

*14 June 2024*  
*Our job no. 719417*

Resource Consents  
Rotorua Lakes Council

Via Email: [planning.inbox@rotorualc.nz](mailto:planning.inbox@rotorualc.nz)

To Resource Consents Team Leader,

**Application for Resource Consent – Use Existing Site and Motel Buildings for Contracted Emergency Housing – 131 Lake Road, Koutu, Rotorua**

Please find enclosed a resource consent application on behalf of the Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD), who in turn apply on behalf of the motel operator (Milani Herath) and consent holder (Ronnie Ronalde), to use the existing site and motel buildings for contracted emergency housing at 131 Lake Road, Rotorua (Te Miringa 2C Block, Section 6 SO 470563, Section 8 SO 470563 and Section 10 SO 470563), (the site).

This application includes a Form 9, a detailed description of the proposal, along with an assessment of environmental effects and supporting appendices.

The applicant requests this application is publicly notified pursuant to section 95A(3)(a) of the Resource Management Act.

A lodgement deposit of \$4,410.00 (including GST) will be paid by electronic transfer following receipt of an invoice.

The Property Group Limited (TPG) is the agent for this application and should be the contact for any correspondence or telephone discussions.

**Application for Resource Consent**

**Contracted Emergency Housing – Lake Rotorua Hotel**



Please contact me should you have any questions regarding the application.

Yours sincerely

A handwritten signature in black ink that reads "A. Jones." The signature is written in a cursive style.

**Angela Jones**

Wellington Planning Manager

021 976 373  
ajones@propertygroup.co.nz

Form 9


Application for Resource Consent - Section 88, Resource Management Act 1991

<b>To:</b>	Rotorua Lakes Council
<b>Applicant:</b>	Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (behalf of the motel operator (Milani Herath) and consent holder (Ronnie Ronalde))
<b>Agent:</b>	Angela Jones Wellington Planning Manager The Property Group Limited (TPG) 021 976 373 <a href="mailto:ajones@propertygroup.co.nz">ajones@propertygroup.co.nz</a>
<b>Address for service:</b>	The Property Group Limited PO Box 2874 Wellington 6140 3240 Attention: Angela Jones
<b>Invoice details:</b>	Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development c/- The Property Group Limited PO Box 2874 Wellington 6140 Attention: Angela Jones
<b>Site address:</b>	131 Lake Road, Koutu, Rotorua (Lake Rotorua Hotel)
<b>Legal description:</b>	Section 6 SO 470563, Section 8 SO 470563, Section 10 SO 470563 and Te Miringa 2C Block
<b>Owner of site:</b>	Risecorp Investment Trustee Limited
<b>Consent for:</b>	Land use consent to use the existing site and motel buildings for Contracted Emergency Housing No other resource consents are required for this proposal
<b>Enclosed:</b>	Application and AEE Appendix 1 – Record of Title Appendix 2 – Site Plan Appendix 3 – Site Management Plan

**Application for Resource Consent**

**Contracted Emergency Housing – Lake Rotorua Hotel**



<b>Signed:</b>	Appendix 4 – District Plan Rules Assessment Appendix 5 –Proffered Conditions of Consent Appendix 6 – Exit Strategy Appendix 7 – Social Impact Assessment
	 Angela Jones Wellington Planning Manager
<b>Date:</b>	14 June 2024

# Application for Resource Consent

Contracted Emergency Housing



131 Lake Road, Koutu, Rotorua

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June 2024



**Quality control**

<b>Title:</b>	Resource consent application for Contracted Emergency Housing at 131 Lake Road, Koutu, Rotorua
<b>Client:</b>	Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development
<b>Job number:</b>	719417
<b>Prepared by:</b>	Angela Jones – Wellington Planning Manager
<b>Signature:</b>	
<b>Reviewed by:</b>	Laurence Beckett – Principal Planner
<b>Signature:</b>	

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## 1 Introduction

On behalf of the motel operator (Milani Herath) and consent holder (Ronnie Ronalde), Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development (HUD) hereby apply for resource consent from Rotorua Lakes Council (Council) to continue to use the existing site and buildings at 131 Lake Road (Lake Rotorua Hotel) for Contracted Emergency Housing (CEH) for a period of one year from the expiry of the existing resource consent on 15 December 2024.

The motel has been contracted by HUD for further temporary period of one year, noting that it may be released from this purpose before this time, as additional housing (including affordable market rental housing and public housing) is supplied in the city. The motel will then revert to its former use as motel tourist accommodation.

The site is located within the Commercial 4 Zone (City Entranceway Accommodation) with the service area located in Residential 1 Zone (Residential Living) of the Rotorua District Plan (District Plan) and requires resource consent for the reasons outlined in Section 5 of this application.

## 2 Background and Context

In recent years Rotorua has experienced strong population growth. The housing supply has not responded with the number of building consents granted remaining low. The result being an increase in median rents and house prices over the last 6-7 years. This has led to an increase in homelessness, and overcrowding. This has placed significant pressure on public, transitional and emergency housing in Rotorua. The volume of Emergency Housing Special Needs Grants (EH-SNGs) in Rotorua was the highest in the country by population.

A Rotorua Housing Taskforce was established in March 2021 (made up of members of Rotorua Lakes Council, Te Arawa Iwi, HUD, MSD, Kāinga Ora and Te Puni Kōkiri) to develop options for providing better support and outcomes for people living in emergency housing motels in Rotorua. This included contracting entire motels and providing Contracted Emergency Housing.

In response to this housing need, HUD were tasked with contracting motels to be used to support whānau with children and applied for resource consent in August 2021 for the use of this existing site and motel buildings for Contracted Emergency Housing (CEH), along with 12 other motel sites. Given the scale of the housing supply issue, and the projection of the timing for an uplift in the amount of both market and public housing in Rotorua, consent was sought for a period of five years. Resource consent was subsequently granted by Independent Commissioners (RC17647) on 15 December 2022 for a duration of two years. The current resource consent is therefore due to expire on 15 December 2024.

Since resource consent was granted in December 2022, as expected there has been an increase in the supply of both market and social housing in Rotorua which has seen a lower demand overall for emergency housing. This has also been coupled with policy changes, such as Priority One. Three motels consented for CEH have successfully returned to commercial operation as tourist accommodation, namely New Castle Motor Lodge (site 6), Ann's Volcanic Motel (site 11) and Union Victoria Motel (site 12). Prior to the expiry of the current resource consent on 15 December 2024, it is anticipated that a further three motels will no longer be required for CEH and will thereafter return to commercial operation as tourist accommodation.

These motels are Emerald Spa Motor Inn (site 2), Midway Motel (site 5) and Malones Motel (site 4). HUD's exit strategy is discussed further in section 5.7 of this application and in the Exit Strategy document attached as Appendix 6.

Whilst significant work has been undertaken to reduce the number of families needing CEH, and reliance on the consented motels for this purpose, additional time is required to appropriately exit all the consented motels. Accordingly, consent is now being sought to continue to operate seven CEH motels. These motels include:

- Alpin Motel, 16 Sala Street
- Geneva Motor Lodge, 299 Fenton Street
- Pohutu Lodge, 3 Meade Street
- Lake Rotorua Hotel, 131 Lake Road
- Ascot on Fenton, 247 and 12 Toko Street
- Roto Vegas Motel 249 Fenton Street
- Apollo Hotel, 7 Tryon Street

Resource consent is being sought individually for each site through separate applications. This application is for the continued use of Lake Rotorua Hotel at 131 Lake Road as CEH only.

### **3 Section 124 Resource Management Act**

Section 124 of the Resource Management Act (RMA) allows a consent holder to operate under an existing resource consent until either a new consent is granted, and all appeals are determined, or a new consent is declined and all appeals are determined if:

- (a) a resource consent is due to expire; and*
- (b) the holder of the consent applies for a new consent for the same activity; and*
- (c) the application is made to the appropriate consent authority; and*
- (d) the application is made at least 6 months before the expiry of the existing consent.*

The consent holder can therefore continue to use the existing site and motel buildings for CEH while the Council determines this application because:

- The existing consent is due to expire on 15 December 2024; and
- The consent holder has sought resource consent for the same activity; and
- The application is made to Rotorua Lakes Council, which is the appropriate authority; and
- This application is lodged on 14 June 2024, which is 6 months before the expiry of the existing resource consent.

## 4 Site Description

### 4.1 Location and Description

The 5,991m<sup>2</sup> corner site has frontage to Lake Road along its south-western boundary and Bennetts Road along its north-western boundary (see Figure 1 below). The site is comprised of land held within four records of title. All of the hotel buildings and facilities located within the three records of title have direct frontage onto Lake Road (129-131 Lake Road).



FIGURE 1: AERIAL IMAGE OF THE SITE (SOURCE: GRIP MAP)

There have been no changes to the subject site which make it materially different from the existing environment described in the previous 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 configuration of the site is shown on the Site Plan in [Appendix 2](#).

It is however noteworthy that for the period the site has been operating CEH under the existing consent (RC17647) actual occupancy has not exceeded 85.

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.

As noted above, the site is held within four Record of Titles which have the following details:

<b>Record of Title Details</b>			
<i><b>Identifier</b></i>	<i><b>Legal Description</b></i>	<i><b>Area</b></i>	<i><b>Owner</b></i>
682036	Section 6 Survey Office Plan 470563	1289m <sup>2</sup>	Risecorp Investment Trustee Limited
682037	Section 8 Survey Office Plan 470563	1303m <sup>2</sup>	Risecorp Investment Trustee Limited
682038	Section 10 Survey Office Plan 470563	1300m <sup>2</sup>	Risecorp Investment Trustee Limited
SA38B/210	Te Miringa 2C Block	2099m <sup>2</sup>	Risecorp Investment Trustee Limited

A copy of the Record of Titles is attached as Appendix 1.

## **5 Proposal**

### **5.1 Overview**

The proposal is to continue to use the existing buildings and facilities on the subject site for CEH. The proposal does not include any 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. Consent is sought for a duration of one year from the expiry of the existing resource consent, taking the use of the site as CEH through to 15 December 2025.

## 5.2 Contracted Emergency Housing (CEH)

There are different types of emergency housing being provided in Rotorua. The subject application is for Contracted Emergency Housing (CEH). CEH is emergency accommodation where an entire motel/hotel is contracted by the Government (HUD) for the exclusive use for those requiring emergency housing and is not available for other guests.

CEH is primarily for whānau with children or rangatahi (young people) and disabled people. Each motel/hotel has on-site support services and 24/7 security provided and managed by a dedicated Service Provider. Whānau are placed in CEH after a two-step triaging process by Te Pokapū.

Step one – Te Pokapū: Those requiring emergency housing approach, or are referred to, Te Pokapū who assess the needs of that whānau and connect people to the appropriate support services to suit their needs. If whānau are considered best suited to CEH, Te Pokapū contacts a Service Provider to see if they can provide suitable accommodation. All whānau who are placed in CEH have to be triaged through Te Pokapū.

Step Two – Service Provider: After receiving a referral from Te Pokapū, the relevant Service Provider assesses whānau and determines whether they have a suitable room. The Service Providers' assessment considers the obvious requirements in terms of room and bed configuration, but additionally, a broader and at times more complex social needs assessment is also undertaken. The needs assessment considers matters such as:

- The history of whānau and, if they have been in a motel managed by the Service Provider before, whether there have been any incidents;
- Whether the whānau have any gang affiliations or whether there is any history of any domestic violence;
- The mental and medical needs of whānau;
- The size of and make-up of whānau. For example, an elderly person or someone with a medical condition, would be considered for a ground floor room, or whānau with a family member who requires more intense supervision might be placed closer to the security/social service office.
- Other social needs, such as work, schools, travel and social connections.
- Whether the specific onsite staff at one CEH site may suit the needs of particular whānau.
- The Service Provider meets face to face with whānau and showing them the unit to ensure it can meet their needs. Families are only allocated a unit that has sufficient capacity to accommodate that family. If no suitable room is available, the whānau will be referred back to Te Pokapū.

The service provider for this site is Visions of a Helping Hand Charitable Trust.

### 5.3 Site Management Plan

Each site for CEH operates with a Site Management Plan (SMP). The SMP was originally written to ensure the CEH activity was operated and managed in the manner originally proposed. This SMP has been updated to ensure the activity also fulfils the requirements of the resource consent, including the conditions of consent. This is achieved through:

- Operating under the CEH model
- Ensuring the wellbeing of the CEH occupants through appropriate placement based on the CEH site
- Mitigating effects of CEH on the immediate neighbourhood
- Ensuring appropriate communication, monitoring, and response to complaints

The latest SMP for this site dated December 2023 is attached in [Appendix 3](#).

### 5.4 Support Services

The service provider is responsible for organising the support services that are available to the CEH occupants.

Registered and trained social and support workers will be available on-site from Monday to Friday between the hours of 8.30 am to 5.00 pm. They will be present for admissions, assessment, goal planning and connecting family/ whānau with wrap around supports to meet their immediate, current, and future needs. An on-call social and support worker will be available 24 hours, 7 days per week via phone. The on-call worker will be available for crisis and emergency intakes, concerns regarding children, mental health deterioration, health, and wellbeing checks.

The social services team will support clients experiencing changes and challenges in their lives, such as but not limited to housing, family dynamics, addiction, education, and employment. Social and Support Workers will support clients to set achievable goals, then support and monitor progress. The social workers will motivate and encourage clients to activate inherent strengths. Further detail of support services are provided in the SMP in [Appendix 3](#). In addition, there will also be:

- **Floating Social and Support Workers:** Available from Monday to Friday 8:30 am to 5:00 pm to provide extra support to the social service team at the motel, for whānau that require increased monitoring and care.
- **Program Facilitator:** To provide occupants with an option to engage in additional programmes. These facilitated groups will be run by experienced and trained workers. The program facilitator will deliver budgeting, employment, parenting, education, cooking on a budget, men's, and woman's empowerment groups.
- **Afterschool and Holiday Programs:** To provide a safe space for children to participate in individual and team activities. There will also be support with homework and learning

skills. The children's programs aim to nurture and develop children's social skills and create a sense of self and belonging to a community.

## 5.5 Reversion to Motel Activity Once CEH Activity Ceases

As noted above, the intended duration of CEH operating from the site is for a temporary period of one year ending on or before 15 December 2025. It is intended that the long-standing motel activity (tourist accommodation) will resume when the site is no longer operated as a CEH. 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)).

## 5.6 Proffered Conditions of Consent

The applicant proffers conditions of consent to ensure the CEH activity operates in the manner proposed and to ensure any potential adverse effects on the wider environment and neighbouring properties are mitigated. The offered conditions largely adopt the conditions of consent imposed on resource consent RC17647. Not all of these conditions however remain relevant given some conditions reference physical works that must be undertaken (which have already been completed), as well as the development of a Site Management Plan, which has also already been completed. It is also noted that amendments have been made to condition 2 with respect to a suitable representative for the resource consent. It is proposed that this condition simply references the Ministry of Housing and Urban Development as this suitable representative.

Appendix 5 outlines the proffered conditions of consent. For ease of references, these are presented with track changes from the consent conditions imposed under RC17647.

## 5.7 Exit Strategy

HUD have explored several options to achieve a full exit of CEH motels as efficiently as possible. It has balanced the different options with the need to ensure families are appropriately housed. The Exit Strategy for CEH in Rotorua is attached in Appendix 6. The Exit Strategy outlines the background to CEH in Rotorua and what has happened since resource consent was granted in December 2022. This includes the increased supply of permanent housing along with an overall trend in the number of households in emergency housing reducing since its peak in November 2021. It is also important to note that one of the priorities was to reduce the number of motels being used by MSD for emergency housing. This has successfully seen the number of EHSNG motels MSD clients are utilising reducing from 35 in August 2022 down to six in April 2024. In addition, as of May 2024, HUD has exited three of the 13 CEH motels, which has occurred well in advance of the expiry of their resource consent.

The recent Priority One government policy also enables families to receive fast-track preference for social housing after a 12-week consecutive period in emergency housing, including CEH and EHSNG.

As the supply of permanent housing comes on board (market and social), HUD will implement a number of measures to support exits, and CEH motels returning to tourist accommodation. These include:

- 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.
- Issue 90-day notice period to ensure motels being exited to allow sufficient time for restoration work, if necessary, to take place before the motels return to tourism.

## 6 Statutory Framework

### 6.1 Rotorua District Plan Operative 2016 – Reformatted 2024

The application site is located within the Commercial 4 Zone – (City Entranceway Accommodation) and the Residential 1 Zone (Medium Density Living) in the District Plan (see Figures 2 and 3 below).

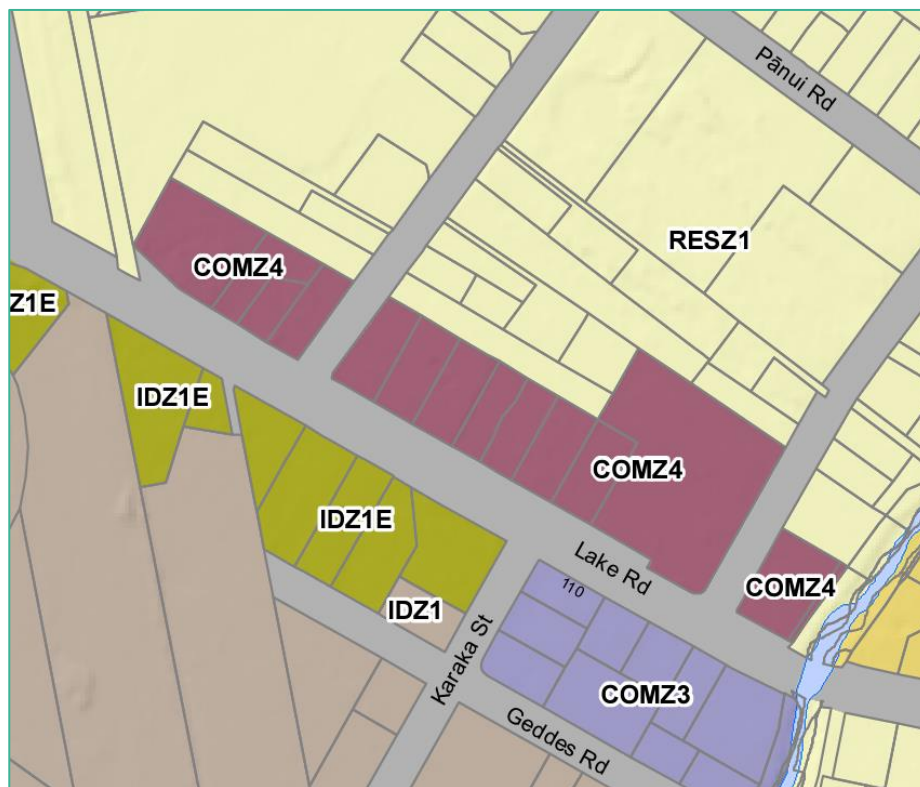


FIGURE 2: DISTRICT PLANNING MAP 325 EXCERPT SHOWING SUBJECT SITE IN THE COMMERCIAL 4 ZONE (MAROON) AND RESIDENTIAL 1 ZONE (YELLOW). THE SITE ADJOINS LAND IN THE INDUSTRIAL 1 ZONE TO THE SOUTH (LIME GREEN)



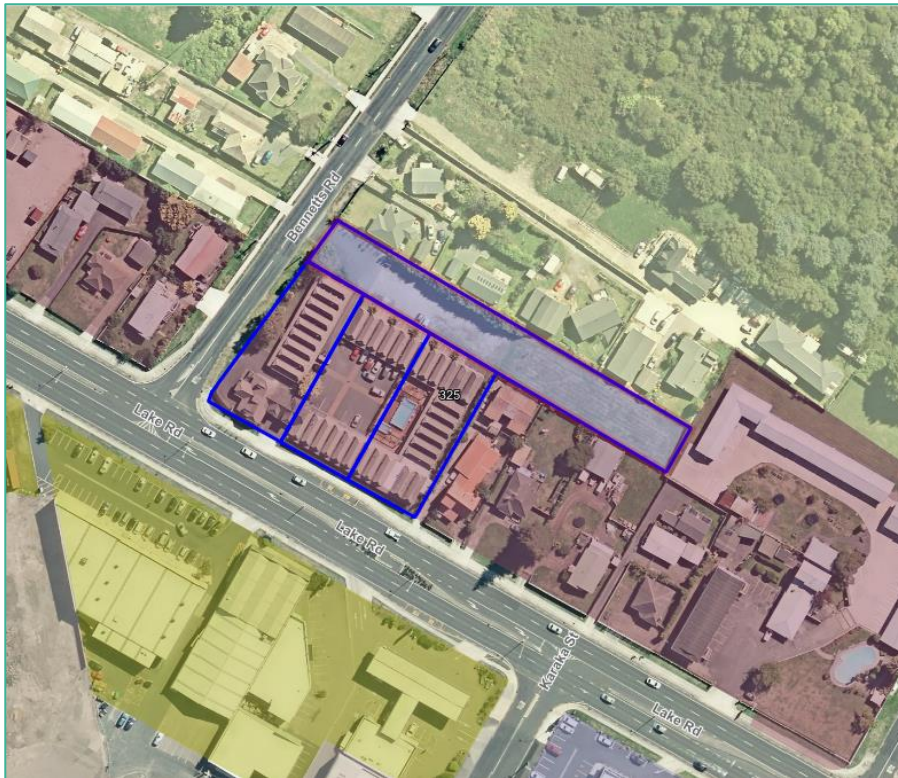


FIGURE 3: AERIAL IMAGE OF SUBJECT SITE SHOWING DISTRICT ZONING OVERLAY (SOURCE RDC INTRAMAPS)

## 6.2 Zone Character and Purpose

As shown in Figures 2 and 3 above, the site is located primarily within the Commercial 4 Zone, with an additional portion of (vacant) land in the Residential 1 Zone. Effects cannot be considered in a vacuum – with the District Plan providing the relevant framework under which the appropriateness of the activity and resulting degree of effects are to be considered. The discussion below takes stock of the overarching strategic direction relevant to the COMZ4 and RESZ-1 zone and provides an assessment as to whether the intended use of the site aligns with the land use strategy of the District Plan.

### 6.2.1 Residential 1 – Medium Density Living Zone

In the previous resource consent application the area was zoned Residential 1 - Low Density Living, which aimed to provide a high level of amenity for residents, offering a mix of single-storey and two-storey houses. As part of the District Plan changes, including Council's Decision on Plan Change 9 - 'He Wāhi Noho mō te Katoa – Te Panonihanga o te Whakaritenga 9 | Housing for Everyone - Plan Change 9', the zoning has shifted to Residential – Medium Density Living. This change supports greater intensification by enabling medium density living across most of Rotorua's urban areas.

The Medium Density Living zone supports a moderate concentration 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.

While the wider site (Te Miringa 2C Block (ML 11700) contains land that is zoned Residential 1 (refer to District Plan Map 325), this portion of the site is not occupied by buildings. The site will continue to enable the existing CEH and future tourist accommodation residential activity. The site retains its high level of amenity, large expansive area of open space, aligning with the District Plan's increased residential density and urban character.

### 6.2.2 Commercial 4 – City Entranceway Accommodation Zone

The District Plan notes the following with regard to the Commercial 4 Zone:

*“Tourism accommodation and high density 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.”*

The proposed activity will temporarily delay the reversion of the site to a tourism enterprise for a further one-year duration. The Commercial 4 Zone rule framework provides for the conversion of tourist accommodation to residential units as a permitted activity under matters of control that do not include assessment of the effects of loss of tourism enterprises. Therefore, the District Plan anticipates the use of existing tourism infrastructure being repurposed for residential purposes. Notwithstanding this, in the long term it is anticipated that the motel will revert back to standard style tourist accommodation.

### 6.2.3 Appropriateness of Site and Underlying Zoning for Proposed Activity

The proposal has a number of critical distinguishing factors, which are material when considering the activity against the applicable District Plan framework relevant to the underlying zone.

Firstly, the proposed activity will be fundamentally similar to the previous motel activity and the same as the already consented CEH activity. The motel activity (providing short-stay accommodation) is a permitted activity and has operated from the site for decades. The continued use as CEH will occur in a supervised environment, utilising existing buildings and site features that require no physical modification to enable the activity to occur.

Secondly, the zone anticipates a more intensive style of built form and living environment than in other zones in the city, thus recognising that there will be less onsite amenity available for occupants than might otherwise be required and acceptable in a traditional residential context.

Thirdly, this application is for a temporary or time-limited period, being one additional year beyond what has already been consented (and still less than was initially sought). The site will be used for its current purpose while there is an ongoing demand for emergency housing. At the end of this period the site will revert to providing tourist accommodation.

When coupled with the fact that the proposed accommodation is short in duration, the proposed activity and existing built environment accords well with the overall character and purpose that is intended within the Commercial 4 Zone. The site is therefore assessed as being appropriate for the proposed activity having regard to the overall land use strategy in the District Plan.

**6.2.4 Rules and Standards Assessment**

Appendix 4 contains a full rules assessment for the proposal against the relevant permitted activity standards in the Residential 1 Zone and Commercial 4 Zone. We note that the bulk and location standards are not relevant as no physical changes to the existing buildings are proposed.

As demonstrated in the Rules Assessment in Appendix 4, the proposal does not comply with the following rule:

Rules for Activities in the Commercial Zone			
General			
Performance Standard	Description	Comment	Compliance
<p><b>COMZ – R25</b></p> <p><i>Applicable Spatial Layers – Commercial 4</i></p>	<p><i>Community housing</i></p> <p>1. <i>Activity Status: Permitted</i></p> <p><b>Any activity that complies with all Performance Standards is a permitted activity:</b></p> <p>a. <i>Height COMZ-S1;</i></p> <p>b. <i>Yards COMZ-S2;</i></p> <p>c. <i>Commercial 4 Zone (Mountain Road): Site coverage COMZ-S3;</i></p> <p>d. <i>Residential unit design and landscaping COMZ-S5;</i></p> <p>e. <i>Parking, access and turning COMZ-S6</i></p>	<p>The proposed activity does not meet the definition for Community housing.</p>	<p><b>Does not comply.</b></p>

**Relevant District Plan Definitions**

‘Community housing’ is provided for in the Commercial 4 Zone under rule 24 as a **Permitted Activity**. Community housing is defined in the District Plan as:

*“a place of residence for a maximum of eight persons (i.e. all residents including resident staff) where some element of care or support is provided for residents. The definition includes emergency housing, (including temporary overnight accommodation) and*

*rehabilitation centres, but excludes facilities where the movement of residents is legally restricted.”*

The proposal is for a maximum of 105 people (excluding staff and support service workers) and as such does not meet this District Plan definition of ‘Community Housing’.

‘Tourist accommodation’ is provided for in the Commercial 4 Zone under rule 20 as a **Permitted Activity**. Tourist accommodation is defined in the District Plan as:

*“land and buildings for use as temporary accommodation by paying guests, where the accommodation is not their normal place of residence and includes motels, hotels, boarding houses, private hotels, tourist house licensed premises, guest houses, backpacker lodges, youth hostels and similar accommodation, and includes accessory facilities such as visitor, service and recreation facilities, conference facilities and restaurants. Tourist Accommodation does not include Bed and Breakfast or Holiday Rental Accommodation.”*

Rule COMZ-R33 provides for “conversion of buildings to residential units” as a Restricted Discretionary Activity. The proposal is not for a permanent residence and therefore cannot be considered under Rule COMZ-R33.

### 6.3 Activity Status

As the proposal is not otherwise provided for in the District Plan, it must be considered as a **Non-Complying Activity** pursuant to Rule COMZ-R1 which provides for activities not expressly stated in the Rules for Activities in the Commercial Zone table.

### 6.4 Overview of the Nature of the Non-Complying activity and whether it is “Anticipated” by the District Plan

While it is acknowledged that the activity must be considered as a Non-Complying Activity, it is our opinion that this activity status does not reflect the extent to which the District Plan provisions enable similar activities under the Commercial Zone that applies to the site.

In addition to Community Housing, the District Plan makes specific provision for:

- *Tourist Accommodation in the COMZ4 Zone as a permitted activity;*
- *“Conversion of buildings to residential units” in the COMZ4 Zone as a restricted discretionary activity.*

The proposed CEH has characteristics that align closely with the above activities, being the use of an existing motel’s units as household units; albeit on a temporary basis and with supervision and some limited support services.

The District Plan also makes provision for “residential units” in the Commercial 4 Zone as a permitted activity.

If the individual motel units were strictly interpreted as being residential units, for the purpose of the proposed activity, the number of units on the site would technically exceed the density

standard applicable to residential units for both zones. A scenario whereby the residential use of the land and buildings is provided for in the District Plan as a Restricted Discretionary Activity pursuant to Rule COMZ-R33.

The support activities that will be provided as an accessory use to the contracted emergency housing i.e. on-site management and bespoke support services for residents, are technically Non-Complying Activities as in the COMZ4 Zone there is no provision for support services at this scale.

Applying the bundling principle, the activity as whole is also a Non-Complying Activity when assessed under these alternative provisions. The corollary to this is that if the support activities were not provided on site, the application could otherwise be assessed and determined as a Restricted Discretionary Activity.

Therefore, regardless of whether the proposed use is considered as “community housing” or “residential units with accessory support services” the application remains a Non-Complying Activity.

However, as demonstrated above, despite being classified as a Non-Complying Activity, emergency housing is not fundamentally out of step with the activities anticipated by the District Plan, with the non-compliant aspects being of minor significance and impact.

## **6.5 Scope of Application**

This application seeks resource consent under the Rotorua District Plan in order to establish all aspects of the proposal associated with using the existing site and buildings for emergency housing, including the associated support services. All necessary approvals are also sought to enable the eventual transition back to the prior motel use.

If Council is of the view that resource consent is required for alternative or additional matters to those identified in Sections 6.2 of this report, it has the discretion to grant consent to those matters as well as, or in lieu of those identified in this assessment of environmental effects (AEE).

Additionally, if Council is of the view that the activity status of any of the matters requiring consent is different to that described in Sections 6.2 of this report, Council has the ability under Section 104(5) of the Act to process the application, regardless of the type of activity that the application was expressed to be for.

## **7 Assessment of Environmental Effects**

In accordance with section 88(2)(b) of the Act and Clause 1(d) of Schedule 4 to the Act, this assessment of environmental effects of the proposed activity has been prepared in such detail as corresponds with the scale and significance of the effects that it may have on the environment. The relevant matters for assessment fall under the following broad categories:

- Permitted Baseline and Existing Environment
- Character and Amenity Effects, including Internal and External Amenity

- Traffic Related Effects
- Waste Management Effects
- Cumulative and Accumulative Effects
- Social Impact Effects
- Cultural Effects
- Positive Effects

## 7.1 Permitted Baseline and Existing Environment

### 7.1.1 Permitted Baseline

In forming the opinion for the purposes of s95 and s104(1)(a), adverse effects on the environment can be disregarded if the Plan permits an activity with that effect.

The District Plan provides for 'Community Housing' (up to eight residents) as a permitted activity in both the Commercial 4 Zone and Residential 1 Zone of the District Plan. As the site is currently made up of four separate Records of Title, a relevant permitted baseline would be Community Housing for 32 people which includes resident staff, across the subject site. Community Housing requires some element of support such as the support proposed in the subject application.

In addition to this, in relation to the Commercial 4 Zoned area of the site, 'tourist accommodation' is also a permitted activity. While tourist accommodation only caters for guests staying up to 28 days, it can be assumed that the effects of a motel or a motel used for emergency housing are similar if not identical.

Conversion of buildings (in the case of the Residential 1 Zone) to residential units is a Restricted Discretionary Activity.

In undertaking the effects assessment below, reference has been made to actual and potential effects of a permitted 'tourist accommodation' operation and/or community housing activity:

- Residential units on the ground floor and above the ground floor are permitted activities in the COMZ-4 Zone.
- Minimum size for residential units shall be 45m<sup>2</sup> for a 1 bedroom unit in the RESZ 1 and COMZ-4 Zone.
- Bed and Breakfast for a maximum of 8 guests including the owner or manager who is a resident onsite.
- Short term holiday accommodation for up to 12 people at any one time is a Permitted Activity in the RESZ-1 zone.

The activities described above have the potential to generate adverse effects associated with noise, amenity, density, and traffic generation of a type and scale similar to the effects associated with the proposed activity. As the District Plan permits such a proposal, effects from activities as described above can be disregarded.

### 7.1.2 Existing Environment

The consideration of the 'existing environment' was considered at length by the Independent Commissioners in the decision for the existing CEH activities. Whilst there were differing views at the hearing to the extent that other emergency housing options (other than CEH) should be considered part of the 'existing environment', the Independent Commissioners concluded that in this instance all emergency housing effects must be considered part of the environment. This includes both EHSNG and CEH. To remain consistent with the previous resource consent, and the considerations in that decision, the 'existing environment' includes all operating emergency housing in Rotorua.

In addition to the consideration of all operating emergency housing, the existing environment should also consider the wider housing environment in Rotorua. This includes an environment where housing needs are not met, which leads to people residing in shelters, cars, or the street, and the economic and social consequences of the housing shortage. These factors are the key drivers for the need to provide CEH (and other emergency housing options).

## 7.2 Character and Amenity Effects

The subject site is located in a small ribbon of COMZ4 zoned land that is surrounded by a patchwork of other zones and associated land uses. The site has two road frontages, Lake Road to the southwest, where the area has a defined mixed commercial character, and Bennetts Road to the northwest, where the area has a residential character. The site is well located to nearby amenities, including being within 65 metres of Karenga Park Reserve as well as in close proximity to nearby service stations, a discount supermarket, fruit store, takeaways and baked goods store.

The design, scale, appearance and layout of the existing buildings within the subject site will not change. There will be no changes to the physical features of the site more generally. The site layout and allocation of onsite features is shown in the site plan at [Appendix 2](#).

The tidy upkeep and maintenance of the buildings and landscaping has been demonstrated since the site has been occupied by CEH, since 2021. With the exception of removal of the motel signage, the contribution the buildings make to streetscape character have not changed since the site operated as tourist motel accommodation. This is evidenced in the Compliance Reports that have been prepared in accordance with consent conditions.

Character and amenity effects relate to both the amenity effects internal to the site for occupants as well external amenity effects on neighbouring properties. These potential effects are discussed in more detail below.

### 7.2.1 Internal Amenity Effects

Occupants of emergency housing generally have similar needs to motel guests and, as such, the conversion of the site from a motel activity to an emergency housing activity is a relatively straightforward exercise. 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.

The layout of the site is such that there is a minimum of 15 carparks located within the central portion of the site. Overall, there is adequate room throughout the site for each unit to have a parking space; noting that parking will ultimately be a matter for the contracted site manager to direct and control.

A semi-private area of open space is available for exclusive use by the occupants of units 30-38 and units 19-29. All units have access to the shared amenity space in the centre of the site. The shared amenity space has a pool with a surrounding paved area as well as other recreational features. A large expansive vacant site forms part of the overall site at its northern end. This land can be utilised by residents informally as a large space, which would be particularly suited to children.

The perimeter of the site close to the existing motel buildings and along the northern boundary of the site is vegetated, which provides screening from the adjoining properties as well as privacy from the street. Pool style fencing with tidy vegetation within the site frames the site's frontages with the public streets.

The Commercial Zone objectives and policies do not include direction about on-site residential amenity, even though the Zone provides for several forms of residential use. The rules include a specific outdoor living space requirement, but this is only for "new builds". In the Commercial 4 Zone description, there is no reference to residential amenity outcomes.

The subject site is well placed to provide good levels of internal amenity to emergency housing occupants. Any potential internal amenity effects are further mitigated by the intended short duration of stay. In this regard contracted emergency housing provides short-term accommodation to individuals and whānau with a high housing need, while more permanent accommodation is sought. The need for accommodation far outweighs any qualitative requirements of the District Plan for onsite amenity. Furthermore, there are local amenities within close proximity of the subject site, such as the Karenga Park Reserve located only 65 metres from the subject site.

The proposal includes targeted support services for whānau on an "as required" basis. In addition to this, effective site management will ensure amenity for occupants is maximised during their stay by managing noise and other potential nuisance factors. These measures will collectively assist in providing an improved quality of life for tenants during their stay, when compared with the alternative scenario of homelessness or overcrowding in unsuitable accommodation.

Ultimately, the provision of contracted emergency housing through motels provides a necessary option for vulnerable individuals and families who urgently require accommodation. The site facilities are considered appropriate for contracted emergency housing. Effects in relation to internal amenity are less than minor on the environment.



### 7.2.2 Streetscape and External Amenity Effects

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 current use of the site as a motel.

To provide additional assurance around the management of potential noise nuisance etc associated with the proposed activity, the Site Management Plan (SMP) will continue to effectively ensure noise and outdoor activities within the site are adequately managed. 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 were being operated as a motel.

As a condition of RC17647, a complaints register is kept and monitored. A review of these complaints indicates that there have not been any excessive noise complaints from owners and/or occupants of neighbouring properties.

The previous resource consent application provided a detailed assessment of the amenity effects on neighbouring residential properties. I do not intend to repeat this assessment as part of this application. It is however important to note that this proposal to continue the use of the sites for CEH will not result in any changes to the operation of the activity or any physical works which would give rise to any external amenity effects, beyond those that existed either when the site was operating as a motel or since it has been operated as CEH.

As noted above, the tidy condition of the site and the level of maintenance of buildings and landscaping demonstrates that the site has and will continue to be appropriately managed while it is being occupied by CEH. With the exception of the removal of the motel signage, the streetscape characteristics of the site have not changed since the site operated as tourist motel accommodation. This is evidenced in the Compliance Reports, which have been prepared in accordance with consent conditions.

### 7.3 Traffic Related Effects

The subject site is well catered for from a vehicle access and parking point of view. The site has generous space to accommodate vehicles that are held in the possession of onsite occupants. Visitors are not able to access the site in private vehicles.

There is one functional entry and exit point into the site off Lake Road for general access. The Bennetts Road frontage has two crossings. One is closed off entirely while the site is being used for contracted emergency accommodation and is locked, and the other is limited to use by servicing vehicles.

The layout of existing vehicle access and parking is such that all vehicles can turn on-site and exit the site in a forward-facing direction.

With respect to traffic generation, it was anticipated that the traffic generation may alter from the previous motel activity to the CEH activity, with residents being 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 checking in and out at different times. Notwithstanding, the local street network has plentiful available parking at the kerbside. The site is well placed in terms of proximity to public transport and within walking distance of local amenities. Notwithstanding this, through the use of the site for CEH there has been no 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.

For the reasons discussed above, the potential for traffic related effects is expected to be less than minor.

#### **7.4 Waste Management Effects**

On-site waste management has, and will continue to be, managed by the motel operator. The District Plan does not identify on-site waste management as a resource management issue. Instead, this issue is addressed under the Council's Solid Waste Bylaw 2016. The bylaw provides a means to mitigate potential adverse waste management effects including access, and minimising noise and odour and vermin. The hotel operator's obligations under this bylaw will be addressed and dealt with separately from the resource consent.

We note there are dedicated areas for recycling as well as for storage of rubbish, management of these areas is the responsibility of the motel operator.

Effects in relation to waste management will be less than minor on the environment.

#### **7.5 Cumulative and Accumulative Effects**

The Independent Commissioners decision granting consent addressed the concepts of cumulative and accumulative effects. Noting, a cumulative effect involves a direct nexus between an activity and an adverse effect (result from the collective impact of several activities). Whereas an accumulative effect is more of an additive impact of similar activities over time.

The Independent Commissioners concluded the need to consider both cumulative and accumulative effects. In this context, the cumulative and accumulative effects of the proposed CEH site are assessed in relation to the existing and similar uses within the area. The existing environment includes cumulative impacts of other forms of emergency housing activities in Rotorua. As such, it is crucial to consider the combined effects of all emergency housing facilities to avoid an artificial assessment starting point.

A total of 13 motels were consented in December 2022, with seven motels seeking consent for a further one-year duration. Given that the number of motels accommodating CEH has reduced and will continue to do so, the potential for cumulative adverse effects is considered less than minor, and improving all the time. The proposed use of the site for emergency housing does not introduce new activities or physical changes/works that could exacerbate existing or adverse effects from those previously consented. The effects of CEH with respect to amenity, streetscape character, traffic, waste management are very similar to the previous motel activity. The number of non-CEH motels used by MSD for EHSNG has also significantly reduced from

35 to five, resulting in a significant reduction of Rotorua motels being used for emergency housing.

I therefore consider that the given the nature of the proposal, and the fact the number of motels accommodating CEH (and non-CEH) has already, and will continue to reduce, the potential for cumulative effects to be no more than minor.

## 7.6 Social Impact Effects

The social impact effects of both the introduction of CEH motels, and then their continued use (albeit a reduced number) is important when considering the overall effects of the proposal on the community. Jo Healy and Paige Rundle from Beca have completed a Social Impact Assessment (SIA). The SIA is attached in [Appendix 7](#) and should be read in conjunction with this report. The SIA reviews the previous 18 months since the resource consents for the CEH motels were granted, and then assesses the potential impacts on the existing community of the continued operation of seven CEH sites for a further one-year duration through to December 2025.

Whilst the SIA is very thorough, and a short summary doesn't do it justice to the level of assessment undertaken, the following high level observations were made:

- The number of emergency housing motels providing for those with special needs grants has decreased significantly, the number of households in CEH motels has also decreased since December 2023. Although there has been a recent increase in numbers.
- From observations and interviews there have been some general improvements, specifically the sites are tidier. Notwithstanding, the improvements are not to a level people are comfortable with.
- Surveys with residents of CEH motels show that, in general, the motels are suitable for short term accommodation and whilst generally accommodated for, cooking facilities are limited.
- Those surveyed reported that if they weren't living in CEH they would be living in non-contracted motels (if available), overcrowding or unsafe housing or living in their cars or on the street.
- In terms of the potential social impacts, the proximity to CEH motels increases the potential severity and likelihood of negative social impacts. Neighbours have experienced negative social impacts to their way of life, health and wellbeing and to the amenity of their living environment. This impact is assessed as very low to moderate.
- For the local and wider community, the main issues are associated with anti-social behaviour and crime. Whilst some community members who reside in CEH motels contribute to these issues, this is off-site of the CEH motels and not a direct result of the activity. These behavioural issues were likely pre-existing prior to the occupation of CEH motels and would also occur if residents were in non-contracted motels or unsafe housing.

- The CEH motels have positive social impacts for many in terms of the support they provide and significant positive effects comparable to the alternatives available for most when seeking accommodation, before a suitable alternative is found.

Overall, Ms Healy and Ms Rundle conclude that the existing resource consent conditions seem to have been working well to manage/mitigate some of the negative social impacts experienced by the surrounding community. They further make the following recommendations:

- Continue with conditions of on-site management to maintain grounds and appearance of sites.
- Engage proactively with neighbouring sites, including with respect to boundary fencing/treatments.
- Review the Community Liaison Group, including the objectives, facilitation and how information is shared.
- Clear communication on the exit strategy.
- Clarify how on-going emergency housing needs will be catered for in the long term.

Taking into account the conclusions reached by Ms Healy and Ms Rundle, in addition to their observations that if CEH motels were not provided this would have negative impacts on the CEH residents who without supported transition would likely be returning to unsuitable accommodation or homelessness, I consider the overall actual and potential social impact effects to be no more than minor.

## 7.7 Cultural Effects

Whilst considering the potential for cultural effects, HUD has engaged with Iwi with regard to continuing the use of the site for CEH for a further one year. A summary of this engagement is outlined below:

### 4 April 2024

HUD Officials met with Iwi Representatives on the Rotorua Housing Accord – Leith Comer (Te Arawa) Lauren James and Segina Te Heuheu (Ngāti Whakaue) to give a high level overview of the plan to seek new resource consents for CEH motels and discuss approach to Iwi engagement.

### 3 May 2024

HUD Officials met with Paraone Pirika (Chair - Te Arawa Pukenga Koeke Te Arawa) Norma Sturley (Ngāti Whakaue) and Rawiri Bhana (Te Komiti Nui o Ngāti Whakaue) to talk them through the proposed approach to exiting CEH motels and the need to seek new resource consents for the motels as long-term housing supply solutions were delivered. HUD's lack of engagement in 2022 was noted. Discussions centred around need to support delivery of Iwi housing solutions, ensuring whānau were receiving appropriate support and ensuring motels returned to tourism.

30 May 2024

HUD Officials met with Leith Comer (Te Arawa), Segina Te Heuheu (Ngāti Whakāue), Rawiri Bhana (Chair - Te Komiti Nui o Ngāti Whakāue), Norma Sturley (Ngāti Whakāue), Paraone Pikrika (Chair - Te Arawa Pukenga Koeke Te Arawa) and Merihira Savage (GM - Te Taumata o Ngāti Whakāue Iho Ake & Vice Chair Te Pūmāutanga o Te Arawa). In these meetings HUD were able to provide updated information on the number of motels and duration for which it would seek resource consent. Further information on the social housing pipeline and the impact priority access to social housing for whānau in emergency housing has on HUD's ability to exit CEH motels. Referral processes and support for whānau as they move into social housing were also discussed.

31 May 2024

HUD Official met with Watu Mihinui (Tūhourangi representative) to discuss resource consent applications for CEH. Discussions centred around the motels in proximity to Whakarewarewa and Tūhourangi's opposition to the continued use of those motels.

Given the limited duration of the activity, and HUD's commitment to managing the potential for cultural effects, I consider the overall potential for cultural effects to be no more than minor.

## **7.8 Positive Effects**

The purpose of CEH is to provide whānau with children, who have an urgent need for housing, access to emergency residential accommodation. The existing use of the motel has served this purpose well, with little evidence of adverse effects on the surrounding environment. Furthermore, the on-site social wrap-around services assist with the daily functioning of the site and will help provide a pathway for tenants to obtain more permanent housing elsewhere.

The applicant has demonstrated over the last 18 months (since December 2022) that they are able to manage the site appropriately and in accordance with the resource consent conditions. Monitoring of the site, including preparation of Compliance Reports, further demonstrates that the site is appropriate for CEH and that the site operator has appropriately and efficiently managed any minor issues that have arisen.

For these reasons, and those noted earlier within this assessment, the proposal has significant positive effects that should be taken into consideration by the Council when determining this application.

## **7.9 Effects Conclusion**

The proposed use of the site and buildings for CEH is appropriate for further duration of one year to December 2025, with any actual or potential effects being able to appropriately mitigated through conditions of consent. For the reasons discussed above, the overall effects of the proposal are no more than minor.

# 8 Objectives and Policies

## Rotorua District Plan

The following objectives and policies of the Rotorua District Plan are relevant to this proposal

Appropriate noise environment	
<b>NOISE-O1</b>	<i>A noise environment consistent with the character and amenity expected for the zone.</i>
<b>NOISE-P1</b>	<i>Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the function of the zones and permitted activities within them.</i>
<b>NOISE-P3</b>	<i>Control the potential adverse effects of noise generated in one zone and received in another zone.</i>
<b>NOISE-P4</b>	<i>Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.</i>
<b>Comment:</b>	<p>The proposed use of the site for emergency housing is consistent with the character and amenity expected for the Commercial 4 zone. Use of the site for ‘tourist accommodation’ is provided for in the District Plan as a permitted activity and any noise generated from the site is akin to the type of noise generated from a tourist accommodation activity.</p> <p>Furthermore, there is far more active supervision of the site through the service provider than would exist if the site was being operated as a hotel. It has been demonstrated that implementation of the SMP (which includes restrictions on visitors, hours for being in shared open spaces and specific rules related to noise) has been effective in managing the potential for noise effects on the site.</p> <p>The proposal is consistent with the above objective and policies.</p>
Reverse Sensitivity	
<b>NOISE-O2</b>	<i>Existing and permitted activities in the central city, rural and industrial zones are protected from noise reverse sensitivity</i>
<b>NOISE-P7</b>	<i>Encourage activities to locate in areas where the noise generated from existing activities, or noise anticipated by the zone rules, is compatible with the proposed activity.</i>
<b>NOISE-P8</b>	<i>Avoid, remedy or mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, building location and/or noise control boundaries to maintain the amenity of adjacent residential zones or marae and habitable buildings.</i>

**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.*

**NOISE-P10** *Limit the location of new residential activities sensitive to disturbance from lawfully established urban and rural industries, recreation and infrastructure activities and network utilities to avoid reverse sensitivity effects.*

**Comment:** The proposal is not anticipated to result in any reverse sensitivity effects. The zoning of the site provides for very similar activities (tourist accommodation) and the proposed use of the site is compatible with surrounding uses.

The proposal is consistent with the above objective and policies.

### Part 3: Area Specific Matters – Commercial Zones (COMZ)

#### 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-P6** *Entranceway Tourism Provide for the development of tourism enterprises and Māori cultural experiences that maintains or enhances the amenity and vibrancy along the northern and southern city entranceways to the inner city, as shown on Planning Map 206.*

**Comment:** Operating CEH on the subject site aligns with the hierarchy of compact commercial and tourism centres in Rotorua. The Commercial 4 zone is described in the District Plan as “motels or large apartment style buildings commonly two storeys in height, with signage that maintains surrounding amenity. The buildings are designed to cover the majority of the land area and have minimal yards that are landscaped where they adjoin the road.”

The proposal retains the existing buildings on the site and will present in the same way as apartment buildings or a motel. The proposal clearly supports the community by providing housing for those where there is an urgent housing need.

It is intended that the proposed use of the site and buildings for CEH for a further duration of one year beyond what is already consented does not represent the permanent conversion of tourist accommodation to permanent residence.

The proposal is consistent with the above objective and policy.

## Design and appearance of buildings

<b>COMZ-O2</b>	<i>Buildings and activities positively contribute to the mixed use character, safety and efficiency, and attractiveness of commercial centres and entranceways to Rotorua.</i>
<b>COMZ-P9</b>	<i>Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.</i>
<b>Comment:</b>	<p>The proposal will operate similar to a motel with longer term visitors. The main entrance onto Lake Road will be retained, with good visibility and safe entry and exit to the site.</p> <p>As discussed in the assessment of environmental effects (above) the proposal will not detract from the character of the area, nor will it adversely affect the safe and efficient functioning of the transport network. This has been evidenced by the use of the site for CEH since 2021.</p> <p>The service provider will provide effective management of the site, ensuring the safety of those within the site and the wider community.</p> <p>The proposal is consistent with the above objective and policy.</p>
<b>COMZ-O3</b>	<i>Buildings and activities designed and operated in a manner that mitigates adverse effects on the amenity of residential zones.</i>
<b>COMZ-P10</b>	<i>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.</i>
<b>Comment:</b>	<p>The layout of the site and buildings will not be altered as part of the proposal. Implementation of the SMP will ensure the use of the site for CEH will not adversely affect the amenity of adjoining residents.</p> <p>Furthermore, 'community housing', and 'tourist accommodation' are permitted activities in the Commercial 4 zone. These are activities that both closely align to the proposed use of the site for emergency housing. The proposal is consistent with the above objective and policy.</p>

## Commercial activities located within non-commercial zones

<b>COMZ-O4</b>	<i>Efficient use and development of commercial centres by the establishment of activities consistent with the intended purpose of each zone.</i>
<b>COMZ-P12</b>	<i>Restrict the location of retail and commercial activities in other zones of the district to maintain and enhance the vibrancy and amenity of the commercial zones.</i>
<b>COMZ-P13</b>	<i>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;*

*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.*

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<b>Comment:</b>	<p>As previously discussed, the proposal is a Non-Complying Activity because it does not neatly fit the definitions in the District Plan, rather than because it is challenging the integrity of the District Plan. The proposal is generally consistent with 'community housing' which is permitted in the Zone, as is 'tourist accommodation'.</p> <p>The proposal does not compete with the City Centre and complements the City as a whole, by providing urgently needed housing for those most in need.</p> <p>The proposal is consistent with this objective and these policies.</p>
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As demonstrated in the assessment above, the proposed development is consistent with the relevant objectives and policies of Rotorua District Plan.

## **9 Notification**

The applicant requests public notification of the application. Therefore, no specific notification decision is required.

Notwithstanding the effects assessment above concludes that the effects of the proposal are no more than minor, the applicant requests public notification of the application. The reason for this request is due to the public interest in the use of the motels as CEH, and given this interest to allow public participation through the resource consent process.

## **10 Statutory Assessment**

### **10.1 Section 104D Assessment – Gateway Test**

Section 104D of the RMA provides a gateway test which must be passed for a resource consent for a Non-Complying Activity. Council may only grant a resource consent for a Non-Complying Activity if it is satisfied that either the effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the relevant plan.

For the reasons discussed above in this report, I consider that the adverse effects of the proposal on the environment will be no more than minor and also that the proposal is not contrary to the relevant objectives and policies of the Operative District Plan. Therefore, the application passes both gateways.

## 10.2 Section 104 of the RMA

### Section 104

*In considering an application for land use consent, the consent authority must have regard to Part 2 (Purposes and Principles) of the RMA, and to the matters to be considered as set out in section 104(1). Section 104(1) states that, subject to the provisions of Part 2, a consent authority must have regard to:*

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*
  - (i). *a national environmental standard:*
  - (ii). *other regulations:*
  - (iii). *a national policy statement:*
  - (iv). *a New Zealand coastal policy statement:*
  - (v). *a regional policy statement or proposed regional policy statement:*
  - (vi). *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

#### 104(1)(a) - Effects

In respect of section 104(1)(a), an assessment of any actual or potential effects has been included in Section 7 of this report. This assessment is also relevant to section 104(1)(a) and I therefore determine that effects of the actual and potential effects of the proposal will be no more than minor and acceptable.

#### 104(1)(b) – Relevant Planning Provisions

I have considered the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, it is my opinion that there are no National Environmental Standards that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant. The proposal is consistent with the general strategic direction and objectives and policies of the BOP Regional Policy Statement. Regard has also been given to *He Mahere Taiao mo ngā Wai o The Arawa – The Arawa Lakes Trust Environmental Management Plan (2019)*. There are no potential adverse effects directly pertaining to Lake Rotorua or its waterways as a result of this proposal.

The National Policy Statement on Urban Development 2020 (NPSUD) is relevant to this proposal. The NPSUD is about ensuring urban development recognising the national significance of urban environments and the need to enable such environments to develop and change, and to provide sufficient development capacity to meet the needs of people and communities and future generations in urban environments. The NPSUD directs decision making under the Act to ensure that planning decisions enable development through providing sufficient development capacity for housing and business.

The relevant NPSUD Objectives and Policies are set out below.

**Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

**Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:
  - (i) meet the needs, in terms of type, price, and location, of different households; and*
  - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

**Policy 6:** *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
  - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - (ii) are not, of themselves, an adverse effect**
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

**Policy 11:** *In relation to car parking:*

- the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*

- *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

The subject application is to enable those with urgent housing needs to have safe and stable accommodation while a more permanent housing solution can be found. The CEH model supports families and individuals in urgent housing need with a short-term place to live and provides support to find stable and permanent housing. In relation to parking, the NPSUD requires that District Plans do not set minimum car parking rates. As directed by the NPSUD, the requirement to provide 1 carpark per household unit has now been removed from the District Plan.

The proposal has been assessed against the relevant policies of the NPSUD. With the undersupply of housing, Rotorua is not a well-functioning urban environment. This proposal however allows people to access the emergency housing while more housing supply comes on stream. This thereby leading to Rotorua becoming a well-functioning urban environment. There are no other National Policy Statements relevant to the assessment of this proposal.

In respect of Section 104(1)(b), the document that provides the relevant statutory context is the Rotorua District Plan. As discussed at Section 9 above, the proposal is generally consistent with the relevant objectives and policies of the District Plan.

#### 104(1)(c) - Other Matters

The District Plan does not identify on site waste management as a resource management issue. This is addressed under the Council's Solid Waste Bylaw 2016. The bylaw provides a means to mitigate potential adverse waste management effects including access, and minimising noise and odour and vermin. It is acknowledged that this resource consent does not obviate the consent holder's obligations under the bylaw.

The Rotorua Spatial Plan 2018 has seven objectives, the most relevant to this application is "Objective One: Build Homes that match needs", this is to respond to the fact that current market trends indicate that not enough new homes are being built for the number of additional people living in the district. As part of Objective One the Council has identified that must be used "more efficiently and create a variety of housing types". The Spatial Plan indicates that there will be a future plan change to "Consolidate tourism accommodation on the CBD and allowing existing accommodation to change to land for homes" (page 18).

We also note that in relation to infrastructure (Objective Seven), the subject site falls within an area where there is 'Capacity for growth'.

The proposed interim use of the motel sites for emergency housing is consistent with this Spatial Plan strategic direction and provides an urgent solution while longer term solutions, such as plan changes to provide additional land for housing and physical construction of additional housing are undertaken.

There are no other matters that the consent authority should consider in the determination of this application.

### 10.3 Section 108 of the RMA

Section 108 of the RMA provides for the Council to grant consent on any condition the Council considers appropriate. In accordance with Clause 6(1)(e) of Schedule 4 of the RMA, as part of proposed mitigation of the potential adverse effects of the proposal, this applicant proffers conditions of consent to demonstrate their commitment to continuing to operate the CEH in an appropriate manner to mitigate any potential for adverse effects on the wider environment or neighbouring properties.

Appendix 5 outlines all of the proffered conditions of consent. For ease of references, these are presented with track changes from the consent conditions imposed under RC17647.

### 10.4 Resource Management Act 1991 – Part 2 Assessment

I have had regard to matters under Part 2 of the RMA when considering resource consent applications. The Rotorua District Plan is a valid planning document. It has complete coverage over the proposed activities and anticipated effects. In achieving the purpose of the Act (Section 5) all persons exercising functions under it, shall recognise and provide for matters of national importance including the protection of historic heritage (Section 6), have particular regard to any other relevant matters (Section 7), and take into account the principles of the Treaty of Waitangi Section 8. Having weighed these matters, I consider that the proposal is consistent with the sustainable management purpose of the Act and Section 5 more generally.

## 11 Conclusion

The application is being made on behalf of the hotel operator by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development for resource consent from Rotorua District Council for Contracted Emergency Housing at 131 Lake Road, Rotorua. Approval is sought to extend the existing resource consent (RC17647) for a duration of one year. The applicant requests public notification of the application.

Section 7 details an assessment of effects and Section 10 outlines the key planning considerations for this assessment. These assessments conclude that the proposal will result in less than minor effects and no persons will be adversely affected. The proposal is also not contrary to the objectives and policies of the Rotorua District Plan.

On this basis, it is considered that the proposal can be granted in accordance with Sections 104 and 104B of the Act.