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## ROTORUA DISTRICT COUNCIL

**REPORT TO:** David Hill (Independent Hearing Commissioner)

**DATE:** 8 October 2024

**FROM:** Sean Grace (Consultant Planner)

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### SECTION 42A – COUNCIL OFFICERS REPORT

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**NOTIFIED APPLICATION TO:**

USE THE EXISTING SITE AND BUILDINGS FOR CONTRACTED EMERGENCY HOUSING.

<b>APPLICANT:</b>	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
<b>APPLICANTS AGENT:</b>	THE PROPERTY GROUP C/- ANGELA JONES
<b>OPERATOR / CONSENT HOLDER:</b>	LAKE ROTORUA HOTEL C/- RONNIE RONALDE (CONSENT HOLDER) AND MILANI HERATH (OPERATOR)
<b>ADDRESS:</b>	131 LAKE ROAD, ROTORUA
<b>RESOURCE CONSENT NUMBER:</b>	LU24-010190
<b>LEGAL DESCRIPTION:</b>	SECTION 6 SO 470563 SECTION 8 SO 470563 SECTION 10 SO 470563 TE MIRINGA 2C BLOCK
<b>APPLICATION STATUS:</b>	NON-COMPLYING ACTIVITY
<b>ZONE AND DISTRICT PLAN OVERLAYS:</b>	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION RESIDENTIAL 1 – MEDIUM DENSITY RESIDENTIAL ZONE
<b>REPORT:</b>	SECTION 42A – COUNCIL OFFICERS REPORT
<b>NOTIFIED:</b>	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 Lake Rotorua Hotel buildings for contracted emergency housing (**CEH**) accommodation for a period of one year from the expiry of the existing resource consent (**RC17647**) 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. RC17647 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, four submissions were specific to the subject site. The majority of submissions covered general matters across all seven CEH application sites. These general matters are covered in the Section 42A Overview Report (**Overview Report**).
7. The proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1 of the Operative Rotorua District Plan (**District Plan**) as the activity is not expressly provided for in the District Plan.
8. In my opinion, resource consent can be granted subject to the recommended conditions of consent contained in Appendix 1 of this report.

## REPORT STATUS

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

## REPORTING OFFICER

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

## THE SITE AND SURROUNDING ENVIRONMENT

### Site Description

16. I undertook a site visit on 8 August 2024.

17. The site is rectangular in shape and has frontage on both Lake Road and Bennetts Road. It is comprised of four Records of Title, three of which are in the Commercial Zone (**COMZ4**) and one in the Residential 1 Zone (**RESZ1**). These details are set out below and shown in Figure 1.

District Plan Zone	Legal Description	Area (m <sup>2</sup> )
RESZ1	TE MIRINGA 2C BLOCK	2,099
COMZ4	Section 6 SO 470563	1,289
	Section 8 SO 470563	1,303
	Section 10 SO 470563	1,300
<b>Total</b>		<b>5,991</b>



Figure 1 – District Plan zones with the subject site outlined in red. The light yellow is RESZ1, the purple is COMZ4.

18. Vehicular entrance and exit to the site is available via Lake Road and Bennetts Road, however the crossing onto Lake Road is currently closed. Lake Road is classified as an Urban Primary Arterial Road.

19. The Applicant gives the following description of the site and motel in Section 4.1 of the application:

*The site is occupied by Lake Rotorua Hotel which has its main entrance and managers unit located in the site's south-western corner. With the exception of the Manager's house, the existing buildings on the site are all single storied and surround an internal parking space and courtyard/outdoor pool.*

*The site has its main entrance and exit from Lake Road, there are also two entrances from Bennetts Road; although these are not open for general access. The entrance in the northwest corner of the site has restricted access for servicing vehicles associated with management of the site and activity (e.g. waste trucks, laundry vehicles, etc). No other access is provided on the Bennetts Road frontage.*

*The site also includes the long strip of land to the north-east of the site at 5 Bennetts Road (Te Miringa 2C Block). This long block of land does not contain any buildings, but as noted above, continues to provide a secondary service entrance to the site from Bennetts Road. This area contains a rubbish storage area whereby the existing screening measures have been retained. This large vacant portion of the site can also be used as a wider open space area – being particularly suitable for families with children. This area provides a physical “buffer” between the hotel site and residential properties to the north.*

*The existing buildings within the site are dedicated to the current CEH activity. The site has a total of 38 hotel units and provides for a maximum of 105 occupants. There is also a separate manager's residence that adjoins the communal spaces such as laundry, and conference/kitchen facilities.*

*The site has plentiful onsite carparking, with further parking available in the adjacent vacant land parcel, which also forms part of the subject site.*

*The sites eastern boundary (adjoining 127A-127C Lake Road) is occupied by the existing vegetation and fencing. There is also mature vegetation on the site's Bennetts Road frontage, and on the site boundary adjoining 9A and 9B Bennetts Road.*

20. The motel has been in use as MHUD CEH since 1 July 2021.

## **Surrounding Area**

21. The immediate surrounding environment includes residential properties to the north, north-east, and south-east of the site. A tourist accommodation facility (Clevedon Thermal Motel) is located to the south-east of the subject site. To the south of the site, on the opposite side of Lake Road, there are various commercial activities (all within the Industrial 1E Zone). Figure 2 demonstrates the locations of these activities in relation to the subject site.

22. In the wider context, land use along Lake Road is a mix of residential, commercial, tourist accommodation, with commercial being the pre-dominant use west of the site, and residential and tourist accommodation the pre-dominant use to the east of the site towards the Rotorua CBD. To the north of the site, residential activities are the predominant land use. Commercial and industrial activities are mostly to the south of the subject site.



Figure 2 - Activities within the immediate surrounding environment (red – subject site, orange – tourist accommodation, yellow – residential activities, green – commercial activities)

### Local Amenities and Social Infrastructure

23. A local fruit and vegetable shop and local grocery shops are located opposite the site on Lake Road. The nearest doctor, Kuirau Medical Centre, is located approximately 500m away from the subject site. There are several churches located along Biak Street within approximately 1km walking distance from the subject site.
24. Karenga Park Reserve is located 200m north of the subject site. The park contains recreational fields, basketball courts and a skatepark.
25. Rotorua Primary School is located approximately 1.5km walking distance from the subject site. The nearest intermediate school, Kaitao Intermediate School, is located 1.8km from the site. Four high schools are within 4km of the subject site, Rotorua Boys' High School, Rotorua Girls' High School, Western Heights High School and John Paul College. There is a pre-school located approximately 600m walking distance away on Tarewa Road.

## RECORD OF TITLE REVIEW

26. 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
682036	Section 6 Survey Office Plan 470563	Certificate pursuant to Section 643(2) Local Government Act 1974
682037	Section 8 Survey Office Plan 470563	Certificate pursuant to Section 643(2) Local Government Act 1974
682038	Section 10 Survey Office Plan 470563	Certificate pursuant to Section 643(2) Local Government Act 1974
SA38B/210	Te Miringa 2C Block	Certificate pursuant to Section 643(2) Local Government Act 1974

27. The Records of Title refer to “H751132 Certificate pursuant to Section 643(2) Local Government Act 1974” which relates to a repealed statute regarding the construction of a building on two or more allotments.

## CONSENT HISTORY

### Existing Consents

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

Reference number	Date of issue	Details
Unknown	26 August 1987	Establishment and construction of motel (26 units within 5.0m of common boundary)
Unknown	6 November 1987	Motel – with conditions relating to carpark and fence
RC310	25 July 1988	Sign application – double sided sign
RC14106	2 September 2011	Land use for selling alcohol in motel restaurant and in mini-bars in motel rooms
RC17647 (Existing CEH Consent)	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. The existing CEH consent for Lake Rotorua Hotel, RC17647, was lodged on 21 August 2021. The application was publicly notified jointly with 11 other applications for other sites in Rotorua. A 13th site was publicly notified separately. Overall, 3,841 submissions were received from 350 submitters on all 13 applications. A joint hearing was opened on 18 October 2022, and closed

on 25 November 2022. Consent was granted for all 13 sites on 15 December 2022. The 13 consents will expire on the 15 December 2024.

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 RC17647 that there has been total of three police callouts to this site. Two callouts were recorded between 16 December 2022 and 16 June 2023, and one callout was recorded between 17 June and 16 December 2023. The evidence of Ms Barry sets out in detail the compliance history of this 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 RC17647 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 restaurant and conference room will remain closed to the public, and the northern Bennetts Street vehicle entrance will remain closed (except for service vehicles).
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 RC17647. A copy of the existing SMP has been provided with the application.
37. The application is for a maximum of 105 occupants (excluding staff) across 38 motel units. This occupancy rate represents no change from the existing maximum occupancy of the CEH as it currently operates. Full-time management and supervision will be provided, with managers accommodation located onsite.
38. Further, the Applicant has also identified that two units are used by the service provider as a meeting/workspace<sup>1</sup>. It is assumed that these units will be needed on an ongoing basis by the service provider to undertake its "24/7" on-site support services. This reduces the available number of units for use by CEH occupants from 38 to 36 (within 32 one-bedroom units and four two-bedroom units).
39. On-site support services will be provided by "Visions of a Helping Hand" (**Visions**), as the service of provider. Visions is responsible for organising support services that are available to CEH occupants, including:
  - Registered and trained social and support workers available on-site Monday through Friday 8.30am to 5.00pm;
  - 24/7 on-call social and support worker (via phone);
  - Facilitated groups run by a programme facilitator. Group topics include budgeting, employment, parenting, education, cooking on a budget, and men's and women's

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<sup>1</sup> This is not specified in this application but was mentioned in the previous CEH consent application.



- empowerment groups; and
  - Afterschool and holiday programmes for children.
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 RC17647. 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 site plan is shown below in Figure 3, and further details of the proposal are outlined in Section 5 of the application.

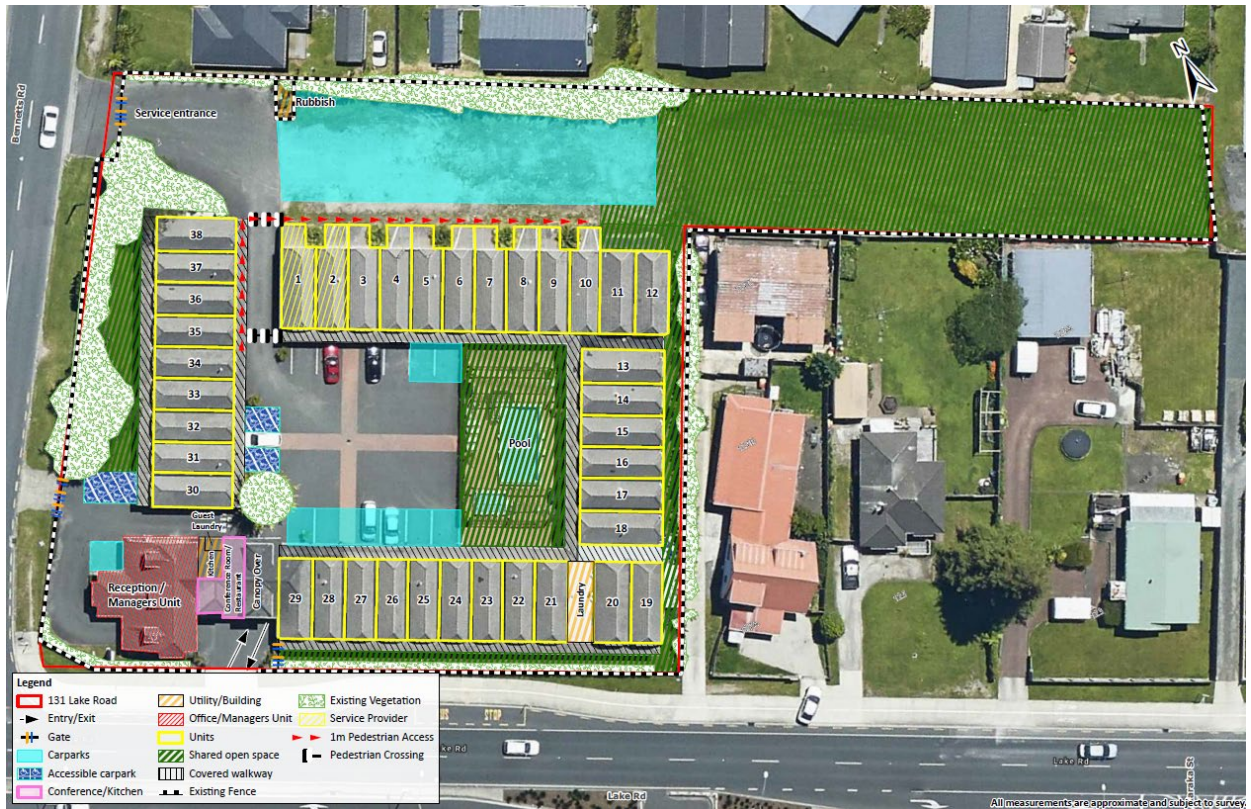


Figure 3 – Site plan showing number of units, carparking, managers unit/office and children’s play area.

## ACTIVITY STATUS

45. The activity status for each application is discussed in detail in the Overview Report.
46. In summary, the proposal for CEH at the site has been assessed as a **Non-Complying Activity** pursuant to Rules COMZ-R1(1) and RESZ-R2(1) of the District Plan 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 also served on the owners/occupiers of immediately adjacent properties and owners/occupiers of neighbouring properties, owners/occupiers of the subject site, as well as the following groups:

- Rotorua Housing Taskforce
- Te Pokapū
- Ngāti Whakaue
- Te Arawa Lakes Trust
- Restore Rotorua Incorporated
- Rotorua NZ
- Bay of Plenty Regional Council
- Waka Kotahi
- Tuhourangi Tribal Authority

- Ngati Wahiao
- Te Komiti Nui o Ngati Whakaue
- Whakarewarewa Living Village
- Visions of a Helping Hand
- Wera Aotearoa Charitable Trust
- Emerge Aotearoa
- New Zealand Police

## Submitters

48. Following the close of the submission period, 176 submissions were received on all seven notified CEH applications. The majority of submitters submitted to all seven applications and covered general matters relating to emergency housing (for example, social and economic effects). These general matters are covered in the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

49. There were four submitters that only submitted on Lake Rotorua Hotel. These submissions are summarised below<sup>2</sup>.

Submitter Name/no.	Oppose / Support	Wish to be heard	Submitted on other applications	Submission summary
Chantel Limited	Oppose	Yes	No	<ul style="list-style-type: none"> <li>• Opposes the application because it adversely affects the environment by increasing how dangerous the neighbourhood is.</li> <li>• It is located on the road to the lake, so it will damage Rotorua's image since it is a tourist town.</li> </ul>
Bright Rose Trust	Oppose	Yes	No	<ul style="list-style-type: none"> <li>• Opposes the application because it adversely affects the environment by increasing how unsafe it is for families.</li> <li>• It will ruin the tourist town image, as it is located on the way to the lake.</li> </ul>
Jian Shu Qiu Family Trust	Oppose	Yes	No	<ul style="list-style-type: none"> <li>• Opposes the application because it adversely affects the environment by increasing how dangerous the neighbourhood is.</li> <li>• It will ruin the tourist town image, as it is located on the way to the lake.</li> </ul>
Teresa and Walter Scheer TeWa Investments Trust	Oppose	Yes	No	<p><u>Local resident</u></p> <ul style="list-style-type: none"> <li>• The use of the site is incongruous with the Zone.</li> <li>• Rotorua's reputation has been negatively impacted by emergency housing.</li> <li>• Received comments from guests at their short-term rental relating to aggressive loud disputes and police callouts affecting willingness to rebook.</li> <li>• Motel is not fit for purpose – does not offer</li> </ul>

<sup>2</sup>It is recognised that the majority of people submitted on all applications and whilst these general submissions were not directed specifically to Lake Rotorua Hotel, they are still applicable to this application. Therefore, the Section 104 assessment addresses comments both specific to Lake Rotorua Hotel, but also general themes across all sites.

				<p>safe, suitable or compliant indoor spaces.</p> <ul style="list-style-type: none"> <li>• Outdoor space for children is effectively non-existent.</li> <li>• The carpark opens onto a busy arterial route which is not a suitable environment for children.</li> <li>• Consider what another year of damage to the reputation of Rotorua could do, while people are trying to rebuild the reputation.</li> </ul>
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## 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
- Infrastructure effects
- Financial contributions

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

### CHARACTER AND DESIGN-RELATED EFFECTS

52. The site is located in the COMZ4 and RESZ1 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 RESZ1 as:

*used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, rest homes, and other compatible activities. Over time, as an increase in residential*

*density occurs, a medium density residential urban built character is expected, including three storey residential buildings, integrated with on-site landscaped areas.*

55. These elements generally define the character of each of the zones. Generally, the District Plan refers to design in the COMZ4 Zone in the context of the “design and appearance of buildings” (see COMZ-12) and in the RESZ1 Zone as “the design, layout and appearance of residential sites” (see RESZ-12).
56. With this in mind, the focus of this assessment is largely on how the use of the site for CEH fits in with the anticipated amenity for COMZ4, as there are no buildings within the RESZ1 part of the site.
57. The following sections assess the external amenity effects of the site, as well as the internal amenity effects.

## **External Effects**

### Lake Road and Bennetts Road

58. The subject site has frontage to Lake Road (COMZ4) and Bennetts Road (COMZ4/RESZ1). The Lake Road frontage is characterised by the existing motel buildings, the site access, motel signage, and the fence with hedging in behind running along most of the front boundary.
59. Four submissions were received in relation to effects of the CEH activity on the Lake Road entranceway to Rotorua, specifically on the tourist town’s image (Submissions 31 – 34). They all mentioned the impacts on Lake Road as the entranceway to Rotorua, and one specifically noted their concern that the activity would impact upon tourism.
60. The Bennetts Road frontage is characterised by motel buildings, fencing which runs the length of the boundary, and established vegetation which screens some of the motel units when viewed from the street. There are two gated entrance ways along this boundary (neither of which can be used by CEH occupants).
61. These aspects form part of the existing environment and there are no physical changes proposed by the Applicant, and as such the use of the site for CEH occupants to reside will be very similar to the previous motel usage, in terms of built form. The buildings were constructed for tourist accommodation activities and the design, appearance and scale are consistent with the character anticipated by COMZ4.
62. The part of the site zoned RESZ1 fronts Bennetts Road. This part of the site is an open strip of land and is only used for service vehicle access, vehicle parking, and waste management.
63. The site was visited on 8 August 2024. The site appeared tidy and well-kept.
64. To ensure the site is well maintained, the Applicant has provided a SMP which outlines requirements for site maintenance.
65. Along the Lake Road frontage, a condition of consent is recommended that the existing hedging, fencing and gates be maintained and replaced where necessary<sup>3</sup>.
66. Along both the Bennetts Road frontage it is recommended that a condition of consent be

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<sup>3</sup> Refer recommended conditions 10 and 13 in Appendix 1.

imposed requiring the existing landscaping, including all established trees, to be maintained and replaced where necessary<sup>4</sup>.

67. These conditions would maintain the attractiveness of the Lake Road and Bennetts Road streetscape, and also maintain privacy for CEH residents.

#### Boundaries with neighbouring properties

68. Properties along the north-eastern and north-western boundaries of the site are residential. When the site was visited, these boundaries were fenced and had some established vegetation. This vegetation screens the residential properties from the CEH units and vice versa.
69. It is recommended that a condition of consent be imposed requiring the existing landscaping and fencing along these boundaries to be maintained and replaced where necessary<sup>5</sup>.

#### Conclusion

70. Provided the existing external boundary treatments and landscaping features along the boundaries of the site (established vegetation, hedging, and fencing) are maintained, and the waste management area is kept in good order, 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 site.

### **Internal Effects**

#### Length of stay

67. 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 this application.
68. 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.
69. 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.

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<sup>4</sup> Refer recommended condition 10 in Appendix 1.

<sup>5</sup> Refer recommended conditions 10 and 13 in Appendix 1.

## Outdoor living

71. In both COMZ4<sup>6</sup> and RESZ1<sup>7</sup>, residential units must have an outdoor living space that is at least 20m<sup>2</sup> 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 RESZ1 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.
72. One submission (submission 34) was received in relation to the site which opposed the application, with one of the reasons noted that *“the motel style complex does not offer safe, suitable compliant outdoor spaces”*.
73. There are no private outdoor living spaces on-site but there is plenty of shared outdoor living space on the site due to the vacant strip of land and the central pool and courtyard area, and other shared outdoor space areas surrounding the buildings. Access to the vacant strip from all units is via walking through the courtyard and around the units.
74. Units 11-12 back directly on to the vacant strip of land, and indirectly to the internal courtyard and pool area.
75. Units 30-38 have direct access to the shared open space between the units and north-western site boundary. This outdoor living space is mostly screened from Bennetts Road.
76. Units 19-20 have indirect access onto the internal courtyard and onto the small space between the units and the Lake Road boundary. The remainder of units open on to the internal courtyard. Units 7-23 are adjacent to the pool area, while for the remaining units there is a walkway between the units and the vacant strip of land.
77. It is recommended that consent conditions be imposed to ensure shared outdoor living space is retained in a suitable condition for recreational use by occupants.<sup>8</sup>

## Suitability for children

78. 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.
79. One submission (submission 34) was received in relation to this site which opposed the application, with one of the reasons noted that the play space for children is *“effectively non-existent. Given that the logical outdoor play area is the central courtyard which is also the carpark.”*
80. Mr Peacocke has rated the site “low” for children aged six months to eight years for units 3-10 as the units open into the gravel courtyard area, and while children can get outside, they will need supervision as this is a shared parking area. The remainder of the units (11-38) are given a “moderate” rating by Mr Peacocke for children six months to eight years as there is the opportunity to get outside to lawn from these units.

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<sup>6</sup> COMZ-S5.

<sup>7</sup> RESZ-S6A.

<sup>8</sup> Refer recommended condition 11 in Appendix 1.

81. Mr Peacocke has rated the facility “high” for the eight to 18 year-old age groups, as they can meet, play, and socialise in the central courtyard / pool area, and on the additional lawn area. In addition, the nearby Karenga Park includes a large and varied grassed area for informal sports, a playground and skatepark.
82. Mr Peacocke has made an additional recommendation to improve safety for the younger children occupying units 30-38, which is to fully enclose the shared outdoor area. A condition of consent is recommended to enclose the shared outdoor area to improve the suitability of this space for children<sup>9</sup>.
83. Overall, while the site does not provide private directly accessible outdoor space, most of the units have direct access to shared outdoor living space, and all of the units have indirect access to the large, grassed area.

#### Occupancy rate

84. The application is for a total of 38 units and maximum occupancy level of 105 occupants, with two of the units dedicated to the use of the service provider. Based on the numbers of units and occupants, that averages 2.9 people per unit.
85. 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*”<sup>10</sup>.
86. 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*”<sup>11</sup>. The New Zealand Deprivation Index uses CNOS as an indicator of overcrowding. Applied to the subject site, the proposed occupancy rates may result in crowding<sup>12</sup>. To avoid crowding there would generally need to be a limit of two people per bedroom.
87. 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 families are allocated a unit that best suits their needs, will triage families into units that appropriately suit their family size to avoid crowding.
88. 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

89. Overall, the site provides 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). The conditions 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.

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<sup>9</sup> Refer recommended condition 12 in Appendix 1.

<sup>10</sup> 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](http://www.stats.govt.nz).

<sup>11</sup> Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz).

<sup>12</sup> As defined by Statistics NZ.



## **TRANSPORTATION EFFECTS**

### **Parking and Access**

90. The site has two existing vehicle crossings onto Bennetts Road. The site is now fully fenced, and gates enclose the two vehicle crossings.
91. There is at least one carpark per unit on site, as well as three accessible parks. During my recent site visit, a number of the carparks available on site were empty.
92. Two submissions were made in regard to parking and access (submissions 18 and 34). Submission 18 identified traffic safety effects particularly where there are no pedestrian crossings, and as such, considered relevant to this site. The submission further noted that the applications did not contain traffic safety assessments and that there was insufficient information on this matter. Submission 34 identified that the carpark for the site opens onto one of the *“busiest arterial roads”* and identified that *“Bennett Road is a main feeder road from Koutu / Kawaha Point”*, and the intersection is near to the site.
93. During my site visit, I did observe that traffic turning from Bennetts Road onto Lake Road did back up.
94. 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 regarding the existing carparks or vehicle crossings.

### **Traffic Generation**

95. With respect to traffic generation, the Applicant has noted that the traffic generation from the previous motel activity has altered compared to the CEH activity. This is because residents are more likely to stay on site during the day or go to or from the site for work purposes, compared with tourists who may travel in and out several times a day, and check in and out at different times.
96. However, the Applicant has assessed that the use of the site as CEH has not resulted in any discernible 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.
97. On this basis, the transportation effects associated with the proposal are assessed as acceptable.

## **NOISE EFFECTS**

### **Reverse Sensitivity Effects**

98. Several of the units are located near to, or immediately front on to Lake Road which is an Urban Primary Arterial Road under the Rotorua District Rooding 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.
99. COMZ4 predominantly consists of existing tourist accommodation activities and apartments. Directly adjoining this site are residential activities, and commercial activities which are separated by the River Road corridor. 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.

100. Overall, the potential for reverse sensitivity effects in relation to noise is low.

### **Noise from CEH**

101. 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.

102. 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.*

103. Notwithstanding, 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 effects) than would otherwise exist if the subject site would be operated as a motel.

104. 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.

105. 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.

106. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints<sup>13</sup>.

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

### **INFRASTRUCTURE**

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

109. 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.

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<sup>13</sup> Refer recommended condition 24(i) in Appendix 1.

## **FINANCIAL CONTRIBUTIONS**

110. 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.*

111. 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.

112. 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.

113. 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**

114. 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**

115. 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 before matters of a site-specific nature.

### **COMMERCIAL 4 ZONE**

116. The following objectives are applicable to the site 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.*

117. The proposed activity is consistent with the policy direction regarding the provision of high density residential uses enabled within the COMZ4 Zone.

#### **Design and Appearance of Buildings**

- *COMZ-O2: Buildings and activities positively contribute to the mixed use character, safety and efficiency, and attractiveness of commercial centres and entranceways to Rotorua.*
- *COMZ-O3: Buildings and activities designed and operated in a manner that mitigates adverse effects on the amenity of residential zones.*
- *COMZ-O3A: Residential development provides healthy, safe, and quality living environments that contribute to the well-being of residents.*

- *COMZ-P8: Enable and encourage high quality development that positively contributes to the safety and attractiveness of streets and public open spaces.*
- *COMZ-P9: Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.*
- *COMZ-P10: Enable an increase in the density, diversity and quality of housing in identified zones, while maintaining their commercial function and managing potential reverse sensitivity effects.*
- *COMZ-P11: Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.*
- *COMZ-P12: a) Require the design of all buildings to positively contribute to the safety and attractiveness of the street by:*
  - i) Within commercial centres, require development to maximise street activation, building continuity along the street, pedestrian amenity and safety;*
  - ii) Within other commercial areas, require buildings to orientate to front the street, locate active uses on the street edge, including building entrances, lobbies, and commercial activities where proposed. These methods in particular, will assist to reinforce Fenton Street as an entranceway to the City Centre.*
- *COMZ-P13: b) Require the design of residential units to achieve quality on site living environments for people by providing:*
  - i) Private outdoor living that is functional and accessible;*
  - ii) A reasonable level of visual privacy and outlook;*
  - iii) Safe and convenient pedestrian access to residential units from the street; and*
  - iv) Where located outside of commercial centres:*
    - 1. Opportunities for on-site landscaping; and*
    - 2. Opportunities for passive surveillance of the street, while allowing privacy for residents.*

118. 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.

119. Residential properties are located directly on the northern and eastern boundaries of both sites. These boundaries are fenced off with fences and established vegetation. With some of the outdoor space orientated inwards, and established vegetation screening views of other outdoor spaces into surrounding properties, privacy effects are anticipated to be managed.

120. 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.

121. 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.

122. The efficient functioning of the transport network will be maintained through amendments to the SMP to communicate with visitors where to park their vehicles.

123. In terms of building design, it is recognized 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.

124. The evidence of Mr Peacocke has identified that some of the units have a “low” rating for some age groups and in terms of the outdoor and play space available for children.

#### **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.*

125. The activities in the immediate vicinity of the site include residential activities and commercial activities. As the residential activities are similar in nature, the proposed use of the site is considered compatible with the zoning.

126. The commercial activities are located on the other side of Lake Road (across a four-lane arterial road) and, at this distance, it is unlikely that reverse sensitivity effects will be experienced.

127. Effects on businesses and properties related to anti-social behaviour, crime and tourism are discussed within the Overview Report and the evidence statements of Ms Hampson and Ms Foy.

#### **RESIDENTIAL 1 ZONE**

128. As the portion of the site that is located within RESZ1 is vacant, only the following objectives are considered applicable:

- *RESZ-O2: Development contributes to the creation of neighbourhoods with an overall medium density residential urban built character comprising residential buildings in a variety of forms and including three storeys, integrated with on-site landscaped areas.*
- *RESZ-O3: Development contributes to attractive and safe streets and open spaces.*
- *RESZ-O4: Development provides healthy, safe, and quality living environments that contribute to the well-being of residents, within the context of a medium density residential environment.*
- *RESZ-P1A: Manage the design and layout of rest homes in a manner consistent with Policies RESZ-P1 – RESZ-P7, while recognising the functional requirements of the activity.*
- *RESZ-P2: Achieve the planned medium density residential urban built character by:*
  1. *Enabling a variety of housing types and sizes, including 3-storey buildings; and*
  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-P3: Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.*
- *RESZ-P4: Enable housing to be designed to meet the day-to-day needs of residents.*
- *RESZ-P5: Require development to achieve quality living environments for residents on site 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; and P safe and convenient pedestrian access to residential units from the street.*
- *RESZ-P6: Manage the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned medium density residential urban built character, including by:*
    1. *Setting buildings back from side 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-P9: Manage the location and design of buildings for non-residential activities to ensure that the activity is in keeping with the appearance and character of the residential zone sought in RESZ-O2 and Policy RESZ-P2.*

129. The portion of the site within RESZ1 is the open strip of land in the north-east of the site. This part of the site does not contain any buildings.

130. The proposed activity is consistent with the RESZ1 policy direction regarding the provision of a variety of housing forms and housing typologies, integrated with on-site landscaped areas.

131. The open strip of land provides access parking and open space which contribute to the overall site operation. This is considered to contribute towards the wellbeing of CEH residents, providing valuable open space for play and socialisation, as identified by Mr Peacocke in his evidence.

132. Likewise, maintaining the existing character of the RESZ1 Zone, and attractive and safe streets and open spaces, is achieved by using the existing buildings and maintaining the existing landscaping.

133. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network. The recommended conditions will address safety concerns around separating children from parking spaces.

### **Reverse Sensitivity**

134. The following objectives and policies relate to reverse sensitivity in the RESZ1 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.*

135. As assessed earlier in this report, the amenity of surrounding residential zones (in relation to visual amenity and noise) will be maintained through the implementation of conditions. Further amenity effects (such as anti-social behaviour) are addressed within the Overview Report and the statement of evidence by Ms Foy.

136. The units on site all have access (both direct and indirectly) to shared outdoor spaces which are varied in their suitability for specific age groups. Mr Peacocke has given the units a range of ratings from “moderate” through to “low”, while noting that none of the units have private outdoor space. Although residing in a motel is not an ideal situation, these aspects will provide occupants with a reasonable level of amenity.

137. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network. The parking is mainly located within the centre of the site, which does not dominate the streetscape.

138. Landscaping exists at both road frontages which maintains the character and amenity of the zone. It is recommended that this landscaping is retained.

## **NOISE**

139. 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.*

140. Noise levels generated from the proposed activity will be managed through the proposed conditions of consent and through the SMP. 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.*

141. The application was circulated to the development engineering team within Council, and they had no comments on the proposal. Considering no physical works are being undertaken on site, any effects on infrastructure will be acceptable.

### **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.*

142. 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 Lake Road and Bennetts Road.

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

## **CONCLUSION**

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

## **CONCLUSION**

145. A conclusion on the actual and potential effects on the environment is provided at paragraph 114. 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.

146. A conclusion against the objectives and policies of the District Plan is provided at paragraph 144.

147. This determines that on balance, the proposal is generally consistent with the objectives and policies of the District Plan.

## **CONDITIONS AND ADVICE NOTES**

148. 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 LU24-010190, the response to the request for further information, dated 3 September 2024 and Site Plan entitled “131 Lake Road ... Lake Rotorua Hotel, Rotorua Motels – Emergency Accommodation”, sheet 1 of 1, dated 10/07/2023.
2. Te Tuapapa Kura Kainga – Ministry of Housing and Urban Development (MHUD) shall be the Consent Holders’ representative who will be the principal contact person for Rotorua Lakes Council in regard to matters relating to this consent, and:
  - a. Within two weeks following the commencement of this resource consent MHUD shall inform the Rotorua Lakes Council of the MHUD’s representative’s name and contact details; and
  - b. Should MHUD’s representative’s name and contact details change during the term of this resource consent, MHUD shall inform the Rotorua Lakes Council as soon as practicable, and within no more than five working days.

### **Contract for the operation of CEH with MHUD**

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

### **Consent Expiry**

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

#### **Note:**

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

### **Cessation of the CEH Activity on the site**

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

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

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

## **Scale and Intensity**

6. A maximum of 105 occupants shall be permitted to reside within the 38 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.*

## **Record Keeping and Reporting**

7. 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; and
  - c. 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;
8. The information listed in Condition 7 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.
9. 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 15 (Play Areas)
  - d. Details of how compliance is achieved in respect of Condition 20 (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**

10. The existing landscaping (trees and other vegetation) along all boundaries of the site shall be retained for the duration of the consent.
11. 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.
12. Within four weeks following the commencement of this resource consent fencing shall be installed to fully enclose the shared outdoor area on the western side of units 30-38.

13. 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.
14. The landscaping outlined in Condition 10 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**

15. 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**

16. 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 a 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. "Lake Rotorua Hotel" can remain on display.*
17. 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**

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

### **Streetscape Amenity**

20. The Consent Holder shall undertake:
  - a. Daily tidying of the subject site and immediately adjacent street berms 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 23.*

**On-site Management**

21. 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.
22. No dogs shall be kept on site by CEH occupants other than disability assist dogs under the Dog Control Act 1996.
23. 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.*
24. The SMP required by Condition 23 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 20;
  - 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)**

25. 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 25 (above) is limited to CEH, this does not prevent a broader discussion about emergency housing generally.*

26. 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 26 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 26 may be achieved through other means such as a modified Rotorua Housing Taskforce or other Rotorua emergency housing liaison group.*

**Monitoring Fee**

27. 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**

28. 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](mailto: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.*