
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:	GENEVA MOTOR LODGE C/- EDITH YAN
ADDRESS:	299 FENTON STREET, ROTORUA
RESOURCE CONSENT NUMBER:	LU24-010189
LEGAL DESCRIPTION:	LOT 108 DP 15716 AND LOT 2 DPS 68941
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 Geneva Motel buildings for contracted emergency housing (**CEH**) accommodation for a period of one year from the expiry of the existing resource consent (**RC17891**) 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. RC17891 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 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(1) of the Operative Rotorua District Plan (**District Plan**) as the activity is not expressly provided for.

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 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 report 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 site has frontage to both Fenton Street and Robertson Street. It is comprised of one Record of Title (made up of two parcels) and is entirely located within the Commercial 4 Zone (**COMZ4**) of the District Plan. These details are set out below and shown in Figure 1.

District Plan Zone	Legal Description	Area (m ²)
COMZ4	LOT 2 DPS 68941 AND LOT 108 DP 15716	1,529
Total		1,529



Figure 1 – District Plan zones with the subject site outlined in red. The yellow is Residential 2 (RESZ2), the purple is COMZ4 and the green is Community Assets (CAZ).

18. Vehicular entrance and exit to the site are via Fenton Street, which is classified as an Urban Major Arterial Road. A separate exit is provided on Robertson Street, which is classified as a Local Road.
19. The Applicant gives the following description of the site and motel in Section 4.1 of the application:

Geneva Motor Lodge motel is a corner site, consisting of the large three-storey L-shaped building. The existing motel will continue to utilise the vehicle entrances to Fenton Street and Robertson Street. The existing buildings on-site, include residential units located on the ground floor (units 1 to 8) and upper levels (units 9 to 14).

The subject site contains 14 motel units within Lot 108 DP 15716. The existing buildings within the site are dedicated to the current CEH activity. The site provides for a maximum of 41 occupants.

Lot 2 DPS 68941 contains the manager unit, guest laundry and motel kitchen facilities. The site contains private open spaces along the south and southwest corner of the motel units.

There are 14 on-site carparks located at ground floor level, including accessible parking. A covered entry area provides sheltered access to the building that contains the security area and manager unit.

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 February 2019.

Surrounding Area

21. The immediate surrounding environment is a mix of residential, tourist accommodation, emergency housing and community land uses. On the opposite side of Fenton Street is the Arawa Park Racecourse, a church, tourist accommodation and another CEH site.¹
22. On the opposite side of Robertson Street is a CEH site.² To the south of the site is the Shri Swaminarayan Mandir Temple and more tourist accommodation. The remainder of the surrounding area is residential. To the north of the site is the Rotorua city centre.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, orange – tourist accommodation, yellow – residential, pink – other CEH sites)

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, approximately 700m away.
24. The nearest schools are the Seventh-day Adventist School approximately 270m south of the site, St Mary's Catholic School approximately 650m west of the site and Glenholme Primary School approximately 650m to the west. The Tree House on Ranolf Childcare Centre is also 650m away.

¹ Emerald Spa Hotel. The CEH consent for this site will expire on 15 December 2024, after which it will revert to tourist accommodation.

² Midway Hotel. The CEH consent for this site will expire on 15 December 2024, after which it will revert to tourist accommodation.

25. There is a church on the opposite side of Fenton Street, as well as the Seventh-Day Adventist Church approximately 260m to the south of the site.
26. The nearest reserves are Marist Saint Michaels Reserve (950m to the north) and Murray Linton Rose Gardens (800m to the south).
27. Overall, due to the site being located at the southern end of Fenton Street, the majority of local amenities and reserves are further than a 10-minute walking distance.

RECORD OF TITLE REVIEW

28. The interests contained on the Record 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
SA55B/372	LOT 108 DP 15716 and LOT 2 DPS 68941	<ul style="list-style-type: none"> • Subject to Section 241 Resource Management Act 1991³ • Lease agreements⁴

CONSENT HISTORY

Existing Consents

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

Reference number	Date of issue	Details
RC6594056	July 1994	Subdivision
RC1994143	October 1994	Land use – Motel development exceeding daylight and boundary restrictions
RC4290	November 1994	Signage
RC1994164	December 1994	Land use – double sided signage within boundary
RC17891 (Existing CEH Consent)	15 December 2022	Resource consent to use the existing site and motel buildings for CEH

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

32. An application for the existing CEH consent for Geneva Motor Lodge, RC17891, was lodged on 20 December 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

³ This refers to the amalgamation of allotments.

⁴ A copy of the lease agreement was not provided through the resource consent application process. Notwithstanding, this is seen as a private property matter, and any implication in terms of the CEH proposal sits with the landowner and the leaseholder.

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 of December 2022. The 13 consents will expire on 15 December 2024.

33. Compliance monitoring of consent conditions has been undertaken by Council officers on 29 August 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.
34. At the time of the Council officers' site visit it was identified by the Council officers that the conditions of consent appeared to be complied with. It was recorded under Condition 7 of RC17891 that there have been several police callouts to this site. Six callouts were recorded between 16 December 2022 and 16 June 2023; however, it was unclear how many callouts were recorded between 17 June 2023 and 16 December 2023. The evidence of Ms Barry sets out in detail the compliance history of this site.
35. Additional site visits have been undertaken by Council officers for this site. This involved off-site visual inspections from the roadside for the purpose of monitoring amenity conditions.

PROPOSAL DESCRIPTION

36. 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 for RC17891 on 15 December 2024, extending the use of the site as CEH through to 15 December 2025.
37. 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.
38. The CEH will be managed in accordance with the existing Site Management Plan (**SMP**) prepared for the site, as required by Condition 21 of RC17891. A copy of the existing SMP has been provided with the Application.
39. The application is for a maximum of 41 occupants (excluding staff) accommodated in 14 units. This maximum occupancy represents no change from the existing maximum occupants of the CEH as it currently operates. Full-time management and supervision will be provided, with managers accommodation located on-site.
40. On-site support services will be provided by "Emerge Aotearoa" (**Emerge**), as the service provider. Emerge is 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
 - Providing on-site 24/7 security.`

41. 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

42. 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 RC17891. MHUD has exited three of the 13 CEH motels originally granted consent in December 2022.
43. 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.*
44. 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.
45. 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 showing number of units, carparking, managers unit/office and children’s play area.

ACTIVITY STATUS

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

NOTIFICATION AND SUBMISSIONS

Notification Process

48. 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

49. Following the close of submissions, 176 submissions were received across all seven notified CEH applications from 37 submitters. 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.
50. There were three submitters that only submitted on Geneva Motor Lodge, and one person who submitted on Geneva Motor Lodge and two of the surrounding motels (Ascot on Fenton and RotoVegas Motel). These submissions are summarised below.⁵

Submitter Name / no.	Oppose / Support	Wish to be heard	Submitted on other applications	Submission Summary
Donald William Paterson	Oppose	Yes	LU24-010188 LU24-010192	<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

⁵ It is recognised that the majority of people submitted on all applications and while these general submissions were not directed specifically to Geneva Motor Lodge, they are still applicable to this application. Therefore, the Section 104 assessment addresses comments both specific to Geneva Motor Lodge, but also general themes across all sites.

				declined and are returned to be used as motels.
Taurua Grant	Oppose	Yes	No	<u>Resident in Glenholme</u> <ul style="list-style-type: none"> • Have had to deal with the situation for too long, community goodwill has been overstretched. • Emergency housing has had a detrimental effect on the Glenholme community. • Further impacts in Glenholme due to increased state housing being built there.
Leila Constantino	Oppose	No	No	<u>Resident on Robertson Street</u> <ul style="list-style-type: none"> • The use of the site as CEH will result in increased crime rates and jeopardise the safety of the neighbourhood. • It will affect tourism in Rotorua as people will not want to visit knowing the situation. • With increased Council rates, ratepayers deserve to live in a safe environment. • Values of properties in the neighbourhood will drop.
Wayne Bacon	Oppose	No	No	<u>Resident on Robertson Street</u> <ul style="list-style-type: none"> • Can only see more crime evaluating from the decision. • Considers the amount of emergency housing already in Rotorua and the ongoing problems already present.

SECTION 104 ASSESSMENT

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

51. 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
52. It is noted that many of the site-specific submitters also 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 social, and economic effects of all applications is addressed in the Overview Report and statements of evidence.

CHARACTER AND DESIGN-RELATED EFFECTS

53. The site is located in COMZ4. 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.

54. Generally, the District Plan refers to amenity in the context of the "design and appearance of buildings" (refer to COMZ-12).
55. 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

56. The subject site has frontage to Fenton Street and Robertson Street. The Fenton Street frontage is characterised by the existing motel buildings, signage and landscaping (including hedging and trees).
57. The Robertson Street frontage is located within COMZ4, however the remainder of Robertson Street to the west is located within the High Density Residential Zone (RESZ2). The frontage consists of hedging and a gate across the vehicle crossing. The buildings at this frontage are one/two storey and the character is consistent with surrounding residential properties.
58. These aspects of the site form part of the existing environment. With the exception of the removal of motel signage, the streetscape characteristics of the site have not changed since the site operated as tourist accommodation. There are no physical changes proposed by the Applicant. The buildings were constructed for tourist accommodation activities and the design, appearance and scale are consistent with the character anticipated by COMZ4.
59. Several submitters have described adverse external amenity effects in relation to Fenton Street. Typically, this related to an increase in rubbish, graffiti, and shopping trolleys. Two submitters described an increase in crime as a result of the subject site being used as CEH and expressed concern over the safety of the neighbourhood. The matters of crime and safety have been addressed in the Overview Report and the statement of evidence by Ms Foy.
60. The site was visited on 8 August 2024. The site appeared generally tidy and there was no sign of rubbish, graffiti, or shopping trolleys. Condition 13 under RC17891 requiring motel signage to be removed or covered had been complied with.
61. To ensure the site is 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.

62. In addition to the SMP, it is recommended to include a condition of consent requiring the existing planting (including hedging and trees) and fencing be maintained and replaced where necessary⁶.
63. Adoption of the above recommendations would maintain the attractiveness of the streetscape and adequately screen the activity from neighbouring residential properties.

Conclusion

64. Provided the existing external boundary treatments and landscaping features along the boundaries of the site (established vegetation and fencing) are maintained, character and design-related effects of the proposal on the environment are assessed as acceptable if mitigated by recommended conditions of consent, and consistent with the character and amenity outcomes anticipated by the District Plan in each zone. Adherence to the SMP will also manage any amenity effects relating to the upkeep of the property.

Internal Effects

Length of stay

65. 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.
66. 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.
67. 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

68. The Applicant provides the following statement with regard to outdoor living space:

Onsite outdoor open space is not a strong feature of the site’s existing built environment, and physical changes are not proposed in this regard. Eight of the 14 units have access to a courtyard / outdoor space, which is accessed to the rear of each of these units (see Appendix 2 for the Site Plan).

⁶ Refer recommended condition 12 in Appendix 1.

69. In COMZ4, household units are required to provide a private outdoor living space with a minimum area of 20m² and a minimum depth of 3m⁷. 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. These are addressed further in the section 104(1)(b) assessment of this report.
70. Overall, the site does not comply with the District Plan standards for outdoor living due to the limited outdoor living space. The site is not a new building and is therefore limited to what is already existing on-site in terms of private living space.
71. The ground floor units contain a small private courtyard area, but the upper floor units do not contain any outdoor living space. There are no shared outdoor spaces available on-site. Furthermore, most of the local reserves are further than a 10-minute walking distance from the site. The primary mitigating factor is therefore the temporary nature of the CEH activity.

Suitability for children

72. 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.
73. Mr Peacocke has assessed the site as "unacceptable" for children between the age of six months and seven years in the upper floor units, as there is no safe outdoor space for play. If placed within one of the ground floor units, this would lift the rating to "moderate" for children between the age of six months and three years, and "low" for children between the age of three to seven years. The private outdoor space associated with these units is still relatively small and there is no additional outdoor space on site.
74. Mr Peacocke has assessed the site as "low" for children between the age of eight and 18. Children within these age groups need more outdoor space and this is not highly accessible. The nearest reserve is Murray Linton Park which is over 800m away. While the "low" rating indicates that the outdoor living space is not ideal for children in these age brackets, it is nonetheless acceptable in terms of Mr Peacocke's rating system.
75. 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. Taking this into consideration, alongside the evidence of Mr Peacocke, a condition of consent is recommended that children between the age of six months to seven years cannot reside in the upper floor units⁸.
76. It is acknowledged a similar consent condition was recommended in the Section 42A report for the current consent (RC17891), but that it was not imposed by the Panel in the 2022 hearing. However, it is considered appropriate to recommend this condition 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 to the District Plan made by Plan Change 9.

⁷ COMZ-S5.

⁸ Refer recommended condition 7 in Appendix 1.

77. 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 and age restrictions.

Occupancy rate

78. The Applicant proposes 41 (maximum) occupants within 14 units (excluding staff and children under the age of 18 months). This is an average of 2.9 people per unit, excluding any tamariki under 18 months older.
79. 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 41 people.
80. 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”*⁹.
81. 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 crowding¹⁰. Applied to the subject site, the proposed occupancy rates would result in crowding¹¹. To avoid crowding, there would generally need to be a limit of two people per bedroom.
82. 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.
83. Regarding the enforcement of the maximum capacity limit, the Applicant has offered as a condition of consent to maintain a record of total occupancy numbers.

Conclusion

84. The policy direction for the COMZ4 Zone is very clear that residential units are to be provided with healthy, safe and quality living environments that contribute to people’s well-being. Overall, the site does not provide a high level of internal amenity due to the limited amount of private and shared outdoor living space.
85. It is however recognised that the motel units are a temporary accommodation solution for families and individuals who do not have alternative accommodation options. Mitigating

⁹ 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.

¹⁰ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz.

¹¹ As defined by Statistics NZ.

factors relate to the short-term nature of the activity and adoption of the recommended consent conditions.

86. Overall, with the adoption of the above recommendations, internal effects are considered acceptable.

TRANSPORTATION EFFECTS

Parking and Access

87. The site has an existing vehicle crossing onto Fenton Street and a separate vehicle access onto Robertson Street. There are 14 carparks provided on site (one per unit), as well as one accessible park. The layout of the existing vehicle access and parking is such that all vehicles can turn on-site and exit the site in a forward-facing direction.
88. There are no changes proposed to the existing carparking arrangement within the site. No specific visitor parking is provided. Notwithstanding this, the local street network has available parking at the kerbside.

Traffic Generation

89. With respect to traffic generation, the Applicant has noted that the traffic generation has altered the previous motel activity 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 may travel in and out several times a day, and check in and out at different times.
90. However, the Applicant has assessed that the use of the site as CEH has not resulted in any discernable traffic generation effects from 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 this application.
91. 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.
92. On this basis, transportation effects associated with the proposal are assessed as acceptable.

NOISE EFFECTS

Reverse Sensitivity Effects

93. The District Plan requires acoustic insulation of new sensitive activities within the Commercial Zone to mitigate potential reverse sensitivity effects of new sensitive activities on existing commercial activities. As the buildings on site are existing, it is unclear whether these have been designed to meet the acoustic insulation requirements of the District Plan.
94. COMZ4 predominantly consists of existing tourist accommodation activities and apartments. Directly adjoining the site to the south is a motel¹² and residential properties to the west.
95. Two other CEH sites are located opposite the site on both Robertson Street and Fenton Street.

¹² Baden Lodge.

These sites are due to be exited by MHUD, at which time the CEH activity will revert to tourist accommodation. These sites have therefore been assessed on the basis that they will be operating as tourist accommodation throughout the one-year duration proposed under this application.

96. 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.
97. The activities in the immediate surrounding environment that may be noisy include the church and the racecourse located on the adjacent side of Fenton Street. The church is located approximately 75m from the motel units and over a four-lane major arterial road. At this distance, it is expected that noise would be consistent with residential noise limits.
98. The racecourse is likely to be noisy when there are events on. Based on the information on the website, there may be one to two events per month. As the CEH activity is replacing another sensitive activity (tourist accommodation), reverse sensitivity effects are not expected to increase.

Noise from CEH

99. The Applicant has not applied to breach the 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.
100. The Applicant states in section 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 generation from the use of the site as a motel.
101. The Applicant proposes the implementation of an SMP to manage potential noise effects. The SMP will continue to result in a more restrictive and supervised environment (insofar as managing potential noise and nuisance effects) that would otherwise exist if the subject site would be operated as a motel.
102. 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 provides limitations around visitors, alcohol and drugs 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.
103. 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.
104. In this case, conditions of consent have been recommended to provide an 0800-telephone line

for the community to address any noise complaints¹³.

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

EFFECTS ON INFRASTRUCTURE

106. No changes are proposed to the on-site reticulated servicing as part of the proposal.
107. 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 will avoid any adverse effects on the infrastructure capacity of the district.

FINANCIAL CONTRIBUTIONS

108. 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.

109. 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.
110. 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.
111. 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

112. Overall, any actual and potential effects on the environment of a site-specific nature 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

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

COMMERCIAL 4 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 entrances to Rotorua.*

¹³ Refer recommended condition 25(i) in Appendix 1.

- *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.*

114. The proposed activity is consistent with the COMZ4 policy direction 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.
115. The site adjoins residential properties located directly on the eastern boundary. This boundary is fenced off with fencing and established vegetation. Though not all outlook spaces are oriented inward, established vegetation along the boundaries of the site screens views into surrounding properties. Given this, privacy effects are anticipated to be managed.
116. The SMP will need to manage any potential noise or disturbance effects on adjacent properties. Some units containing private outdoor spaces are located along the eastern boundary of the site which adjoins a residential property.
117. A condition of consent would require the site operators to manage any adverse noise or disturbance effects through the SMP.
118. The efficient functioning of the transport network will be maintained through amendments to the SMP to communicate with visitors where to park their vehicles.
119. 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.

120. Furthermore, in terms of outdoor and play space for children, the evidence of Mr Peacocke has identified that the site rates “unacceptable” for children six months to seven years in the upper storey units. However, the site is rated “moderate” for children six months to three years if in one of the eight ground floor units, which have a small outdoor courtyard. The site is rated “low” for children three to seven years in units on the ground floor.
121. It is recommended to impose a condition of consent that children between six months and seven years cannot reside in the upper motel units on-site.

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.*
122. The CEH activity will enable the continued efficient operation of existing development and activities. The only activities in the immediate surrounding environment that may be noisy are the church and the racecourse which are located on the adjacent side of Fenton Street. The church is located approximately 75m from the motel units and over a four-lane major arterial road, and the racecourse is likely to be noisy only when there are events on (based on the website, there may be one to two events per month). As the CEH activity is replacing another sensitive activity (tourist accommodation), reverse sensitivity effects are not expected to increase.

NOISE

123. The following objectives and policies in the District Plan 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.*
124. 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.*
125. 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.*

126. The site has existing vehicle crossings and parking areas that allow for on-site manoeuvring. On-site parking is provided for CEH occupants and visitors will be advised where to park off-site. Any potential increase in traffic in the immediate transport network is anticipated to be negligible considering the high traffic volumes currently on Fenton Street.

127. Overall, the proposed activity will enable the continued operation, efficiency, and sustainability of the transport network.

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.*

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

Conclusion

129. Overall, the proposal is generally consistent with the objectives and policies contained in the Commercial Zones chapter, the Noise chapter and the Infrastructure chapter of the District Plan.

130. However, there are several objectives and policies that require and encourage household units to provide outdoor space; in relation to design and appearance of buildings and character of the COMZ4 Zone. As the proposal does not provide any outdoor space in relation to a number of the units, it is inconsistent with these objectives and policies. Conditions of consent have been proposed to manage the effects in this regard.

CONCLUSION

131. A conclusion on the actual and potential effects on the environment is provided at paragraph 112. 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.

132. A conclusion against the objectives and policies of the District Plan is provided at paragraphs 129-130. Whilst there is inconsistency with some policies, on balance (and with the imposition of additional conditions) the proposal is not contrary to the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

133. 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 LU24-010189, the response to the request for further information, dated 3 September 2024 and Site Plan entitled “299 Fenton Street ... Geneva Motor Lodge, 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 41 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 six months and seven years may reside in a second-floor unit (Units 9 – 14).
 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 seven 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 on-site; 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 (including the trampoline) 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. "Geneva Motor Lodge" 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.*