
ROTORUA DISTRICT COUNCIL

REPORT TO: David Hill (Independent Hearing Commissioner)

DATE: 8 October 2024

FROM: Sean Grace (Consultant Planner)

SECTION 42A – COUNCIL OFFICERS REPORT

NOTIFIED APPLICATION TO:

USE THE EXISTING SITE AND BUILDINGS FOR CONTRACTED EMERGENCY HOUSING.

APPLICANT:	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
APPLICANTS AGENT:	THE PROPERTY GROUP C/- ANGELA JONES
OPERATOR / CONSENT HOLDER:	POHUTU LODGE MOTEL C/- AKSHAT RAIVANSHI
ADDRESS:	3 MEADE STREET, ROTORUA
RESOURCE CONSENT NUMBER:	LU24-010191
LEGAL DESCRIPTION:	SECTION 2 BLOCK XLIX TOWN OF ROTORUA
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION
REPORT:	SECTION 42A – COUNCIL OFFICERS REPORT
NOTIFIED:	PUBLIC NOTIFICATION

SUMMARY

1. Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (**MHUD**) is applying on behalf of the motel operator (the **Applicant**) under Section 88 of the Resource Management Act 1991 (**RMA**) through The Property Group (the **Agent**) to continue to use the subject site (the **site**) and existing Pohutu Lodge Motel buildings for contracted emergency housing (**CEH**) accommodation for a period of one year from the expiry of the existing resource consent (**RC17661**) on 15 December 2024, after which the site and existing buildings will revert back to tourist accommodation.
2. The CEH accommodation activity has been operating since 1 July 2021. RC17661 was granted on 15 December 2022, which retrospectively and prospectively consented the activity until 15 December 2024.
3. The application was lodged with Rotorua Lakes Council (**Council**) on 14 June 2024.
4. A request for further information (**RFI**) was issued to the Applicant on 3 September 2024 in accordance with section 92(1) of the RMA and therefore the application was placed on hold. A RFI response was received from the Applicant's Agent on 23 September 2024.
5. The Applicant requested that the application be publicly notified. The application was publicly notified on 20 July 2024 along with six other CEH applications. Notice of the application was also served on the owners/occupiers of immediately adjacent properties and owners/occupiers of neighbouring properties, owners/occupiers of the subject site, as well as the following groups:
 - Rotorua Housing Taskforce
 - Te Pokapū
 - Ngāti Whakāue
 - Te Arawa Lakes Trust
 - Restore Rotorua Incorporated
 - Rotorua NZ
 - Bay of Plenty Regional Council
 - Waka Kotahi
 - Tuhourangi Tribal Authority
 - Ngati Wahiao
 - Te Komiti Nui o Ngati Whakāue
 - Whakarewarewa Living Village
 - Visions of a Helping Hand
 - Wera Aotearoa Charitable Trust
 - Emerge Aotearoa
 - New Zealand Police
6. Of the 176 submissions received on all seven CEH applications, two submissions were specific to the subject site. The majority of submissions covered general matters across all seven CEH application sites. These general matters are covered in the Section 42A Overview Report (**Overview Report**).
7. The proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1 of the Operative Rotorua District Plan (**District Plan**) as the activity is not expressly provided for in the District Plan.

8. In my opinion, resource consent can be granted subject to the recommended conditions of consent contained in Appendix 1 of this report.

REPORT STATUS

9. This is a report prepared under section 42A of the RMA. It provides a site-specific assessment of the application. It should be read in conjunction with the Overview Report which addresses matters common to the seven applications made by MHUD for CEH.
10. This report is not a decision on the application. It provides expert opinions and assessments, which are, in turn, incorporated into the Overview Report. The Overview Report assesses matters common to all seven applications and records recommendations to the Independent Hearing Commissioner (**Commissioner**) on whether the applications should be granted or declined consent.
11. This report will be considered by the Commissioner in conjunction with all other evidence and submissions which have been received. The Commissioner will determine the weight to be given to this report and to any other evidence or submissions that are presented when making a decision.

REPORTING OFFICER

12. This report has been prepared by Sean Grace. I am employed as a Senior Principal Planner at Boffa Miskell Limited. I hold a Bachelor of Geography from the University of Otago. I have approximately 19 years' planning experience, including processing numerous notified resource consent applications as a planner in Local Government, or as a consultant planner. I am a full member of the New Zealand Planning Institute.
13. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 in preparing this report. I agree to comply with it in presenting this report. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this evidence.
14. In preparing this report I have referred to the following:
 - The Overview Report prepared by Craig Batchelar, Planner and Director of Cogito Consulting Limited;
 - Expert advice from Matt Peacocke, Landscape Architect at Boffa Miskell Limited;
 - Expert advice from Rebecca Foy, Social Researcher and Director at Formative;
 - Expert advice from Natalie Hampson, Economist and Director at Savvy Consulting Limited;
 - and
 - Evidence from Lorelle Barry, Team Lead Planning, Consenting at Council.
15. This report records my assessment and recommendations along with recommended Conditions of Consent, should the Commissioner determine that consent should be granted.

THE SITE AND SURROUNDING ENVIRONMENT

Site Description

- 16. I undertook a site visit on 8 August 2024.
- 17. The site is located in the Commercial 4 Zone (**COMZ4**) under the District Plan, accessed via Meade Street, and comprises one parcel as set out below and shown in Figure 1:

District Plan Zone	Legal Description	Area (m ²)
COMZ4	Section 2 Block XLIX Town of Rotorua	1,012



Figure 1 – District Plan zones with the subject site outlined in red. The purple is COMZ4, the lilac is Commercial 3 (COMZ3), the orange is Commercial 5 (COMZ5), and the green is Reserve 3 – Community Asset Reserve (CAZ).

- 18. The site and buildings are currently occupied by the Pohutu Lodge Motel. The Applicant gives the following description of the site and motel in Section 4.1 of the application:

The site is currently occupied by the Pohutu Lodge Motel which has its main entrance and managers unit located in the site’s north-western corner. The existing buildings on the site are two storied, with the section over the driveway entrance to the site increasing to three stories in height. The driveway entrance tunnel connects to an internal paved parking area.

The property on the southern boundary is Southern Arikikapakapa Reserve, which is classified as a recreation reserve, and the property on the eastern boundary is vacant, although it was clear of the majority of the site vegetation in 2023. The properties on the northern and western side of the road are a mix of residential and commercial accommodation.

The existing buildings within the site are dedicated to the current CEH activity. The site has a total of 14 motel units and provides for a maximum of 42 occupants (excluding infants aged less than 18 months).

There are 14 carparks located within the property. There is a shared laundry facility

on site, which can be utilised by the site occupants.

19. The sites main frontage is to Meade Street. The site contains one 'U' shaped building, located predominantly across two storeys, with a section over the driveway entrance to the site increasing to three stories in height.
20. The motel has been used as emergency housing since at least 2017, being the date the current motel operator bought the business. The motel has been in use as MHUD CEH since 1 July 2021.

Surrounding Area

21. The immediate surrounding environment includes tourist accommodation to the north, residential properties to the west and east, and open space to the south.
22. To the south-east of the site is Whakarewarewa – Living Māori Village. North of the site are commercial activities, tourist accommodation and residential properties. West of the site is Arikikapakapa Reserve (Rotorua Golf Club) and Fenton Street, which is an Urban Primary Arterial Road carrying high levels of traffic in and out of the Rotorua CBD.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, brown – tourism sites, green – commercial, orange – tourist/SNG accommodation, pink – CEH motel, yellow - residential)

Local Amenities and Infrastructure

23. The closest park to the subject site is Murray Linton Rose Garden, approximately 700m north from the subject site. This park has open space and a playground. The open space to the south of the site and the golf course to the west of the site are not freely accessible for casual recreational activities.
24. There is a service station 100m north of the site on Fenton Street, and a small set of shops 400m from the site on Tryon Street. The latter set of shops is adjacent to an early childhood centre.

RECORD OF TITLE REVIEW

25. The Record of Title for the site (SA946/280) is subject to Section 15 of the Rotorua Towns Lands Act 1920. This relates to the Crown reservation of rights to minerals and other resources.
26. There are no interests registered on the Record of Title that would restrict the CEH proposal from proceeding.

CONSENT HISTORY

Existing Consents

27. The following resource consents are listed on the property file.

Reference number	Date of issue	Details
RC199569	9 June 1995	To build a motel 2.5m from rear boundary and intruding daylight controls
RC17661 (Existing CEH Consent)	15 December 2022	Resource consent to use the existing site and motel buildings for CEH

28. There is no intention, nor need, to surrender these consents. The existing CEH consent will expire on 15 December 2024.
29. If this application is granted, the CEH activity will continue until 15 December 2025. After 15 December 2025, the motel activity (tourist accommodation) will then recommence if no other application for an alternative use is lodged and granted.

Existing CEH Consent

30. An application for the existing CEH consent for Pohutu Lodge Motel, RC17661, was lodged on 21 August 2021. The application was publicly notified jointly with 11 other applications for other sites in Rotorua. A 13th site was publicly notified separately. Overall, 3,841 submissions were received from 350 submitters on all 13 applications. A joint hearing was opened on 18 October 2022, and closed on 25 November 2022. Consent was granted for all 13 sites on 15 December 2022. The 13 consents will expire on the 15 December 2024.
31. Compliance monitoring of consent conditions has been undertaken by Council throughout the duration of the existing resource consent. Two site visits by Council officers took place on 29 August 2023 and 15 February 2024, with a MHUD representative present on both occasions. The evidence of Ms Barry sets out in detail the frequency and nature of site visits and inspections by Council officers.
32. The Applicant was noted as being compliant with all conditions of consent. It was recorded under Condition 7 of RC17661 that there has been total of three police callouts to this site. The evidence of Ms Barry sets out in detail the compliance history of this site.

PROPOSAL DESCRIPTION

33. The Applicant is seeking resource consent to continue to use the subject site and existing buildings for CEH for a period of one year from the expiry of RC17661 on 15 December 2024,

extending the use of the site as CEH through to 15 December 2025.

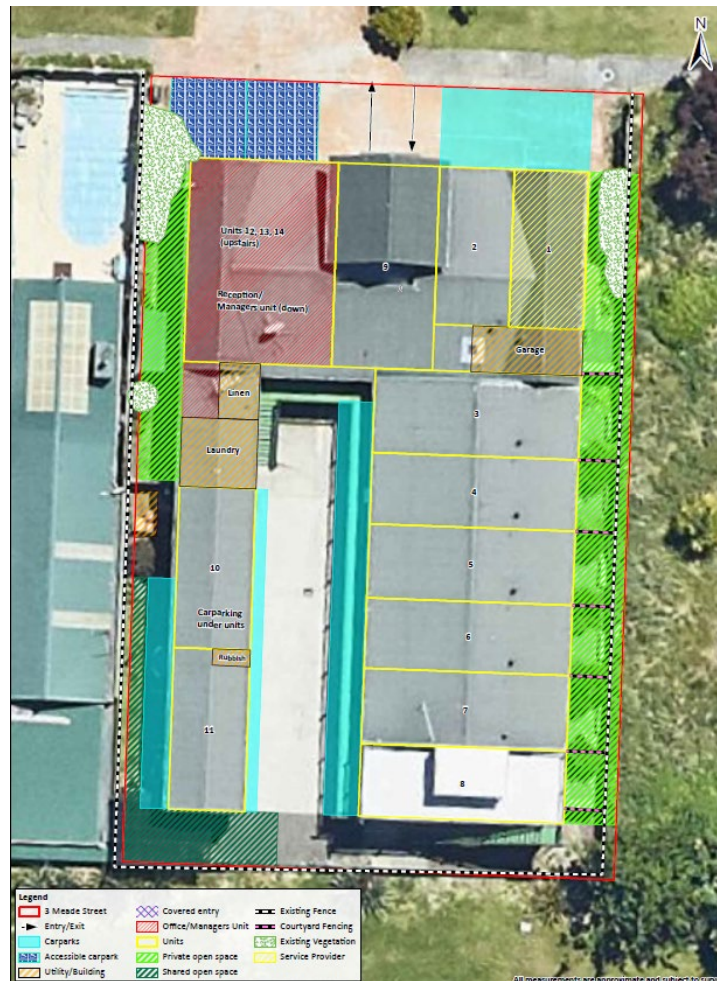
34. The Applicant proposes no physical alterations to the existing buildings or any change to the operation of the CEH from that which was granted resource consent in December 2022.
35. The CEH will be managed in accordance with the existing Site Management Plan (**SMP**) prepared for the site, as required by Condition 21 of RC17661. A copy of the existing SMP has been provided with the application.
36. The application is for a maximum of 42 occupants (excluding staff) accommodated in 14 units. This maximum occupancy represents no change from the existing maximum occupancy of the CEH as it currently operates. Full-time management and supervision will be provided, with manager's accommodation located on-site.
37. On-site support services will be provided by "Visions of a Helping Hand" (**Visions**), as the service provider. Visions is responsible for organising support services that are available to CEH occupants, including:
 - Registered and trained social and support workers available on-site Monday through Friday 8.30am to 5.00pm;
 - 24/7 on-call social and support worker (via phone);
 - Facilitated groups run by a programme facilitator. Group topics include budgeting, employment, parenting, education, cooking on a budget, and men's and women's empowerment groups; and
 - Afterschool and holiday programmes for children.
38. The existing motel operator will continue to manage the day-to-day running of the facility. This includes:
 - Regular maintenance checks of all units;
 - Outdoor maintenance;
 - Waste management;
 - Any repairs; and
 - Routine inspections of units.

Exit Strategy

39. The Applicant has provided a proposed 'Exit Strategy' with the application. The purpose of the document is to inform Council of MHUD's CEH exit strategy, which was required by Condition 5 of RC17661. MHUD has exited three of the 13 CEH motels originally granted consent in December 2022.
40. It is proposed by MHUD to continue to take a phased approach to reducing CEH motels in Rotorua for the reasons explained in section 5.7 of the application on the following basis:
 - *Prioritise all CEH motels in Rotorua to determine the most appropriate motels to exit and the order in which these exits occur.*
 - *Continue to gradually exit one motel at a time to ensure the market is not flooded with multiple motels returning to the tourism market at the same time.*
 - *Work alongside MSD to actively manage exits by stopping new referrals into CEH motels by 30 June 2025.*

41. The motel activity (tourist accommodation) will resume when the site is no longer operated as CEH. The Applicant has stated that “All necessary approvals are sought to enable this transition to occur (which is anticipated to be within the standard period to give effect to a land use consent under section 125(1)(a) [of the RMA]).” It is noted that the existing tourist accommodation activity resource consent has already been given effect to under section 125(1A)(a) of the RMA, meaning that the consent has not lapsed.
42. The site plan is shown in Figure 3 below, and further details of the proposal are outlined in Section 5 of the application.

Figure 3: Site Plan



ACTIVITY STATUS

43. The activity status for each application is discussed in detail in the Overview Report.
44. In summary, the proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R(1) of the District Plan, as the activity is not expressly provided for in the District Plan.

NOTIFICATION AND SUBMISSIONS

Notification Process

45. The application was publicly notified on 20 July 2024. Notice of the application was also served on the owners/occupiers of immediately adjacent properties and owners/occupiers of neighbouring properties, owners/occupiers of the subject site, as well as the following groups:

- Rotorua Housing Taskforce
- Te Pokapū
- Ngāti Whakaue
- Te Arawa Lakes Trust
- Restore Rotorua Incorporated
- Rotorua NZ
- Bay of Plenty Regional Council
- Waka Kotahi
- Tuhourangi Tribal Authority
- Ngati Wahiao
- Te Komiti Nui o Ngati Whakaue
- Whakarewarewa Living Village
- Visions of a Helping Hand
- Wera Aotearoa Charitable Trust
- Emerge Aotearoa
- New Zealand Police

Submitters

46. Following the close of submissions, 176 submissions from 37 submitters were received across all seven notified CEH applications. The majority of submissions applied to all seven applications and focused on general matters relating to emergency housing (for example, social and economic effects). These matters are addressed within the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

47. There were no submitters that only submitted on Pohutu Lodge Motel. Two submitters provided a submission on Pohutu Lodge Motel and two other sites (Alpin Motel and Apollo Hotel). These submissions are summarised below.¹

Submitter Name/no.	Oppose / Support	Wish to be heard	Submitted on other applications	Submission summary
Watu Mihinui, James Warbrick and Manuariki Tini (20)	Oppose	Yes	LU24-010191 LU24-010187	<p><u>Submitting on behalf of Tūhourangi Ngati Wāhiao</u></p> <ul style="list-style-type: none"> • Oppose due to the significant adverse impacts on cultural heritage, well-being of the community and integrity of the tourism industry. • This application, along with Apollo

¹ It is recognised that the majority of people submitted on all applications and whilst these general submissions were not directed specifically to Pohutu Lodge Motel, they are still applicable to this application. Therefore, the Section 104 assessment addresses comments both specific to Pohutu Lodge Motel, but also general themes across all sites.

				<p>Motel and Alpin Motel, directly contravenes key provisions of the District Plan, relating to cultural heritage, residential amenity, and community well-being.</p> <ul style="list-style-type: none"> • Tūhourangi Ngati Wāhiao has a connection to the land and resources surrounding the sites, and using these locations for CEH disrupts the cultural landscape and infringes the spiritual and historical integrity of the marae, Te Pakira. • The continued use of the site undermines the principles of the Iwi Management Plan. • The CEH have resulted in significant adverse effects on the community including crime, loitering and decline in safety. This does not align with the objectives of the District Plan relating to residential amenity. • Economic impacts on tourism, Te Whakarewarewa village has been directly impacted by the proximity of the CEH facilities, with the image of the village tarnished and tourists deterred from visiting. • Lack of genuine engagement and recognition of the concerns of Tuhourangi Ngati Wahiao, did not adhere to District Plan provisions outlining the importance of meaningful consultation with mana whenua.
Nuki Nicholson (24)	Oppose	Yes	LU24-010187	<p><u>Submitting on behalf of Tūhourangi Ngati Wāhiao</u></p> <ul style="list-style-type: none"> • Oppose due to the significant adverse impacts on cultural heritage, well-being of the community and integrity of the tourism industry. • This application, along with Apollo Motel and Alpin Motel, directly contravenes key provisions of the District Plan, relating to cultural heritage, residential amenity, and community well-being. • Tūhourangi Ngati Wāhiao has a connection to the land and resources surrounding the sites, and using these locations for CEH disrupts the cultural landscape and infringes the spiritual and historical integrity of the marae, Te Pakira.

				<ul style="list-style-type: none"> • The continued use of the site undermines the principles of the Iwi Management Plan. • The CEH have resulted in significant adverse effects on the community including crime, loitering and decline in safety. This does not align with the objectives of the District Plan relating to residential amenity. • Economic impacts on tourism, Te Whakarewarewa village has been directly impacted by the proximity of the CEH facilities, with the image of the village tarnished and tourists deterred from visiting. • Lack of genuine engagement and recognition of the concerns of Tuhourangi Ngati Wahiao, did not adhere to District Plan provisions outlining the importance of meaningful consultation with mana whenua.
--	--	--	--	--

SECTION 104 ASSESSMENT

SECTION 104(1)(a) – ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

48. Having reviewed the application and submissions, I consider it appropriate to address the actual and potential effects of the proposal under the following topics:

- Character and design-related effects
 - External effects
 - Internal effects
- Transportation effects
- Noise effects
- Infrastructure effects
- Financial contributions
- Cultural effects

49. It is noted that many of the site-specific submitters also raise concerns over occupants’ behaviour and the effects of CEH on business and tourism. These matters are not covered in this report. An assessment of the social and economic effects of all applications is addressed within the Overview Report and statements of evidence.

CHARACTER AND DESIGN-RELATED EFFECTS

50. The site is located in the COMZ4 Zone. The District Plan (as amended recently by Plan Change 9 ‘Housing for Everyone’) describes COMZ4 as consisting of:

[t]ourism accommodation and high density residential concentrated along city entranceways and arterial routes such as Fenton Street and Lake Road. The Commercial 4 zone provides for the continued operation and development of tourist accommodation and supporting

commercial activities, as well as all forms of residential, at medium to high densities.

51. The described elements generally define the character of the COMZ4 Zone, although high-density residential activities are more of an aspirational direction from the District Plan rather than reflecting what exists at present. In terms of the site, the adjacent property to the west contains a two-storey detached dwelling and the property to the east is vacant. The properties to the north (on the opposite side of Meade Street) contain either tourist accommodation or other forms of emergency housing. The property to the south of the site is within the Commercial 5 Zone (**COMZ5**).
52. Generally, the District Plan refers to design in the context of the “design and appearance of buildings” (refer to COMZ-12).
53. The following sections assess the external effects of the site, as well as the internal effects, in the context of character and the design of the facility.

External Effects

Meade Street and Hemo Road

54. The subject site has frontage to Meade Street. The motel building can also be seen obliquely from Hemo Road (State Highway 30). The Meade Street frontage is characterised by signage, the building’s front façade, and some landscaping located on either corner of the front façade.
55. These aspects of the site form part of the existing environment and there are no physical changes proposed by the Applicant. The building was constructed for tourist accommodation activities and the design, appearance and scale is consistent with the character anticipated by the COMZ4 Zone.
56. The site was visited on 8 August 2024. From the frontage, the site was generally well kept.
57. To ensure the site is well maintained, the Applicant has provided a SMP which outlines requirements for site maintenance.
58. Adoption of the SMP, via a condition of consent, would maintain the attractiveness of the streetscape when viewed from public roads.

Boundaries with neighbouring properties

59. The site adjoins privately-owned COMZ4 zoned sites to the east and west, and the open COMZ5 zoned Te Puia land to the south. The motel building is situated back from these boundaries, with fencing located on the boundary and landscaping in behind. As there is limited opportunity for landscaping across the majority of the site due to it being largely impervious, it is recommended that the existing landscaping be retained².

Conclusion

60. Provided the existing external boundary treatments and landscaping features along the boundaries of the site (established vegetation and fencing) are maintained, character and amenity effects of the proposal on the environment are assessed as being acceptable, and consistent with the character and building design outcomes anticipated by the District Plan in COMZ4. Adherence to the SMP will also manage any amenity effects relating to the upkeep of the site.

² Refer recommended condition 13 in Appendix 1.

Internal Effects

Length of Stay

61. One of the key differences between motel guests and emergency housing residents is the length of stay in the units. The Applicant has stated that *“the key difference between motel guests and emergency housing residents is that in some cases, emergency housing occupants will be on site for several weeks, whereas a motel guest would rarely stay that long.”* It is recognised that in some cases the length of stay for residents could exceed three weeks, and that no limit to the length of stay is proposed in the application.
62. Motel guests may be comfortable with lower levels of amenity (such as a lack of outdoor space) due to the shorter length of stay. Furthermore, it is likely that motel guests will not spend long periods within the motel units, as they would typically be visiting sites and experiencing the city.
63. CEH occupants on the other hand may spend longer within the units during the day and are likely to reside in the units for a longer period of time. This means that a higher level of amenity is likely to be expected. The following sections discuss internal effects in relation to outdoor living space and the proposed occupancy rate.

Outdoor living

64. The subject site has limited outdoor living space for residents, and there are no freely-accessible parks or reserves near the site. The open space to the south of the site is zoned as reserve, however it is subject to geothermal activity and is fenced from public access with “no entry” signage.
65. Units 1 and 3-7 of the site all have direct access to a small courtyard adjacent to each unit. At the time of the site visit on 8 August 2024, it was observed that the fencing separating the courtyards was damaged, allowing access through to the neighbouring courtyards.
66. Other units have shared access to a private outdoor courtyard on the western boundary of the site.
67. A shared outdoor space is situated at the rear of the site and consists of a narrow, small semi-fenced courtyard. This space is directly adjacent vehicle parking. It is recommended this shared outdoor space is retained in a condition suitable for recreational use by occupants.³
68. Overall, the level of on-site amenity is low.

Suitability for children

69. Mr Peacocke states in his evidence that play is important for the development, health and well-being of children. The impacts on children when they do not have access to ‘play’ is discussed in detail within his evidence.
70. Mr Peacocke has rated the studio units within the site as “unacceptable” for children six months to twelve years due to the lack of outdoor living space associated with these units. Likewise, the two-storey units on the eastern side of the site have been rated by Mr Peacocke as “unacceptable” for the eight to 12-year old age group. This is because there is no space on-site, nor nearby, for young people who are becoming more independent.

³ Refer recommended condition 14 in Appendix 1.

71. The remaining units, for all other age groups, are rated as “low”, which is at the lowest end of Mr Peacocke’s rating scale (whilst still being acceptable).
72. The policy direction for the COMZ4 Zone is clear that residential units are to be provided with healthy, safe and quality living environments that contribute to people’s well-being. While the site does not provide a high level of internal amenity due to the limited amount of private and shared outdoor living space, mitigating factors in relation to the units (and associated age groups) rated “low” relate to the short-term nature of the CEH activity and the usability of the limited on-site outdoor spaces. For the units (and associated age groups) rated “unacceptable”, it is recommended to impose a consent condition restricting the occupancy of those units accordingly.⁴
73. It is acknowledged similar consent conditions were recommended in the Section 42A report for the current consent (RC17661), but were not imposed by the Panel in the 2022 hearing process. However, it is considered appropriate to recommend these conditions again for the site. The recommendations of Mr Peacocke remain unchanged from those provided in Ms Collins’ evidence in the 2022 hearing, and the policy direction for the COMZ4 Zone has greater focus on providing healthy, safe and quality living environments as a result of amendments made to the District Plan by Plan Change 9.
74. It is noted that some existing families may be residing in units affected by the recommended conditions preventing children from residing in specific units. Requiring them to move immediately, if consent is granted, could be an unnecessary disruption. There are options that could be considered, including:
 - A transition period of three months; and
 - Allowing the family to stay (if they wish) until they no longer need CEH, but ensuring any incoming occupants meet the proposed occupancy rates and age restrictions.

Occupancy rate

75. The Applicant proposes 42 (maximum) occupants within 14 units (excluding infants under 18 months). This is an average of three people per unit, excluding any children under 18 months old.
76. The District Plan does not provide guidance on occupancy levels of dwellings. The application is assessed on the basis that the facility is occupied at full capacity of 42 people.
77. A number of submitters have raised concerns that the motel is not fit for purpose or is inappropriate for use as CEH; the implication being that overcrowding is an issue. In this regard a 2018 Statistics New Zealand report states that “*there should be no more than two people to a bedroom but that couples and children of certain ages can share a bedroom*”⁵.
78. The measure used by Statistics New Zealand is the Canadian National Occupancy Standard (**CNOS**) and is regarded as a “best fit for the New Zealand context”. The New Zealand Deprivation Index uses CNOS as an indicator of overcrowding⁶. Applied to the subject site, the proposed occupancy rates could result in crowding⁷. To avoid crowding, there would need to be a limit of two people per bedroom.

⁴ Refer recommended conditions 7 and 8 in Appendix 1. N.B. it would be helpful for the Applicant to confirm the numbers of the units that are studio units, so that this can inform proposed condition 8.

⁵ Stats NZ (2018) *Living in a crowded house: exploring the ethnicity and well-being of people in crowded households*. Retrieved from www.stats.govt.nz.

⁶ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz.

⁷ As defined by Statistics NZ.

79. It is however recognised that a reduced occupancy limit may not meet the objective of CEH which is to house whānau/family with children. While some CEH families may consist of two people, it is likely there will be many families consisting of three or more people. It is expected that on-site service providers, who are required to ensure whānau are allocated a unit that best suits their needs, will triage families into units that appropriately suit their family size, to avoid crowding.
80. Regarding the enforcement of the capacity limit, the Applicant has offered as a condition of consent to maintain a record of total occupancy numbers.

Conclusion

81. Overall, it is recognised that the motel units are a temporary accommodation solution for families and individuals who do not have alternative accommodation options. Whilst they may not provide a level of amenity equivalent to typical permanent residential units, the conditions recommended above will avoid long-term negative impacts on children (in relation to play). Overall, character and design-related effects (both internal and external) are considered acceptable.

TRANSPORTATION EFFECTS

82. The site has one existing vehicle crossing on to Meade Street, both ingress and egress. On-site vehicle parking is provided for residents, including two accessible parks.
83. There are no minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020.
84. Notwithstanding the above, the existing carparks are required to comply with the District Plan standards.
85. With respect to traffic generation, the Applicant has noted that the traffic generation from the previous motel activity has altered compared to the CEH activity. This is because residents are more likely to stay on-site during the day or go to or from the site for work purposes, compared with tourists who travel in and out several times a day, and check in and out at different times.
86. However, the Applicant has assessed that since the use of the site for CEH there has been no discernible traffic generation effects compared to the previous motel activity. This is not expected to change as a result of the continued use of the site as CEH for a further one-year period, as sought through the application.
87. Council's development engineers have reviewed the application and have not raised any issues from a transportation perspective, nor any issues associated with the implementation of the existing consent.
88. On this basis the transportation effects are assessed as acceptable.

NOISE EFFECTS

89. The Applicant has not applied to breach the noise standards within the District Plan. Potential noise effects can stem from the continued pattern of CEH use on-site (i.e. instead of a tourist accommodation facility), such as increased noise levels from higher numbers of children playing outside after school hours, in the evenings, and in weekends, and more people being on-site during the day (compared to tourists who are more likely to be out during the day).

90. The Applicant states in section of 7.2.2 of the application that:

As with any residential activity, general noise may be associated with emergency housing being located on the subject site; however, this will be dispersed throughout the site and will be domestic in nature. Overall, it is expected that any noise that is generated from the proposed use of the site will not exceed the permitted noise levels for this environment, nor is it expected to be any greater than the noise generated from the use of the site as a motel.

91. To manage any potential noise effects, the Applicant has recommended the implementation of the SMP.

92. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, specific visitor hours, 9pm time restriction on the outdoor play facilities, and restrictions on the location of outdoor equipment.

93. Successful implementation of the measures in the SMP will reduce the potential for noise generation at the site and ensure compliance with the District Plan noise limits. However, it is recognised that isolated incidents may occur which may cause nuisance to the neighbours.

94. In this case, conditions of consent have been recommended to provide an 0800- telephone line for the community to address any noise complaints⁸.

95. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

INFRASTRUCTURE

96. No changes are proposed to the on-site reticulated servicing as part of the proposal.

97. The application was circulated to Council’s development engineering team, and they had no comments on the proposal. Considering the above, it is likely that the proposed activity will avoid any adverse effects on the infrastructure capacity of the district.

FINANCIAL CONTRIBUTIONS

98. Rule FC-R1(2) (financial contributions for reserves) of the District Plan states:

A financial contribution for reserve purposes will be required for all second and subsequent residential units on a site. The financial contribution will be cash, land, or a combination of these.

99. Under this rule, a financial contribution of 1% of the value of the net site area or net floor area that the additional residential unit has exclusive rights to would need to be paid to Council for the new household units.

100. Rule FC-R2 (financial contributions for infrastructure) of the District Plan requires financial contributions to be taken where additional impacts on public infrastructure will result from an activity. This can be taken in cash to mitigate the effects on infrastructure.

101. As this is a short-term activity for an additional one-year term, and no reserve land acquisition or capital works will be undertaken, it would be unreasonable to impose a financial contribution.

⁸ Refer to recommended condition 28(i) in Appendix 1.

CULTURAL EFFECTS

102. Two submitters have raised cultural effects as an issue, including the impact of the CEH activities (in relation to Pohutu Lodge Motel, Apollo Hotel and Alpin Motel) on the Whakarewarewa Village. The effects raised include those associated with increased crime, loitering and a general decline in safety. These effects are addressed in the Overview Report.
103. In respect of the Whakarewarewa Village, the SMP and proposed consent conditions includes specific management measures to manage effects, including:
- Inductions for whānau entering into CEH at the site advising occupants of the cultural importance of the Village;
 - Posters displayed within circulation areas of the facility advising the cultural importance of the Village; and
 - Ongoing requirements to meet with representatives of the Village (and Te Puia) for the purpose of sharing information and ensuring effects are managed (including maintaining the Whakarewarewa carpark in a tidy state).
104. Should consent be granted, it is recommended that compliance with the SMP and the associated conditions to manage ongoing effects on the Whakarewarewa Village be imposed. It would be useful for the submitters to provide additional background context at the hearing to inform the wording of the conditions; in particular the intended nature and frequency of the meetings.

CONCLUSION

105. Overall, any actual and potential effects on the environment can be mitigated to a level that is acceptable, subject to conditions of consent.

SECTION 104(1)(b) - OBJECTIVES AND POLICIES OF THE DISTRICT PLAN

106. An assessment against the broad objectives and policies of the District Plan, as well as Plan Change 9, is provided in the Overview Report.
107. The following sections address objectives and policies for matters of a site-specific nature.

COMMERCIAL 4 ZONE

Commercial Centres

- *COMZ-01: A hierarchy of vibrant compact commercial and tourism centres that efficiently service and support the needs of the surrounding community and nationally significant tourism sector.*
 - *COMZ-P5: City Entranceway Accommodation: Enable a mix of high density residential uses, accommodation activities, including visitor accommodation, and supporting commercial activities.*
108. The proposed activity is consistent with the policy direction regarding the provision of high density residential uses enabled within the COMZ4 Zone.

Design and Appearance of Buildings

- *COMZ-O2: Buildings and activities positively contribute to the mixed use character, safety and efficiency, and attractiveness of commercial centres and entranceways to Rotorua.*
 - *COMZ-O3: Buildings and activities designed and operated in a manner that mitigates adverse effects on the amenity of residential zones.*
 - *COMZ-O3A: Residential development provides healthy, safe, and quality living environments that contribute to the well-being of residents.*
 - *COMZ-P8: Enable and encourage high quality development that positively contributes to the safety and attractiveness of streets and public open spaces.*
COMZ-P9: Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.
 - *COMZ-P10: Enable an increase in the density, diversity and quality of housing in identified zones, while maintaining their commercial function and managing potential reverse sensitivity effects.*
 - *COMZ-P11: Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.*
 - *COMZ-P12: a) Require the design of all buildings to positively contribute to the safety and attractiveness of the street by:*
 - i) Within commercial centres, require development to maximise street activation, building continuity along the street, pedestrian amenity and safety;*
 - ii) Within other commercial areas, require buildings to orientate to front the street, locate active uses on the street edge, including building entrances, lobbies, and commercial activities where proposed. These methods in particular, will assist to reinforce Fenton Street as an entranceway to the City Centre.*
 - *COMZ-P13: b) Require the design of residential units to achieve quality on site living environments for people by providing:*
 - i) Private outdoor living that is functional and accessible;*
 - ii) A reasonable level of visual privacy and outlook;*
 - iii) Safe and convenient pedestrian access to residential units from the street; and*
 - iv) Where located outside of commercial centres:*
 - 1. Opportunities for on-site landscaping; and*
 - 2. Opportunities for passive surveillance of the street, while allowing privacy for residents.*
109. The proposed activity is consistent with the policy direction for the COMZ4 Zone regarding the provision of a diversity of housing types. Likewise, maintaining the existing character of the COMZ4 Zone is achieved by using the existing buildings and maintaining the existing landscaping.
110. Residential properties are located directly on the eastern and western boundaries, and across the road to the north of the site. These boundaries are fenced off and subject to established vegetation. With principal outlook spaces and outdoor spaces screened by fencing and/or established vegetation in terms of views into surrounding properties, privacy effects are anticipated to be managed.
111. The SMP will need to manage any potential noise or disturbance effects on adjacent properties. The outdoor spaces in the motel are located adjacent to boundaries of the site, but are behind fencing, therefore mitigating noise.

112. A recommended condition of consent would require the operators of the site to maintain the boundary fencing and vegetation and manage any adverse noise or disturbance effects through the SMP.
113. The efficient functioning of the transport network will be maintained through amendments to the SMP to communicate with visitors where to park their vehicles.
114. In terms of building design, it is recognised that the use of the motel facility for longer-term emergency residential use is not consistent with the policy direction regarding the provision of healthy, safe and quality living environments that contribute to the well-being of residents. The evidence of Mr Peacocke has identified that the site rates “low” in terms of the outdoor and play space available for children and rangatahi, but with a number of specific units rating as “unacceptable” for children in the zero to seven year-old and eight to 12 year-old age groups. A condition of consent is proposed to prevent occupancy of the subject units for these age groups. The remainder of the units on the site are not inappropriate for the proposed temporary CEH use of one year, for other age groups.

Reverse Sensitivity

- *COMZ-O5: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
 - *COMZ-P16: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*
115. The proposal is unlikely to give rise to reverse sensitivity effects on surrounding residential and reserve properties, as it is unlikely the uses of these properties will have an adverse effect on the operation of CEH and on the amenity of CEH occupants.

NOISE

- *NOISE-O1: A noise environment consistent with the character and amenity expected for the zone.*
 - *NOISE-P1: Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the function of the zones and permitted activities within them.*
 - *NOISE-P4: Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.*
116. Noise levels generated from the proposed activity will be managed through the proposed conditions of consent and through the SMP.

INFRASTRUCTURE AND TRANSPORT

Infrastructure

- *EIT-O3: Land use, subdivision and development that do not adversely affect the operation, maintenance, upgrading of and access to existing infrastructure.*
 - *EIT-P14: Avoid, remedy or mitigate adverse effects of new land use and development on the efficient operation, maintenance and access to existing infrastructure.*
117. The application is not anticipated to put additional pressure on existing infrastructure.

Transport

- *EIT-O7: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
- *EIT-P18: Protect the safety, efficiency, sustainability and capacity of the transport network through avoiding, remedying or mitigating the adverse effects of land use, development and subdivision.*
- *EIT-P22: Ensure that subdivision, use and development located in the vicinity of the district's transport network is appropriately designed to avoid, remedy or mitigate any reverse sensitivity effects such as noise and vibration.*

118. Transportation effects associated with the proposal have been assessed as less than minor. Traffic generation from the site is not likely to hinder the efficient operation of existing activities in the immediate area. There will be no adverse reverse sensitivity effects on the transportation network from the proposed activity.

Reverse Sensitivity

- *EIT-P23: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*

119. The proposed activity is not likely to have any adverse reverse sensitivity effects on existing infrastructure and transport activities.

Conclusion

120. Overall, the proposal is generally consistent with the objectives and policies contained in the Noise chapter and the Infrastructure chapter of the District Plan. Inconsistencies with the 'design and appearance of buildings' objective and policies for the COMZ4 Zone can be mitigated in part by the implementation of additional consent conditions.

CONCLUSION

121. A conclusion on the actual and potential effects on the environment is provided at paragraph 105. This determines that the adverse effects of the activity on the environment of a site-specific nature relating to character and design, transportation, noise, infrastructure, financial contributions and cultural will be acceptable, with the adoption of the recommended conditions.

122. A conclusion against the objectives and policies of the District Plan is provided at paragraph 120. Whilst there is inconsistency with some policies, mitigation can be imposed to ensure that, on balance and overall, the proposal is not contrary to the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

123. If the application is granted, recommended conditions of a site-specific nature and advice notes are attached to this report as **Appendices 1 and 2**, respectively.

APPENDIX 1: RECOMMENDED CONDITIONS

General

1. The activity shall be in general accordance with the information submitted with the Application for Resource Consent LU24-010191, the response to the request for further information, dated 3 September 2024 and Site Plan entitled “3 Meade Street ... Pohutu Lodge Hotel, Rotorua Motels – Emergency Accommodation”, sheet 1 of 1, dated 10/07/2023.
2. Te Tuapapa Kura Kainga – Ministry of Housing and Urban Development (MHUD) shall be the Consent Holders’ representative who will be the principal contact person for Rotorua Lakes Council in regard to matters relating to this consent, and:
 - a. Within two weeks following the commencement of this resource consent MHUD shall inform the Rotorua Lakes Council of the MHUD’s representative’s name and contact details; and
 - b. Should MHUD’s representative’s name and contact details change during the term of this resource consent, MHUD shall inform the Rotorua Lakes Council as soon as practicable, and within no more than five working days.

Contract for the operation of CEH with MHUD

3. The site must be subject to a contract for the operation of CEH with MHUD at all times.

Consent Expiry

4. This resource consent shall expire on the earlier date of either:
 - a. 15 December 2025; or
 - b. The date of cancellation of MHUD’s contract for CEH applying to the site under Condition 3.

Note:

1. *Condition 4(b) does not prevent MHUD from renewing its contract with the motel operator within the overall one-year timeframe that is provided for under Condition 4(a).*
2. *Where the consent expires, use of the site may return to tourist accommodation that operated prior to use as CEH, or another use that complies with the provisions of the District Plan.*

Cessation of the CEH Activity on the site

5. No later than 6 months prior to the consent expiry under Condition 4(a), the consent holder shall submit to the Manager, Planning & Development Solutions, Rotorua Lakes Council, or their delegate, for certification, an exit programme to end the use of the site and buildings for CEH within the timeframe granted under this consent.

The exit programme shall, at a minimum, detail the following matters:

- a. The plans to have the residents relocated from the site at the expiry of the consent; when the CEH will not be accepting further residents; and
- b. Details of any required works to reinstate the buildings as a motel.
- c. The consent holder shall notify the Council when CEH activities have ceased.

Scale and Intensity

6. A maximum of 42 occupants shall be permitted to reside within the 14 contracted emergency housing units.

Note:

To avoid doubt, this resource consent does not:

1. *Restrict the length of stay for residents in the contracted emergency housing units (see Advice Note 1 referring to Building Act requirements); or*
 2. *Limit the number of people residing in the Manager's Accommodation.*
7. No children between the ages of eight years and twelve years may be permitted to reside on site.
 8. No children between the ages of six months and twelve years may be permitted to reside in the studio units.
 9. Conditions 7 and 8 only apply to incoming occupants entering the specified units on or after 15 December 2024. Occupants already residing in the specified units with children within the specified age groups on 15 December 2024 may:
 - a. Choose to remain in the unit for the length of their stay; or
 - b. Transition to a more suitable unit within three months of the commencement of this consent.

Record Keeping and Reporting

10. A written (including electronic) record shall be maintained at all times that states:
 - a. The total occupancy numbers across the whole site;
 - b. The number of people within each unit;
 - c. The ages of people residing on site;
 - d. The details of any complaints received and any incidents where security staff intervention has been required, and responses undertaken by the Consent Holder to address these incidents or complaints; and
 - e. Details of any complaints in relation to CEH occupants' behaviour in the Whakarewarewa Village carpark area and responses undertaken by the Consent Holder.
11. The information listed in Condition 10 shall be reported to the Council's Monitoring and Compliance Officer at six monthly intervals from the date of commencement of the consent and made available at any other time upon request. The information will be provided in a form that does not identify individuals.
12. The Consent Holder shall provide a compliance report to the Council's Monitoring and Compliance Officer six months after the commencement of the consent, outlining compliance with the consent conditions over the preceding six months. At a minimum the Compliance Report shall include:
 - a. An assessment of the Consent Holder's compliance with the conditions and any recommendations to address any identified non-compliances;
 - b. Recent photographs of landscaping, open space and boundary fencing;
 - c. Recent photographs of play space required by Condition 17 (Play Areas)
 - d. Details of how compliance is achieved in respect of Condition 24 (Streetscape Amenity),

- including any maintenance undertaken in the preceding 12 months and processes for keeping street berms tidy; and
- e. An assessment of the effectiveness of the SMP and any recommended amendments to the SMP to improve its effectiveness.

Landscaping, Open Space and Boundary Fencing

13. The existing landscaping (trees and other vegetation) along all boundaries of the site shall be retained for the duration of the consent.
14. The existing shared open space, as shown on the Site Plan (approved under Condition 1), shall be retained in a condition suitable for recreational use by occupants.
15. All external boundary fencing shall be maintained in the same or similar form to the existing fencing to provide privacy and security for contracted emergency housing occupants and adjoining neighbours.
16. The landscaping outlined in Condition 13 shall be maintained in good condition and kept weed free. If any of the landscaping dies and/or becomes diseased, the dead and/or diseased plants shall be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of plants with a plant size capable of reaching the same height within the following planting season.

Note:

1. *This condition does not restrict enhancement of landscaping.*

Site-Specific Onsite Play Areas

17. On-site play areas shall be retained.

Note:

1. *A children's play area is a dedicated outdoor space that facilitates play. This can include outdoor play equipment such as a trampoline and/or outdoor toys.*

Whakarewarewa Village and Te Puia

18. The Consent Holder shall offer to meet the representatives from Whakarewarewa Village and Te Puia a minimum of once every six months.
The purpose of the meeting(s) is to enable good information to be shared about the:
 - a. Implementation of the Site Management Plan in mitigating potential adverse effects of CEH;
 - b. The tidiness of the Whakarewarewa Village carpark; and
 - c. Other initiatives, such as education programmes for CEH occupants, that could be implemented to improve the relationship between the operation of CEH and the operation of cultural and tourism operations at Whakarewarewa Village and Te Puia.

Outcomes from each meeting shall be recorded and provided to Rotorua Lakes Council if requested by the Council.

Note:

1. *In the event that representatives from Whakarewarewa Village or Te Puia do not want to participate in meeting with the consent holder this will not be deemed a breach of this condition.*

19. Information about the location and cultural significance of Whakarewarewa Village and Te Puia as well as expectations about respecting these neighbouring sites must be clearly displayed within the main circulation areas of the subject site. CEH occupants must be informed about these expectations as part of the induction process into CEH.

Expectations about respecting neighbouring sites shall be determined between the Consent Holder, or suitable representative, and representative(s) from Whakarewarewa Village and Te Puia.

Note:

1. *In the event that representatives from Whakarewarewa Village and Te Puia do not want to participate, expectations shall be determined by a suitable representative from Te Hau ki te Kāinga.*

Motel Signage and Advertising

20. All motel signage shall remain covered for the duration of the consent. This includes any vacancy/no vacancy signage and signs advertising the motel's amenities.

Notes:

1. *To avoid doubt, reinstatement of motel signage may occur after consent expiry.*
2. *The purpose of requiring signage to be removed is to avoid tourists pulling into the site or phoning to see if there is vacancy. As such, signage advertising the phone number, number of rooms, or the amenities onsite should be removed, but the name of the motel e.g. "Pohutu Lodge Motel" can remain on display.*

21. The Consent Holder shall, as far as is practicable, remove all online advertising and websites that promote tourist accommodation and other services at the site for the duration of the consent.

Note:

1. *It is acknowledged that the nature of the internet is such that it may not be possible to remove advertising from all third-party websites.*

Storage

22. Any storage of household effects of contracted emergency housing occupants shall be provided inside existing buildings, including verandahs and porch areas, on the site.

23. Waste storage shall continue to be screened from the road frontage or residential properties.

Streetscape Amenity

24. The Consent Holder shall undertake:
- Daily tidying of the subject site and immediately adjacent street berm to ensure the site contributes to an attractive streetscape;
 - Daily removal of rubbish and graffiti from the subject site and street berms in front of the subject site; and
 - Daily removal of shopping trolleys from public view from the subject site and street berms in front of the property.

Note:

The implementation of this condition is referred to in the Site Management Plan in Condition 27.

On-site Management

25. An on-site staffing presence shall be maintained on the site at all times for the duration of the consent. The on-site staff shall be made aware of and understand the resource consent and its conditions and the compliance obligations.
26. No dogs shall be kept on site by CEH occupants other than disability assist dogs under the Dog Control Act 1996.
27. The CEH motel shall operate in accordance with the Site Management Plan submitted with LU24-010186. The purpose of the SMP shall be to ensure that resource consents and conditions are implemented by:
 - a. Operating under the CEH model as described in Te Hau ki te Kāinga Strategic Plan;
 - b. Ensuring the wellbeing of CEH occupants through appropriate placement of occupants; based on the CEH site;
 - c. Mitigating effects of CEH use on the immediate neighbourhood; and
 - d. Ensuring appropriate communication, monitoring and reporting, and response to complaints.

Note:

1. *To avoid doubt, the SMP may be amended from time to time, and provided for re-certification by RLC following any subsequent written confirmation by MHUD.*

28. The SMP required by Condition 27 must include:
 - a. Details of the systems and procedures for placing people ('triaging') in the contracted emergency housing using the Nga Pou-e-Rima cultural framework including the:
 - i. Confirmation of placements primarily for families with children, young people / rangatahi, people with disabilities and elderly;
 - ii. Avoidance of crowding;
 - iii. Placement of families with children having regard to access to appropriate play space; and
 - iv. Management of people whose behaviour may create unacceptable risk to other occupants.
 - b. Details of on-site manager's responsibility for implementation of the SMP;
 - c. Details of the job title and name of the current person fulfilling the appointed suitable representative role required by Condition 2;
 - d. Details of the on-site support services to be provided, including the number of staff, location for training and office work within the site and hours of operation;
 - e. Site management details and methods addressing, at a minimum, the following matters:
 - i. Visitor numbers and visiting hours, and on-site visitor parking;
 - ii. Staffing;
 - iii. On-site and roaming security personnel, credentials, systems and procedures;
 - iv. Location of carparking (including for visitors);
 - v. Location of open space and play space;
 - vi. Meeting /training operation (including hours of use);
 - vii. Use of communal areas and facilities;
 - viii. Details of regular site maintenance, including:
 - a. Daily maintenance of streetscape amenity under Condition 24;
 - b. Maintenance of landscaping and planting; and
 - c. Programmed maintenance of all buildings.

- f. Effective noise management measures to avoid, remedy or mitigate potential noise nuisance;
- g. The set of 'house rules' that will apply to the site;
- h. Directory provided to neighbours with contact information on who to call if issues arise from the operation of CEH on the subject site;
- i. Details of a 24/7 0800 number for both the community and onsite occupants to communicate or make complaints about CEH;
- j. The process for dealing with complaints by or about any occupants of the site;
- k. Methodology for receiving, recording and resolving communication or complaints made via the 0800 number outlined under (i) above.

Rotorua Lakes Council Meetings and Community Liaison Group (Augier Conditions)

29. Rotorua Lakes Council, MHUD senior management and/or senior advisors and a nominated representative from the CLG shall meet at least every six months during the period of the resource consent to discuss the following matters:
- a. The operation of contracted emergency housing on the site (and within the context of other contracted emergency housing); and
 - b. Whether, in light of the demand for contracted emergency housing on the subject site and other sites, there is the ability for the CEH contract to be cancelled.

Notes:

- 1. *It is acknowledged that a wide range of matters are likely to be relevant as to whether contracts for emergency housing should be terminated ahead of the one-year period.*
- 2. *While Condition 29 (above) is limited to CEH, this does not prevent a broader discussion about emergency housing generally.*

30. MHUD shall establish and facilitate the continued operation of a Community Liaison Group (CLG) for the duration of this consent in accordance with the following requirements:
- a. The purpose of the CLG is:
 - i. To promote effective engagement on an on-going and regular basis about matters associated with CEH;
 - ii. To promote the flow of information between the MHUD, Te Hau ki te Kāinga and the local community so as to, wherever possible, address any issues that may arise;
 - iii. To discuss the results of monitoring CEH and any matters that may arise as a result of the monitoring;
 - iv. To discuss any feedback on effectiveness of Site Management Plans and conditions; and
 - v. To discuss the exit strategy for CEH.
 - b. The CLG shall be comprised of one representative from each of MHUD, Te Hau ki Te Kāinga, representative(s) from the motel operators, Rotorua Lakes Council and Iwi. MHUD must also invite:
 - i. Three representatives from the community (where possible these representatives should be from different geographical clusters of CEH);
 - ii. One representative from the tourism industry; and
 - iii. One representative from Restore Rotorua Incorporated.
 - c. MHUD shall ensure that members of the CLG are provided with the opportunity and facilities to meet:
 - i. No more than 30 working days after the commencement of the consent; and
 - ii. No-less frequently than every six months, unless all members of the CLG agree there is

no need for a meeting.

- d. The time, date and venue of proposed meetings shall be notified to members of the CLG (by email) at least 10 working days in advance of the meeting;
- e. Minutes of the CLG meetings shall be kept by MHUD and be made publicly available;
- f. MHUD shall engage an independent chairperson to facilitate CLG meetings;
- g. MHUD shall meet the reasonable administrative costs of facilitating the CLG meetings (e.g. meeting invitations; meeting venue; preparation of meeting minutes) and chairing duties; and
- h. MHUD shall, in consultation with the CLG, develop a preferred method for communicating with the surrounding residents and hosting key documents (for example, a website, or other document hosting portal).

Notes:

1. *Condition 30 governs initial membership for the purposes of convening the first meeting of the CLG. On-going membership requirements will be determined by the CLG including who is best placed to lead the CLG.*
2. *In the event that it is not possible to establish a CLG or convene meetings through lack of interest or participation from the local community, then such failure to do so will not be deemed a breach of these conditions. Should the local community wish to re-establish meetings after a period of inactivity, then the conditions above shall continue to apply.*
3. *The purpose of Condition 30 may be achieved through other means such as a modified Rotorua Housing Taskforce or other Rotorua emergency housing liaison group.*

Monitoring Fee

31. The Consent Holder must pay the Rotorua Lakes Council an initial consent compliance monitoring charge, plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents. That fee, or those fees to be set by Council according to its normal practice.

Review

32. Pursuant to section 128 of the Resource Management Act 1991, Rotorua Lakes Council may, 6 months after this consent is given effect, serve notice on the Consent Holder to review any or all of the conditions of this consent with regard to the effectiveness of the conditions of this consent in avoiding, remedying or mitigating adverse effects on the environment that may arise from the exercise of this consent and, if necessary, to avoid, remedy or mitigate such effects by way of further or amended conditions. In particular, adverse effects may relate to:
 - i. Site Management;
 - ii. The use of common / shared areas;
 - iii. Parking; and/or
 - iv. Waste Management.

APPENDIX 2: ADVICE NOTES

Building Act

1. *This is not a Building Consent. The Building Act 2004 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.*
2. *Under the Building Act (Section 114), a building owner must give written notice to the territorial authority if they plan to change the use of a building. The consent holder should seek an independent report from a suitably qualified person addressing the potential change of use of the building as described in the Building Act and Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005, and provide written notice to Council as appropriate.*

Waste Management

3. *Waste management is addressed under the Council's Solid Waste Bylaw 2016. The bylaw has a general requirement for a waste management and minimisation plan to be prepared for multi-unit developments: 'Collection from Multi Unit Developments' (See Subpart 6 – Clause 20).*

Right of Objection

4. *If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357A of the Resource Management Act 1991. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision. In addition, there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.*

Monitoring of Conditions

5. *Fulfilment of the conditions of this consent within the timeframe specified in the consent is necessary to carry out the proposal for which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council's Monitoring and Compliance Officer.*
6. *Please contact Council's Compliance & Regulatory Team (RMACompliance@rotorualc.nz) in relation to the completion and monitoring of the conditions of this consent. The consent holder will be charged for the administration, monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site inspections, the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.*

Augier Conditions

7. *Where an applicant gives a clear and unequivocal undertaking and, relying on that undertaking, the local authority grants consent subject to a condition in terms broad enough to embrace the undertaking, the applicant cannot say later that there is no power to require compliance with the undertaking. The consent holder cannot assert after consent being granted that the condition was unlawfully imposed. This is called an "Augier" condition.*