
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:	ROTOVEGAS MOTEL C/- BRYCE SMART
ADDRESS:	8A, 8B, AND 10B TOKO STREET, ROTORUA; AND 249-251 FENTON STREET AND 14-16 TOKO STREET, ROTORUA
RESOURCE CONSENT NUMBER:	LU24-010192
LEGAL DESCRIPTION:	LOT 15 DP 2851 (AREA 1, 2, & 3); AND LOT 1 DPS 28301, LOT 7 DP 2851, PT LOT 17 AND LOT 18 DP 2851
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION RESIDENTIAL 2 – HIGH DENSITY RESIDENTIAL
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 RotoVegas Motel buildings for contracted emergency housing (**CEH**) accommodation for a period of one year from the expiry of the existing resource consent (**RC17889**) 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. RC17889 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 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
6. Of the 176 submissions received on all seven CEH applications, three submissions were specific to the 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(1) and RESZ-R2(1) 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 that 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 relied on the following evidence:
 - 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 records my assessment and recommendations along with the 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 proposed activity is split across two separate sites, which are not adjoining. The first site is located at 8A, 8B and 10B Toko Street, and the second site is located at 249-251 Fenton Street and 14-16 Toko Street. Collectively they are referred to as “the site” throughout this report.
18. The site is held within four Records of Title and are located within the Commercial 4 Zone (**COMZ4**) and the Residential 2 Zone (**RESZ2**) of the District Plan. This is shown in Figure 1 and within the table below.

District Plan Zone	Legal Description	Area (m ²)
RESZ2	LOT 15 DP 2851 (AREA 1, 2, & 3)	539 ¹
RESZ2 and COMZ4	LOT 1 DPS 28301	1,348
RESZ2	PT LOT 17 AND LOT 18 DP 2851	1,078
COMZ4	LOT 7 DP 2851	809
Total		3,774



Figure 1 – District Plan zones with the subject site outlined in red. The yellow is RESZ2, the purple is COMZ4 and the green is COMZ2.

19. The Applicant gives the following description of the site and motel in Section 2.1 of the application:

The subject site, Roto Vegas Motel, is located at 249-251 Fenton Street and 16 Toko Street with additional residential units at 8A, 8B and 10B Toko Street.

¹ This is the total of the lease areas. The total size of the underlying parcel is 809m².

The southern portion of the subject site made up of 249-251 Fenton Street and 16 Toko Street and has an area of 3,2356m², with frontage to Fenton Street along its eastern boundary and Toko Street along its western boundary.

The existing buildings on this portion of the site consists of three main accommodation blocks. The northeast portion of the site contains a two-storey block with six ground floor residential units and six second-floor units attached to the manager accommodation, all located within the COMZ4. The southeast portion of the site contain another two-storey block with five ground floor units and six second-floor units, also located in the COMZ4. The southwest portion of the site is a two-storey block with two residential units across both floors, located in the RESZ2.

The subject site also includes the residential units to the north at 8A, 8B, and 10B Toko Street, with a total area of 809m². This portion of the subject site presents more like typical residential dwellings and include private open space outside each unit.

The existing buildings within the site are dedicated to the current CEH activity. The site has a total of 27 motel units and provides for a maximum of 80 occupants.

The main vehicle entrance and exit for the site are located on Fenton Street, providing access to the accommodation blocks located within the southern portion, as referred to in Figure 1. A second entrance to the western portion of this part of the site located at 16 Toko Street, contains two carparking spaces. It is noted that these entrances do not connect, and a wooden fence prevents vehicle access between units 22 and 23 with the rest of the site. The northern portion of the site has its vehicle entrance and exit situated on Toko Street, allowing access to the residential units at 8A, 8B and 10B Toko Street. Internal parking spaces are provided for the subject site, including guest laundry, sheltered BBQ area, playground and games room.

The site maintains several areas of private and shared open spaces, including existing vegetation and planters.

20. The motel has been in use as MHUD CEH since 1 July 2021. Prior to this, the motel was used for emergency housing (by accepting customers paying through the use of Emergency Housing Special Needs Grants (EH-SNG) provided by the Ministry of Social Development (MSD) since May 2018.

Surrounding Area

21. The immediate surrounding environment is a mix of emergency housing, commercial, educational, residential and tourist accommodation land uses. In between the two sites is another CEH provider.² North of the site is the city centre.

² Ascot on Fenton Motel.

22. In the wider context, south of the site, the majority of land use along the western side of Fenton Street is tourist accommodation, while land to the east of Fenton Street is commercial land use followed by Te Arawa Park Racecourse. West of the site is predominantly residential land use.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, pink – other CEH site, orange – tourist accommodation, purple – childcare centre).

Local Amenities and Social Infrastructure

23. A supermarket, chemist, butcher, and fruit and vegetable shop are located opposite the site on the corner of Fenton and Ti Streets. The nearest pedestrian crossing on Fenton Street is located approximately 350m north of the subject sites. Rotorua Central Mall is located approximately 250m north, along Toko Street. St Johns Presbyterian Church is located on the corner of Victoria Street and Ranolf Street, approximately 600m west of the subject sites.
24. Taiohi Turama – Rotorua Centre for Youth is located 250m to the east, on Te Ngae Road. This reserve has a basketball court and indoor centre. Marist Saint Michaels Reserve is located on Te Ngae Road approximately 450m away, and the racecourse is around 500m away. Both reserves are across Fenton Street, so safe pedestrian access would be via the traffic lights at the Fenton Street/Amohau Street intersection. Puarenga Park is around 1,500m away.
25. The nearest school is St Mary’s Catholic School located on Carnot Street, approximately 800m south-west of the subject sites. Rotorua Intermediate School is located approximately 900m to the west. There is an early childhood centre located opposite 16 Toko Street.
26. Overall, the site is well served with local amenities and social infrastructure within a 10-minute walking distance.

RECORD OF TITLE REVIEW

27. The interests contained on the Records of Title for the site are set out below. There are no interests that would restrict the CEH proposal from proceeding.

Record of Title	Legal Description	Interests
645480, 645481, 645479	LOT 15 DP 2851 (AREA 1, 2, & 3)	<ul style="list-style-type: none"> • Subject to Section 15 Rotorua Town Lands Act 1920⁴ (Affects Fee Simple) • Subject to Section 8 Coal Mines Amendment Act 1950 (Affects Fee Simple) • Lease agreements⁵
SA26A/547	LOT 1 DPS 28301	<ul style="list-style-type: none"> • Subject to Section 15 Rotorua Town Lands Act 1920
SA26D/59	PT LOT 17 AND LOT 18 DP 2851	
SA857/212	LOT 7 DP 2851	

CONSENT HISTORY

Existing Consents

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

Reference number	Date of issue	Details
8A, 8B and 10B Toko Street		
RC668754	October 1987	Dispensation / waiver – new home units exceeding height restrictions
RC13158	June 2009	Tourist accommodation for 25 people with associated signage
RC14879	March 2014	Subdivision consent
RC17889	15 December 2022	Resource consent to use the existing site and motel buildings for contracted emergency housing
14-16 Toko Street and 249-251 Fenton Street		
No consent number	March 1973	Dispensation for side yard infringement
SP1810	June 1974	Signage
No consent number	December 1974	Three additional household units being an extension of the existing motel
No consent number	June 1976	“Keep clear” signage
SP2398	April 1979	Dispensation to erect a canopy
No consent number	December 1979	Approval for spa pool, sauna, plunge pool, games room and manager’s garage
No consent number	February 1980	Amalgamation of lots
RC1145	July 1994	Signage
RC1911	September 1998	Construct a dwelling with daylight and boundary infringements
RDC-178396	March 2011	Change in signage
RC17889	15 December 2022	Resource consent to use the existing site and motel buildings for CEH

29. There is no intention, nor need, to surrender these consents. The existing CEH consent will expire on 15 December 2024.
30. 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

31. An application for the existing CEH consent for RotoVegas Motel, RC1889, was lodged on 20 December 2021. The application was jointly publicly notified 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 15 December 2024.
32. Compliance monitoring of consent conditions has been undertaken by Council officers on 20 September 2023 and 15 February 2024. The officers noted that the site manager had a good understanding of their obligations under the resource consent and had all relevant documents on-site. The evidence of Ms Barry sets out in detail the frequency and nature of site visits and inspections by Council officers.
33. At the time of the Council officers' site visit it was identified that the conditions of consent appeared to be complied with. It was recorded under Condition 7 of RC17889 that there has been total of 10 police callouts to this site. 5 callouts were recorded between 16 December 2022 and 16 June 2023, and 5 callouts were recorded between 17 June and 17 December 2023. The evidence of Ms Barry sets out in detail the compliance history of the site.

PROPOSAL DESCRIPTION

34. 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 RC17889 on 15 December 2024, extending the use of the site as CEH through to 15 December 2025.
35. 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. The reception area of the motel is used by security services and the social services team uses the office space behind the reception area.
36. The CEH will be managed in accordance with the existing Site Management Plan (**SMP**) prepared for the subject site, as required by Condition 21 of RC17889. A copy of the existing SMP has been provided with the application.
37. The application is for a maximum of 80 occupants accommodated in 27³ units which range from studios at the smallest to three bedrooms at the largest. This maximum occupancy represents no change from the existing maximum occupancy of the CEH as it currently

³ It is noted that the Site Plans in Appendix 2 of the application show 23 units on the 249-251 Fenton Street and 14-16 Toko Street site, and 3 units on 8A, 8B, and 10B Toko Street. This totals 26 units. However, elsewhere, including in the existing CEH consent decision the proposal is for 27 units as described in the resource consent application. It is expected that the exact number of units proposed will be clarified by the applicant at the hearing.

operates. Full-time management and supervision will be provided, with managers' accommodation located on-site.

38. All families placed in the three units at 8A, 8B and 10B Toko Street will have low support needs, however regular engagement will happen with support staff. Additionally, they will be made aware of the contact details of the security guards for their support if required. These units will also continue to be monitored by security staff.
39. On-site support services will continue to be provided by "Wera Aotearoa Charitable Trust" (**WACT**), as the service provider. WACT are responsible for organising support services that are available to CEH occupants, including:
 - Assessing what support is required for the whānau;
 - Referring whānau to social support and health organisations as appropriate;
 - Working with whānau for the duration of their stay (meeting at least weekly or more frequently as appropriate)
 - Supporting the household to explore longer term housing options;
 - Carrying out regular inspections of the units; and
 - Provide 24/7 security on-site.
40. 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

41. 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 RC17889. MHUD has exited three of the 13 CEH motels originally granted consent in December 2022.
42. 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.*
43. 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.

44. The plan for each site is shown in Figures 3 and 4 below, and further details of the proposal are outlined in Section 5 of the application.

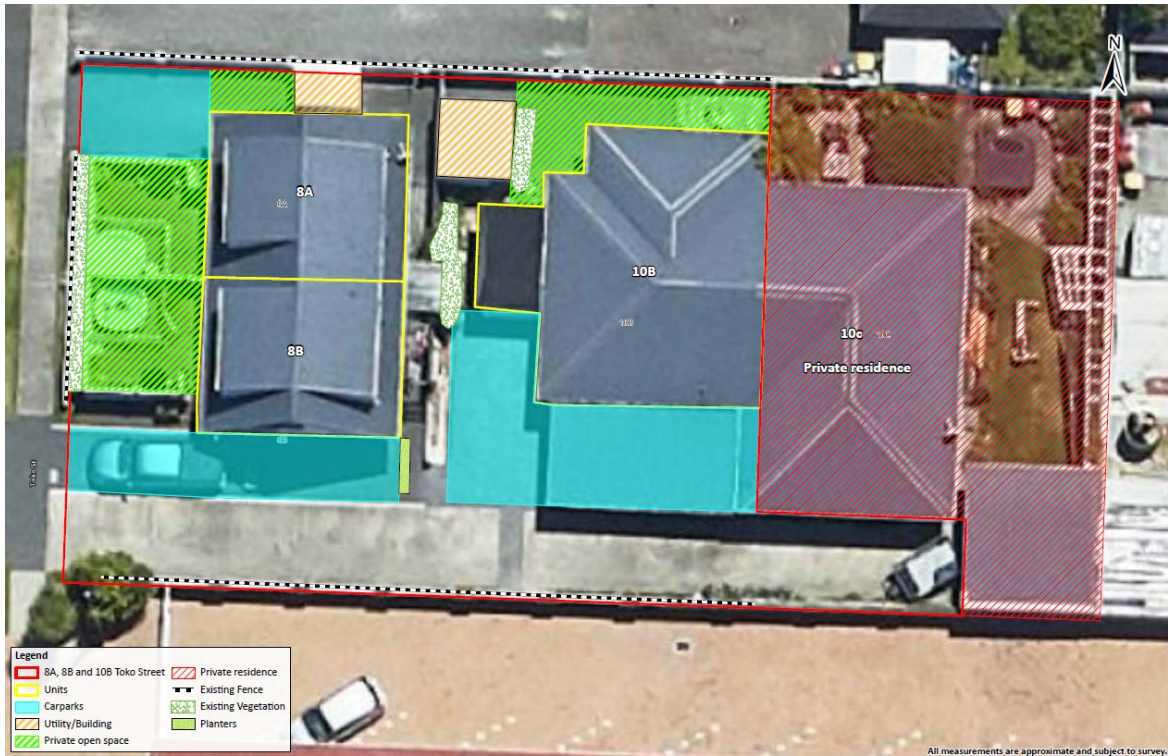


Figure 3 – Site plan showing 8A, 8B and 10B Toko Street



Figure 4 – Site plan showing 249-251 Fenton Street and 14-16 Toko Street

ACTIVITY STATUS

45. The activity status for each application is discussed in detail in the Overview Report.
46. In summary, the proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1(1) and RESZ-R2(1) as the activity is not expressly provided for in the District Plan.

NOTIFICATION AND SUBMISSIONS

Notification Process

47. The application was publicly notified on 20 July 2024. Notice of the application was served on the owners/occupiers of immediately adjacent properties and 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

48. Following the close of submissions, 176 submissions 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.
49. There was one submitter that submitted only on RotoVegas Motel. One person submitted on Ascot on Fenton and RotoVegas Motel (noting these sites are adjoining) and was the only person to submit in support of the applications. One person submitted on RotoVegas Motel, Ascot on Fenton and Geneva Motor Lodge. These submissions are summarised below⁴.

⁴ It is recognised that the majority of people submitted on all applications and whilst these general submissions were not directed specifically to RotoVegas Motel, they are still applicable to this application. Therefore, the Section 104 assessment addresses comments both specific to RotoVegas Motel, but also general themes across all sites.

Submitter Name/no.	Oppose / Support	Wish to be heard	Submitted on other applications	Submission summary
Donald William Paterson	Oppose	Yes	LU24-010188 LU24-010189	<u>Local resident</u> <ul style="list-style-type: none"> • Opposes use of motels on Fenton Street. • Considers that the use of motels for emergency housing has damaged the city's reputation and pride has also been impacted. • Identifies that Fenton Street is no longer "our Golden Mile". • Concern that commitments made in the previous consents have not been adhered to. • Seeks that the applications are declined and are returned to be used as motels.
Peniel Elliot	Support	Yes	LU24-010188	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> • Strongly supports the continued use of the motels as CEH. • Community need somewhere to stay while being supported into more stable and safer homes. • Have had zero negative experiences from the Ascot on Fenton or RotoVegas Motels in the last 21 months. • Wrap around support model is sufficient to ensure the safety and wellbeing of all is prioritised.
Jarra McEnteer	Oppose	Yes	No	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> • Concerns regarding the impact of the application on their rental property. • Negative effects on the neighbourhood including safety concerns, property devaluation, parking issues, disruption to the community. • Extending the activity is not in the best interests of the neighbourhood. • Government promised it would end in two years.

SECTION 104 ASSESSMENT

SECTION 104(1)(A) - ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

50. 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
 - Parking and access
 - Traffic generation
 - Noise effects
 - Reverse sensitivity effects
 - Noise from CEH
 - Effects on infrastructure
 - Financial contributions
51. It is noted that many of the site-specific submitters raise concerns over crime, occupants' behaviour and the effects of CEH on business and tourism. These matters are not covered in this report. An assessment of the cumulative social and economic effects of all applications is addressed in detail within the Overview Report and statements of evidence.

CHARACTER AND DESIGN-RELATED EFFECTS

52. The site is located in the COMZ4 and RESZ2 Zones.
53. The District Plan describes COMZ4 as predominantly 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.*
54. The District Plan describes RESZ2 as:
- areas with good accessibility to commercial activities, public open space and community services, used predominantly for high density residential activities such as apartments, rest homes, and other compatible activities. Over time as an increase in residential density occurs, a high density residential urban built character is expected, including six storey residential buildings.*
55. Generally, the District Plan refers to design in the COMZ4 Zone in the context of the “*design and appearance of buildings*” (COMZ-I2) and in the RESZ2 Zone as “*the design, layout and appearance of residential sites*” (RESZ-I2).
56. The following sections of the report 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

57. The site is spread over two physically unconnected sites, a smaller site to the north that only fronts Toko Street (RESZ2), and a larger site to the south that has frontage to both Fenton Street (COMZ4) and Toko Street (RESZ2).

Fenton Street

58. The Fenton Street frontage is two storeys, and is characterised by the existing motel buildings, signage which is both freestanding and affixed to the building, and a small area of landscaping directly in front of the building (including shrubs and trees). It is noted that the freestanding sign has been covered in accordance with condition 14 of the existing CEH consent.
59. Some carparking is provided on this side of the site, as well as a vehicle access through the two buildings which is fenced with a pool-style vehicle gate.
60. These aspects form part of the existing environment. The buildings were constructed for tourist accommodation activities, and the design, appearance and scale are consistent with the character anticipated in COMZ4.
61. Several submitters have described adverse external effects in relation to Fenton Street. Typically, this related to an increase in rubbish, graffiti, and shopping trolleys.
62. The site was visited on 8 August 2024. The site appeared tidy and there was no sign of rubbish, graffiti, or shopping trolleys. The waste management area is located next to the guest laundry building and is screened from the road frontage and surrounding properties.
63. To ensure the site is well maintained, the Applicant has provided a SMP which sets out requirements for site maintenance. The SMP states that the motel operator is responsible for maintenance of the gardens and outdoor areas and for any required repairs to buildings.
64. In addition to the SMP, it is recommended that a condition⁵ is imposed requiring the existing planting (including low level hedging and vegetation) be maintained and replaced where necessary.
65. The combination of the above measures, including the maintenance of existing planting and implementation of the SMP, will ensure any visual effects of the proposal are effectively mitigated.
66. Although landscaping is not specifically required under the District Plan at the Fenton Street frontage, a condition of consent⁶ is recommended that the existing landscaping (including gardens and trees) be maintained and replaced where necessary. This would assist in maintaining the existing character of the site and the attractiveness of the streetscape.

Toko Street

67. The Toko Street frontages are located in RESZ2 and are comprised of two separate sites (8A, 8B and 10B Toko Street, and 14 and 16 Toko Street).
68. On the Toko Street frontage of 8A and 8B Toko Street, the semi-detached building is two storied and has a residential appearance. On 14 and 16 Toko Street one building is single

⁵ Refer recommended condition 12 in Appendix 1.

⁶ Refer recommended condition 12 in Appendix 1.

storied and one is double storied, and they both have a residential appearance which is consistent with surrounding residential properties.

69. There is some parking located directly in front of both Toko Street frontages and both sites are fenced with close boarded timber fencing and some planting at the northern corner. Both sites have some landscaping on the building frontage.
70. Again, a condition of consent is recommended that the landscaping is retained and that the site is well maintained in accordance with the SMP⁷.

Boundaries with neighbouring properties

71. Each of the sites contain either concrete walls or fencing along the side boundaries with neighbouring properties. This fencing separates the activities on adjacent sites, and therefore it is recommended these are retained⁸.
72. The owner of 20 Toko Street which adjoins the southern boundary of the larger site has submitted on this application. Their submission is in support of the application, and includes no recommendations, nor relief sought.

Conclusion

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

Internal Effects

Length of stay

74. One of the key differences between motel guests and CEH 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.
75. 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.
76. 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.

⁷ Refer recommended condition 12 in Appendix 1.

⁸ Refer recommended condition 14 in Appendix 1.

Outdoor living space

77. In both COMZ4⁹ and RESZ2¹⁰ residential units must have an outdoor living space that is at least 20m² and a minimum depth of 3m at ground level. This space may be grouped communally by area in one communally accessible location. There is one objective and policy in the District Plan for the COMZ4 Zone that addresses outdoor living space, and several objectives and policies in the District Plan for the RESZ2 Zone that require or encourage outdoor living space. These objectives and policies are addressed further in the section 104(1)(b) assessment of this report.
78. There is a large shared open space on the south-western corner of 14-16 Toko Street, as well as a separate shared pool and associated area. Both of these areas are fenced.
79. Within the larger site, the units 1-6, 12-15, 22 and 23 appear to have no direct outdoor space where a door can be left open to a grassed area, however the units 7-11, 16-21 do have some access to outdoor space. Within this site, there is a shared open space with play equipment and a games / pool room with a BBQ area, across the carpark.
80. Within the smaller site, all three units have direct access to outdoor space.

Suitability for children

81. 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.
82. Mr Peacocke has rated units 1-6, 12-15, 22 and 23 as "low" for children three to seven years old, and "unacceptable" for children zero to three years old. Mr Peacocke has rated units 7-11, 16-21 as "high" for children zero to three and three to seven years old. Mr Peacocke has rated all units "moderate" for the eight to 12, and 13 to 18 year old age groups, in consideration of the access available to shared facilities available on the sites.
83. Overall, 14 of the 26 units are considered suitable for families with children, while 12 of the units are not suitable for all age groups.
84. It is recommended that a condition¹¹ be imposed so that CEH occupants with children occupy only those 14 units that have direct access to outdoor space.
85. It is acknowledged that a similar condition was recommended in the Section 42A report for the current consent (RC17889) but was not imposed by the Panel in the 2022 hearing. However, it is considered appropriate to recommend this condition again for this 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 and RESZ2 Zones has greater focus on providing healthy, safe and quality living environments as a result of amendments to the District Plan made by Plan Change 9.

⁹ COMZ-S5.

¹⁰ RESZ-S6A.

¹¹ Refer recommended condition 7 in Appendix 1.

86. 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.
87. It is also recommended that a condition¹² be imposed to ensure the shared landscaped area is retained in a suitable condition for recreational use by residents.

Occupancy Rate

88. The Applicant seeks a total maximum 80 occupants over the various sized 26 units, but notes that under the existing CEH consent the actual occupancy has not exceeded 55. Based on the numbers of units and occupants, this averages 3.1 people per unit.
89. A number of submitters have raised concerns that the motels are not fit for purpose or are 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”*.¹³
90. 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 overcrowding.¹⁴ Applied to the site, the proposed occupancy rates may result in crowding.¹⁵ To avoid crowding, there would generally need to be a limit of two people per bedroom.
91. It is 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 families are allocated a unit that best suits their needs, will triage families into units that appropriately suit their family size to avoid crowding.
92. 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

93. Overall, the sites provide reasonable on-site outdoor space for occupants through both private outdoor space, shared outdoor space and communal facilities (games room, pool and a BBQ area). However, some of the units are not appropriate for children. The conditions

¹² Refer recommended condition 13 in Appendix 1.

¹³ 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.

¹⁴ Stats NZ (2012) *Finding the crowding index that works best for New Zealand* Retrieved from www.stats.govt.nz.

¹⁵ As defined by Statistics NZ.

recommended above will reduce long-term negative impacts on children (in relation to play). Overall, with the adoption of the above recommendations, internal design-related effects are considered acceptable.

TRANSPORTATION EFFECTS

Parking and Access

94. The site has two existing vehicle crossings onto Fenton Street (one servicing the manager's garage and the other servicing the main site area). Separate vehicle access is located at the Toko Street frontage servicing the units at 16 Toko Street. A wooden gate is located at this entrance so vehicles cannot drive through the site. There are 26 carparks provided on-site (approximately one per unit), as well as one accessible park.
95. The units at 8A, 8B and 10B have two separate vehicle crossings onto Toko Street and each have carparking provided directly in front of the units.
96. Just two submissions were received on all the resource consent applications which related to transportation matters.
97. The submission by Restore Rotorua identified traffic safety effects particularly where there are no pedestrian crossings, which is considered relevant to RotoVegas Motel. They noted that the applications did not contain traffic safety assessments and that there was insufficient information on this matter.
98. A submission by a local resident of Toko Street identified parking issues amongst several points in opposition of the application. No further elaboration was provided in the submission.
99. During my site visit, a number of the carparks available on site were empty. It was observed that several vehicles were parked on the berm on Toko Street, however this cannot be directly associated with the proposal.
100. Parking on berms is managed through Council Bylaws.¹⁶ Overall, this appears to be a wider parking issue (particularly with the education facility located directly across the road). Furthermore, it is recognised that Council is not able to set minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020¹⁷.
101. Notwithstanding the above, the existing carparks are required to comply with the District Plan standards. The application was circulated to the development engineering team within Council and no issues were raised in regard to the existing carparks or vehicle crossings.

Traffic Generation

102. With respect to traffic generation, the Applicant has noted that the traffic generation has altered from the previous motel activity 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 may travel in and out several times a day, and check in and out at different times.
103. However, the Applicant has assessed that since the use of the site as CEH, there has been no discernible traffic generation effects compared to the previous motel activity. This is not

¹⁶ Traffic Bylaw 2008.

¹⁷ Policy 11.

expected to change as a result of the continued use of the site as CEH for a further one-year period, as sought through this Application.

104. On this basis, the transportation effects associated with the proposal are assessed as acceptable.

NOISE EFFECTS

Reverse Sensitivity Effects

105. Several of the units are located near to, or immediately front on to, Fenton Street which is an Urban Primary Arterial Road under the Rotorua District Roading Hierarchy. As all buildings are existing, and due to changes in design requirements over time, it is unclear whether these have been designed to meet the acoustic insulation requirements of the District Plan for this location.
106. COMZ4 predominantly consists of existing tourist accommodation activities and residential. Directly adjoining RotoVegas Motel is Ascot on Fenton (currently used for CEH accommodation), residential activities to the west and commercial activities to the east (consisting of a liquor shop and a printing service). Due to the nature of these activities not being significant sources of noise, it is unlikely that noise at the subject site will be experienced that is higher than what is typically anticipated within a residential environment.
107. Overall, the potential for reverse sensitivity effects in relation to noise is low.

Noise from CEH

108. The Applicant has not applied to breach the relevant noise standards within the District Plan. Potential noise effects from the proposed activity may arise due to a higher number of people being on-site during the day (compared to tourists who are more likely to be out during the day), as well as an increase in children playing outside.
109. 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.

110. To the south of the site at 14-16 Toko Street the adjoining neighbour¹⁸ has submitted in support of the application and has not raised any issues in respect of noise, based on their experience with the current CEH consent operating on this site.
111. Notwithstanding this, to manage any potential noise effects, the Applicant has recommended the implementation of a SMP. The SMP will continue to result in a more restrictive and supervised environment (insofar as managing potential noise and nuisance effect) than would otherwise exist if the site would be operated as a motel.

¹⁸ 20 Toko Street.

112. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, and compliance with the noise limits of the District Plan. Furthermore, the SMP outlines that no visitors, alcohol or drugs are permitted on site, and it provides management measures regarding the de-escalation of conflict. CEH occupants must agree to these rules and sign a Rules of Stay Agreement before moving into a CEH housing unit.
113. Adherence to 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.
114. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints¹⁹.
115. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

INFRASTRUCTURE

116. No changes are proposed to the on-site reticulated servicing as part of the proposal.
117. The application was circulated to the development engineering team within Council, and they had no comments on the proposal. Considering the above, it is likely that the proposed activity any effects on infrastructure will be acceptable.

FINANCIAL CONTRIBUTIONS

118. 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.

119. 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.
120. 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.
121. 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.

CONCLUSION

122. 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

123. An assessment against the broad objectives and policies of the District Plan, as well as Plan Change 9, is provided in the Overview Report.

¹⁹ Refer recommended condition 25(i) in Appendix 1.

124. The following sections address objectives and policies before matters of a site-specific nature.

COMMERCIAL 4 ZONE

125. The following objectives and policies relate to design and appearance of buildings in the COMZ4 Zone:

Commercial Centres

- *COMZ-O1: 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.*

126. The proposed activity is consistent with the zone's 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.*

127. The proposed activity is consistent with the zone’s policy direction regarding the provision of a diversity of housing types. Likewise, maintaining the existing character of the zone is achieved by using the existing buildings and maintaining the existing landscaping.
128. Residential properties are located directly on the northern and southern boundaries of both sites. These boundaries are defined by fences and established vegetation. With principal outlook spaces and outdoor spaces orientated inwards, and established vegetation screening views into surrounding properties, privacy effects are anticipated to be managed.
129. The SMP will manage any potential noise or disturbance effects on adjacent properties. The outdoor spaces in the motel are located at the centre of the site away from residential buildings mitigating noise.
130. A recommended condition of consent would require the operators of the site to maintain the boundary vegetation and manage any adverse noise or disturbance effects through the SMP.
131. The efficient functioning of the transport network will be maintained through amendments to the SMP to communicate with visitors where to park their vehicles.
132. 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.
133. However, the evidence of Mr Peacocke has identified that the site rates between “high” to “inappropriate” for different units and different age groups, in terms of the outdoor and play space available for children. As such, it is considered that some of the units are not appropriate for certain age groups, and as such new occupancies should be managed so that occupants have suitable outdoor living space, in particular consideration of children’s play space needs.

Reverse Sensitivity

- *COMZ-05: 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.*
134. The proposal is unlikely to give rise to reverse sensitivity effects on surrounding residential 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.
135. Directly adjoining RotoVegas Motel is Ascot on Fenton Motel (currently also used for CEH accommodation), residential activities to the north, south and west, and commercial activities to the east (consisting of a liquor shop and a printing service). Due to the nature of these activities not being significant sources of noise, it is unlikely that noise experienced at the subject site will be higher than what is typically anticipated within a residential environment.

RESIDENTIAL 2 ZONE

136. The following objectives and policies relate to design and appearance of buildings in the RESZ2 Zone:

- *RESZ-O8: Land that has good accessibility by existing or planned active or public transport to a range of commercial activities, public open space and community services, is efficiently used for high density urban living that increases housing supply and choice.*
- *RESZ-O9: Development contributes to the creation of neighbourhoods with an overall high density residential urban built character, comprising residential buildings in a variety of forms and including six storeys, integrated with on-site landscaped areas.*
- *RESZ-O10: Development contributes to attractive and safe streets and open spaces.*
- *RESZ-O11: Development provides healthy, safe, and quality living environments that contribute to the well-being of residents, within the context of a high density residential environment.*
- *RESZ-O12: Development is supported by adequate infrastructure.*
- *RESZ-P10: Enable a variety of housing typologies with a mix of densities within the zone, including attached and detached dwellings, rest homes and apartments.*
- *RESZ-P11: Achieve the planned high density residential urban built character by:*
 1. *Enabling a variety of housing types and sizes, including 6-storey buildings;*
 2. *Encouraging development to provide a quality edge to the street through building design and orientation, setbacks, low or visually permeable fencing, and landscaping; and*
 3. *Providing opportunities for space around buildings and on-site landscaping.*
- *RESZ-P12: Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.*
- *RESZ-P13: Enable housing to be designed to meet the day-to-day needs of residents.*
- *RESZ-P14: Require development to achieve quality living environments for residents by providing:*
 1. *Private open space that has access to sunlight;*
 2. *A reasonable level of visual privacy and outlook;*
 3. *Opportunities for on-site landscaping;*
 4. *Safe and convenient pedestrian access to residential units from the street.*
- *RESZ-P15: Manage the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned high density residential urban built character, including by:*

1. *Setting buildings back from site and rear boundaries;*
 2. *Managing the effects of the length of buildings along side and rear boundaries;*
 3. *Providing opportunities for sunlight access to adjoining sites;*
 4. *Encouraging the use of other design techniques such as building recesses, varied architectural treatment and landscaping along side and rear boundaries.*
- *RESZ-P17: For proposals of four or more residential units, provide adequate storage for cycles on site.*
137. The proposed activity is consistent with the RESZ2's policy direction of efficiently using land that has good access to public transport, commercial activities, public open spaces and community services, which provides for housing supply and choice.
 138. The proposed activity is consistent with the RESZ2's policy direction regarding the provision of a variety of housing forms and housing typologies, integrated with on-site landscaped areas.
 139. Likewise, maintaining the existing character of the RESZ2, and attractive and safe streets and open spaces is achieved by using the existing buildings and maintaining the existing landscaping.
 140. The proposed activity is not considered consistent with the RESZ2's policy direction regarding the provision of quality living environments for residents, and meeting the day to day needs of residents, specifically as some of the units have been identified as not having any directly accessible outdoor space. These units have also been identified as inappropriate for children of specific age groups. As such, conditions of consent are recommended to manage these effects to a level that is acceptable.
 141. The SMP will manage any potential noise or disturbance effects on adjacent properties. The outdoor spaces in the motel are located at the centre of the site away from residential buildings mitigating noise.
 142. A recommended condition of consent would require the operators of the site to maintain the boundary vegetation and manage any adverse noise or disturbance effects through the SMP.
 143. The efficient functioning of the transport network will be maintained through amendments to the SMP to communicate with visitors where to park their vehicles.
 144. While there is not specific provision for cycle parking, some of the units have space for cycles to be kept safe within their unit area.

Reverse Sensitivity

145. The following objectives and policies relate to reverse sensitivity in the RESZ2 Zone:
 - *RESZ-O22: Residential property design and development that ensures reverse sensitivity effects on network utilities and other infrastructure do not occur.*
 - *RESZ-O23: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
 - *RESZ-P40: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*
146. The proposal is unlikely to give rise to reverse sensitivity effects on surrounding

residential 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.

147. Directly adjoining RotoVegas Motel is Ascot on Fenton Motel (currently also used for CEH accommodation), residential activities to the north, south and west, and commercial activities to the east (consisting of a liquor shop and a printing service). Due to the nature of these activities not being significant sources of noise, it is unlikely that noise experienced at the subject site will be higher than what is typically anticipated within a residential environment.

NOISE

148. The following objectives and policies are applicable in regard to noise:

- *NOISE-O1: A noise environment consistent with the character and amenity expected for the zone.*
- *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.*
- *NOISE-P9: Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to major infrastructure are appropriately insulated.*

149. Noise levels generated from the proposed activity will be managed through the proposed conditions of consent and through the SMP. As outlined above, the potential for reverse sensitivity effects is low.

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.*

150. The application is not anticipated to put additional pressure on infrastructure, given no changes are proposed.

Transport

151. The following objectives and policies are applicable in regard to 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.*

152. The site has existing vehicle crossings and parking areas that allow for on-site manoeuvring. Any potential increase in traffic in the immediate transport network from support services is anticipated to be negligible considering the high traffic volumes currently on Fenton Street.
153. Overall, the proposed activity will enable the continued operation, efficiency and sustainability of the transport network.

Conclusion

154. 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 Commercial and Residential Zones 'design and appearance of buildings' objectives and policies can be mitigated in part by the implementation of additional consent conditions.

CONCLUSION

155. A conclusion on the actual and potential effects on the environment is provided at paragraph 122. This determines that the adverse effects of the activity on the environment of a site-specific nature will be acceptable, with the adoption of the recommended conditions.
156. A conclusion against the objectives and policies of the District Plan is provided at paragraph 154. 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

157. 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 LU24-010192, the response to the request for further information, dated 3 September 2024 and Site Plans entitled “8A, 8B and 10B Toko Street ... RotoVegas Motel, Rotorua Motels – Emergency Accommodation”, sheet 1 of 1, dated 21/02/2023 and “249-251 Fenton Street and 14-16 Toko Street ... RotoVegas Motel, 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 80 occupants shall be permitted to reside within the 27 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 six months and three years may reside in Units 1-6, 12-15, 22 or 23.
8. Condition 7 only applies to incoming occupants entering the specified units on or after 15 December 2024. Occupants already residing in the specified units with children between six months and three years 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

9. 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 in Units 1-6, 12-15, 22 or 23; and
 - 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;
10. The information listed in Condition 9 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.
11. 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 16 (Play Areas)
 - d. Details of how compliance is achieved in respect of Condition 21 (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

12. The existing landscaping (trees and other vegetation) along all boundaries of the site shall be retained for the duration of the consent.
13. 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.
14. 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.
15. The landscaping outlined in Condition 12 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

16. 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.*

Motel Signage and Advertising

17. 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. "RotoVegas Motel" can remain on display.*
18. 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

19. Any storage of household effects of contracted emergency housing occupants shall be provided inside existing buildings, including verandahs and porch areas, on the site.
20. Waste storage shall continue to be screened from the road frontage or residential properties.

Streetscape Amenity

21. The Consent Holder shall undertake:
 - a. Daily tidying of the subject site and immediately adjacent street berm to ensure the site contributes to an attractive streetscape;
 - b. Daily removal of rubbish and graffiti from the subject site and street berms in front of the subject site; and
 - c. 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 24.

On-site Management

22. 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.
23. No dogs shall be kept on site by CEH occupants other than disability assist dogs under the Dog Control Act 1996.
24. 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.

25. The SMP required by Condition 24 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 21;
 - 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)

26. 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 26 (above) is limited to CEH, this does not prevent a broader discussion about emergency housing generally.*
27. 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 27 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. The CLG shall be a single entity common to all CEH consents.*
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 27 may be achieved through other means such as a modified Rotorua Housing Taskforce or other Rotorua emergency housing liaison group.*

Monitoring Fee

28. 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

29. 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.*