questions. However, in my opinion, the distinction does not resolve the substantive issue raised in my evidence. The Section 42A report characterises the principal issue as whether a person occupying premises because they have no other accommodation is properly regarded as a "visitor" in the ordinary meaning of that term[14].

9.4 In my opinion, the current factual circumstances described by Jonathon Fraser continue to support application of the Visitor Accommodation

[11] Section 42A Report, Section 3.2.2 paragraphs 6 and 7
[12] Section 42A Report, Section 3.2.3 recommendation 1 and 2
[13] Section 42A Report, Section 3.2.2, paragraphs 10 to 12
[14] Section 31A Report, Section 3.2.2, paragraphs 6 and 7

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definition. The evidence available to me does not identify any physical change to the land or buildings, or any operational change to the activity solely because a guest receives an EHG.

9.5 The reporting officer concludes that a person occupying accommodation because they have no other accommodation may not be a "visitor" in the ordinary sense of that term. In my opinion, that conclusion continues to rely materially on the personal circumstances of the occupant rather than on the objective characteristics of the land-use activity. The factual use of the premises remains temporary accommodation provided in return for payment of a tariff. I do not consider that the source of that payment, or the housing circumstances of the guest, necessarily changes the character of the activity occurring on the site[15].

9.6 I also note that the Section 42A report does not identify an objective threshold at which the activity is said to change from Visitor Accommodation to Residential Activity[16]. The report rejects a fixed duration test and instead relies on a case-by-case assessment. I remain concerned that the recommended approach doesn't not provide sufficient certainty regarding when tariff-paid temporary accommodation ceases to be Visitor Accommodation and becomes Residential Activity.

9.7 More fundamentally, in my opinion the environmental effects evidence does not establish a current resource management problem requiring a different planning response for EHG recipients than for other occupants of Visitor Accommodation. As stated previously, the Section 42A report expressly treats this as a classification issue rather than a comparative effects issue. In my opinion however, the issue of effects remains relevant when considering whether different regulatory consequences are justified under section 31, 32 and 32AA of the RMA.

9.8 I therefore continue to support retention of the National Planning Standards definition of Visitor Accommodation. However, I do not agree that the current factual circumstances demonstrate that temporary accommodation provided to EHG recipients in otherwise operating motels necessarily changes the activity from Visitor Accommodation to Residential Activity.

[15] Section 42A Report, Section 3.2.2, paragraphs 6 to 10
[16] Section 42A Report, Section 3.2.2, paragraphs 9 to 12

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9.9 I am also still concerned that the recommended RESZ-R8 amendment [17]goes straight to residential conversion as a solution to the matters raised through my evidence, without first resolving the classification issue. In my opinion RESZ-R8 may provide an appropriate pathway where there has in fact been a well-evidenced change from Visitor Accommodation to demonstrated residential use. It does not, however, determine whether temporary tariff-paid occupation by EHG recipients constitutes such a conversion.

9.10 The Section 42A Report[18] also considered the Visitor Accommodation performance standards proposed during engagement between RLC and central government agencies. The reporting officer did not recommend these provisions, mainly because they would apply only prospectively to new Visitor Accommodation activities and because some of the proposed standards relied on broad obligations to avoid, remedy or mitigate effects rather than on objectively measurable performance standards.

9.11 I agree with the reporting officer that a permitted activity standard should be capable of objective administration. However, I do not consider that prospective application is, in and of itself, a reason to reject an otherwise appropriate effects-based method. District plans commonly regulate future activities and future changes in land use. In my opinion, the relevant question remains whether effects associated with Visitor Accommodation should be managed through activity-based standards that apply to all Visitor Accommodation activities, regardless of the circumstances or funding arrangements of individual occupants.

9.12 I do accept the Section 42A reporting officer's comments[19] regarding some of the proposed wording being difficult to administer as permitted activity standards because they rely on broad requirements to avoid, remedy or mitigate effects rather than measurable performance standards.

9.13 I have therefore suggested (Section 12.4 of my evidence below), some amended wording to a Visitor Accommodation performance standard in response to the reporting officer's comments.

[17] Section 42A Report, Section 3.2.2, paragraphs 15 to 23, and Section 3.2.3
[18] Section 42A Report, Section 3.2.2, paragraphs 13 and 14
[19] Section 42A Report, Section 3.2.2, paragraph 14)

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10 Section 75 – Relevant National Direction

10.1 Relevant National Direction under the Resource Management 1991 – primarily the National Policy Statement on Urban Development 2020 – does not use the generic phrase “public safety” as a standalone planning outcome. Objective 1 refers to well-functioning urban environments that enable all people and communities to provide for their wellbeing and for their health and safety. is not a matter identified as being relevant to the creation of well-functioning urban environments.

10.2 Objective 1 requires that *(my emphasis)*:

> *“New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future”.*

10.3 I do not read Objective 1 as supporting assessment of anticipated criminal or antisocial behaviour according to the identity or status of occupants. Equally, the objective is relevant to whether provisions enable access to housing and temporary accommodation for all people.

10.4 The Section 32 evaluation does not provide an evaluation of whether PC10 gives effect to national direction other than to state[20]:

“None of the proposes changes seek to alter the outcomes, objectives, and policies of the District Plan that have been established under the national and regional planning framework.”

11 Planning Bill 2025

11.1 While the legislative status and effect of the Planning Bill 2025 is not, at the date of writing this evidence, 21 September 2026, yet confirmed, I address its planning implications for the matters in my evidence.

11.2 Based on the Planning Bill as reported back from Committee of the Whole House, transitional consenting arrangements will come into force one month after enactment.

[20] Rotorua Lakes Council, *Proposed Plan Change 10 Section 32 Report (Notified Version)*, section 28, page 9

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11.3 These transitional consenting arrangements would occur via changes to s104(1A) of the RMA. They will mean the solution proposed by RLC through their discussion document[21] (conversion of up to 3 visitor accommodation units to residential use as a permitted activity where applicable residential zone performance standards are met) would likely relate to at least some performance standards that would be out of scope, and not able to be considered in resource consenting processes.

11.4 For reference, the wording of s104(1A) as amended by the Planning Bill 2025 as reported back from the Committee of the Whole House would be:

Section 104(1A) When considering the effects of a district land use activity, a consent authority must disregard:

(a) any of the following where they relate to residential activities (except in relation to the protection of historic heritage):

(i) the area of glazing;

(ii) the presence or absence of balconies;

(iii) the outdoor living space;

(iv) the internal layout;

(v) the size of a residential unit;

(vi) the size of landscaped areas (except in relation to permeability);

(b) negative effects of development on trade competition, including on competing providers of input goods and services;

(c) effects on retail distribution;

(d) in relation to a project, —

(i) any lack of demand for the project; or

(ii) the fact that the project is not financially viable;

(e) the type of residents to be housed in a new development:

(f) views from private property.

12 Amendments to address issues raised through my evidence

12.1 In my opinion, the concerns I have identified in this evidence can be addressed through targeted amendments to, or deletion of, specific provisions introduced through PC10.

[21] Page 10 paragraph 3, RLC PC10 Central Govt agency Discussion Document 8 July 2026

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12.2 Amendments to RESZ-R8A permitting “Conversion of tourist accommodation to residential units”[22] should be rejected if they are based on an assumption that temporary EHG occupation is such a conversion, given the Section 42A report recommendation positions the provisions as a response to the planning issues raised in agency discussions with RLC, and that I continue to raise in my evidence.

12.3 The National Planning Standards definition of visitor accommodation should be applied consistently, regardless of the source of a person's temporary accommodation funding, unless there is evidence demonstrating materially different environmental effects.

12.4 Any effects resulting from the use of visitor accommodation should be managed through a consistent set of performance standards that apply to all activities falling within its definition (including the temporary use by EHG recipients). If the Commissioner considers additional Visitor Accommodation provisions appropriate and within scope, I recommend that they be directed to objectively identifiable operational effects and apply consistently to Visitor Accommodation. Noting the Section 42A analysis related to an earlier proposal, a possible framework is:

(a) *All visitor accommodation must comply with the following:*

(i) *The operator must provide the Council with the name, and 24-hour telephone number of a person authorised to respond to complaints about the operation of the activity.*

(ii) *The operator must maintain a written register recording the date and time of each complaint received regarding noise, waste, servicing or disturbance beyond the site boundary, the nature of the complaint and the action taken. The register must be retained for two years and supplied to council on written request.*

(iii) *Outdoor waste storage areas must be screened from adjoining residential sites and the road boundary and must not obstruct any required parking, access or manoeuvring area.*

(iv) *Waste and servicing activities must only occur during hours specified in the applicable zone or district-wide performance standards.*

[22] RESZ-R8 Conversion of tourist accommodation to residential units

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12.5 I agree with the Section 42A recommendation that the proposed references to “public safety” in RESZ-O7, RESZ-O14 and RESZ-O17 should be deleted and the operative objective framework retained.

Sarah Stevenson

21 September 2026

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ATTACHMENT ONE

Abatement Notice issued by Rotorua Lakes Council to SC Gibson Holding Limited, 20 February 2026

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ROTORUA LAKES COUNCIL
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20 February 2026

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Abatement Notice
Section 324, Resource Management Act 1991

Subject: **Non-complying activity at Gibson Court Motel**

1. **Rotorua Lakes Council hereby gives notice that you must:**

a. Cease and continue to cease the following action:

The operation of the motel situated at 10 Gibson Street, Fenton Park, Rotorua 3010 (Legal Description- Lot 1 DPS 27249), as emergency housing or long-term residential accommodation.

AND

b. Take the following action(s):

(i) Confirm in writing that the site has reverted to a permitted activity within the Residential Zone 1 as defined in the Rotorua District Plan or a previously authorised use.

or

(ii) Apply for a resource consent for any activity outside of the permitted activity as outlined in the Rotorua District Plan. (Please be reminded that until such consent is granted, the current non-compliant use must cease.)

(iii) Should you choose option (ii) above, provide evidence that you have engaged a suitably qualified planning consultant to navigate the resource consent process on your behalf.

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

10 Gibson Street, Fenton Park, Rotorua 3010 (Legal Description- Lot 1 DPS 27249).

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

You must **immediately** comply with Clause 1(a) and 1b (i) above; all other clauses must be complied with within **3 months** of the date of this notice.

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4. **Statutory basis**:

Notice is hereby given that the current activity on site (operating motel as emergency housing / long-term accommodation) is non-complying under the Rotorua District Plan Part 3: Area Specific Matters (Residential Zones) Section RESZ-R2 ("*Where an activity is not expressly stated it is a Non-Complying Activity*") and RESZ-R3 *("where there are four or more residential units per site – Restricted Discretionary Activity")*, which is in turn informed by Section 31(1)(a) of the Resource Management Act 1991 – Functions of Territorial Authorities Under this Act "Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district: the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district".

5. **Reasons for this Notice**:

a. Following an enquiry, compliance officers from Rotorua Lakes Council carried out an inspection at the said property on 9th of February 2026.

b. On 9th February 2026, during a meeting at the Council offices, the operator verbally confirmed that the motel was being used as emergency housing (a non-complying activity for a residential zone).

6. **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). Continuous breach of the Abatement Notice will result in an infringement of $2,000 per individual or $4,000 for a company for each offence (i.e. each day the situation has been found not to have been rectified).

Additionally, a fee of $236 per hour will be incurred for any necessary future site visits where non-compliance is found.

7. **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.

8. **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.

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9. **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.

10. **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 343(I) of the Resource Management Act 1991.



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Nicky Prasad
Environmental Health Officer

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

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