
ROTORUA DISTRICT COUNCIL

REPORT TO: David Hill, Sheena Tepania, and Greg Hill (Independent Hearing Panel) **FILE NO:** 6221190
FROM: Bethany Bennie (Consultant Planner) **DATE:** 23 September 2022

SECTION 42A – COUNCIL OFFICERS REPORT

NOTIFIED APPLICATION TO:

USE THE EXISTING SITE AND BUILDINGS FOR CONTRACTED EMERGENCY HOUSING FOR FIVE YEARS.

APPLICANT:	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
APPLICANTS AGENT:	THE PROPERTY GROUP C/- ALICE BLACKWELL
OPERATOR / CONSENT HOLDER:	NEW CASTLE MOTOR LODGE C/- BOON TAN
ADDRESS:	18 WARD AVENUE, ROTORUA
RESOURCE CONSENT NUMBER:	RC17650
LEGAL DESCRIPTION:	LOT 3 DPS 52775
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION
REPORT:	SECTION 42A – COUNCIL OFFICERS' REPORT
NOTIFIED:	PUBLIC NOTIFICATION

SUMMARY

1. Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (**MHUD**) is applying on behalf of the motel operator (the **applicant**) under Section 88 of the Resource Management Act 1991 (**RMA**) through The Property Group (the **Agent**) to use the subject site (the **site**) and existing New Castle Motor Lodge buildings for contracted emergency housing (**CEH**) accommodation for a maximum period of five years, after which the site and existing buildings will revert back to tourist accommodation.
2. The resource consent application (**application**) was lodged with Council on 6th August 2021. The activity has been operating since 1 July 2021, so the application is retrospective and prospective.
3. A request for further information (**RFI**) was issued to the applicant on 24th September 2021 and therefore the application was placed on hold in accordance with section 92(1) of the RMA. A RFI response was received from the applicant's agent on the 11th May 2022.
4. The applicant requested that the application be publicly notified on the 11th May 2022. The application was publicly notified on 11th June 2022 along with 11 other CEH applications. A 13th application was notified on 6th August 2022. 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, Bay of Plenty Regional Council, Rotorua Housing Taskforce, Te Pokapū, Ngāti Whakaue, Te Arawa Lakes Trust, Restore Rotorua Incorporated, and Rotorua Economic Development Limited.
5. Of the 3,841 submissions received on all 13 CEH applications, six submissions were specific to the subject site. The majority of submissions covered general matters across all 13 CEH application sites. These general matters are covered in the Section 42A Overview Report (**Overview Report**).
6. 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.

REPORT STATUS

7. 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 13 applications made by MHUD for CEH.
8. This report is not a decision on the application. It provides opinions and assessments, which are, in turn, incorporated into the Overview Report. The Overview Report assesses matters common to all 13 applications and records recommendations to the Independent Hearing Panel (**Panel**) on whether the applications should be granted or declined consent.
9. This report will be considered by the Panel in conjunction with all other evidence and submissions which have been received. The Panel will determine the weight to be given to this report and to any other evidence or submissions that are presented when making its decision.

REPORTING OFFICER

10. This report has been prepared by Bethany Bennie. I am employed as a Senior Planner at Boffa Miskell Limited. I hold a Bachelor of Geography and Master of Planning Practice from The University of Auckland. I have approximately five years planning experience. I am an Intermediate member of the New Zealand Planning Institute (**NZPI**).

11. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 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.

12. In preparing this report I have relied on the following evidence:

- The Overview Report prepared by Craig Batchelar, Planner and Director of Cogito Consulting Limited;
- Expert advice from Sarah Collins, Landscape Architect at Boffa Miskell Limited;
- Expert advice from Rebecca Foy, Social Researcher and Director at Formative; and
- Expert advice from Natalie Hampson, Economist and Director at M.E Consulting.

13. This report records my assessment and recommendations along with recommended Conditions of Consent, should the Panel determine that consent should be granted.

THE SITE AND SURROUNDING ENVIRONMENT

SITE DESCRIPTION

14. The site is located in the Commercial 4 Zone (**COMZ4**) under the District Plan, is located at 18 Ward Avenue, comprises one parcel described below:

District Plan Zone	Legal Description	Area (m ²)
COMZ4	LOT 3 DPS 52775	1,398



Figure 1 – District Plan zones with the subject site outlined in red. The purple is COMZ4, the dark yellow is Residential 2 (RESZ2) and the green is Destination Reserves (DSTZ).

15. The applicant gives the following description of the site and motel in Section 2.1 of the application:

The site... has its main entrance and managers unit located in the site’s south-eastern corner. The existing buildings on the site are all double storied and surround a paved parking area. A solid wall lines the eastern and northern boundaries, providing a distinct separation of the site from these adjacent locations. The site is located in an urban area of Ward Avenue that is dominated by hard paving; although across the road is a large public park (Murray Linton Rose Garden and playground). A service lane adjoins the subject site’s eastern boundary, which connects with Gibson Street further to the north.

The existing buildings within the site are dedicated to the existing motel operation, which has been in operation since 2002-2003.

Table 1: Configuration of units at 18 Ward Avenue excluding managers accommodation

Type of unit	No. of units	Max No. of occupants
Studio	8	24
One bedroom unit	8	40
TOTAL	16	64

16. The site’s frontage is to Ward Avenue. There units are located within two detached buildings.

17. Each unit has its own carpark located along the western boundary of the site. There is also an accessible carpark and an additional two carparks adjacent to the manager’s unit, plus an additional carpark between the two motel buildings.

18. Unit 1 is currently being used by the Housing Service Provider as a meeting space. There is no shared laundry space within the site; instead, a nearby off-site laundromat can be utilised by the site occupants.
19. Vegetation is established along the boundaries of the site. Small patio (at ground level) or deck (at first floor level) areas are provided in front of each unit. Shared open spaces are provided adjacent to the northern and south-eastern boundaries.
20. The motel has been used as emergency housing since April 2020. The motel has been in use as MHUD CEH since 1 July 2021.

SURROUNDING AREA

21. The immediate surrounding environment is mixed and includes a large, sealed parking area on the northern and western boundaries (associated with the nearby Copthorne Hotel), a service lane to the east with a Sikh temple, a dairy (with an upstairs dwelling) located on the opposite side of the lane, and a rose garden and recreation reserve to the south on the opposite side of Ward Avenue.
22. Ward Avenue is an Urban Collector Road (District Plan Maps 205). The land-use along Ward Avenue is a mix of residential, commercial, recreation open space, and tourist accommodation.
23. To the west is Fenton Street which is an Urban Primary Arterial Road and City Entranceway (District Plan Maps 206), carrying high levels of traffic in and out of the Rotorua CBD. Fenton Street has a mix of residential, commercial, and tourist accommodation land-uses. Several of these tourist accommodation facilities along Fenton Street are being used for CEH or emergency housing. There is also a non-contracted emergency housing provider (Gibson Court Motel) located nearby on Gibson Street.



Figure 3 – Activities within the immediate surrounding environment (red – subject site, yellow – tourist accommodation and ancillary parking, purple – non-contracted emergency housing motel, green – reserve, orange – Sikh temple, blue – dairy with residential unit, uncoloured – residential)

LOCAL AMENITIES AND SOCIAL INFRASTRUCTURE

24. On the opposite side of Ward Avenue to the south is the Murray Linton Rose Garden with a playground, recreational areas, and public amenities. Another reserve with a playground is located approximately 500m to the east of the site on McIntyre Avenue. Two early childcare centres are located approximately 700-800m south of the site on Sala Street and Tryon Street respectively. The closest school is Whakarewarewa School on Sala Street, approximately 1km away.
25. A local dairy (including a residential unit upstairs) and Sikh temple are located immediately to the east. A sports bar is located nearby to the west, part of the Copthorne Hotel complex.

RECORDS OF TITLE REVIEW

26. The Record of Title for the site (SA46C/875) has an easement and a leasehold registered against it.
27. The easement provides rights over the northern edge of the subject site for water and sewage drainage purposes. This easement would not restrict the CEH proposal from proceeding.
28. A copy of the lease agreement was not provided through the resource consent application process. Notwithstanding, this is seen as a private property matter, and any implication in terms of the CEH proposal sits with the landowner and the leaseholder.

CONSENT HISTORY

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

Reference number	Date of issue	Details
RC5063	2 September 2002	Development of a 16-unit motel and manager's unit
RC5015	12 July 2002	Non-complying signage

30. Resource consent RC5063 is not currently being complied with, as the approved plans require an egress accessway onto the adjacent service lane to the east. This access is currently closed off by a wooden fence. The property file notes show discussion between the motel operator and Council about this, but the non-compliance does not appear to have been rectified.
31. Despite the above non-compliance, none of the above consents would restrict the proposal from proceeding. There is no intention, nor need, to surrender these consents. After expiry of the consent for CEH, if granted, the motel activity would recommence.

PROPOSAL DESCRIPTION

32. The applicant is seeking resource consent to use the subject site and existing buildings for CEH for a maximum period of five years, after which the site and buildings will revert to tourist accommodation.

33. The application was initially for a maximum of 64 occupants (excluding staff and children under 18 months old) accommodated in 16 studio and one-bedroom units. That maximum occupancy represented no change from the existing maximum occupancy of the motel. Full-time management and supervision will be provided, with manager's accommodation located onsite.
34. The applicant has recently stated an intention to reduce the maximum occupancy level to 47 occupants (excluding staff and children under 18 months old).¹ The applicant has also identified that one unit (Unit 1, a studio unit) is used by the Housing Service Provider. It is likewise assumed that this unit would be needed on an ongoing basis by the service provider to undertake its on-site support services (outlined below). This effectively reduces the available number of units for use by CEH occupants from 16 to 15 (i.e., within eight one-bedroom units and seven studio units).
35. The applicant proposes no physical alterations to the existing motel and complex, although construction has recently been undertaken to install close-boarded fences on the northern and eastern boundaries to improve security and privacy.
36. On-site support services will be provided by Visions of a Helping Hand (**Visions**), who will implement a Site Management Plan (**SMP**) (Appendix 4 of the application). The SMP is offered as an "Augier"² condition by the applicant. The SMP details maximum occupancy, on-site security, authorised personnel and visitors, and noise management. On-site support services include:
- Registered and trained social and support workers available on-site Monday through Friday 8.30am to 5.00pm;
 - 24/7 on-call social and support worker (via phone);
 - Facilitated groups run by a programme facilitator. Group topics include budgeting, employment, parenting, education, cooking on a budget, and men's and women's empowerment groups;
 - Afterschool and holiday programmes for children; and
 - At least one security guard will be on the premise 24/7 with an on-call senior security office available 24/7.
37. 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;
 - Routine inspections of units; and
 - Full cleaning of units once tenants have left.

¹ Further information received from the applicant dated 9 September 2022

² 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. This is called an "Augier" condition.

38. Regarding the length of time occupants will stay in CEH, the applicant stated the following³:

...every case is different, in some cases people may only require a short stay, whereas in others they may be at a particular contracted emergency housing site for months. In addition to this, the current programme of work underway aims to decrease the amount of time people need to spend in emergency housing and as such, the aim is that this average will drop over time.

39. The applicant then subsequently stated⁴:

Across all emergency housing, the average length of stay in (sic) is 22 weeks, the typical length of stay is 2-3 months and the maximum length of stay is 19 months.

Across all CEH motels, there are 16 whānau and five individuals that have been in CEH since 1 July 2021 (i.e. from when motels were first contracted by HUD). The shortest length of stay in CEH is three days.

40. The Agent⁵ has confirmed the use of the site for CEH for a maximum of five years followed by reversion back to tourism accommodation.

41. For further detail on the proposal, please refer to Section 3 of the application. Figure 4 below outlines the site plan.

³ Email from Agent dated 27 August 2021 titled "Response to further information -contracted emergency accommodation".

⁴ Letter from Agent dated 11 May 2022 titled "response to request for further information – RC 17650 – 18 Ward Avenue".

⁵ Comms with Agent via zoom, and email from agent dated 27 August 2021 titled "Response to further information -contracted emergency accommodation".



Figure 4: Proposed Site Plan (as per Appendix 2 of the application)

ACTIVITY STATUS

42. The activity status for each application is discussed in detail in the Overview Report.

43. In summary, the proposal for CEH at 18 Ward Avenue has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1(1) of the District Plan.

NOTIFICATION AND SUBMISSIONS

NOTIFICATION PROCESS

44. The application was publicly notified on 11th June 2022 (along with 11 of the other 12 CEH applications)⁶. Notice of the application was also served on the owners/occupiers of immediately adjacent properties and owners/occupiers of neighbouring properties,

⁶ The 13th application (Emerald Spa) was notified on 6 August 2022.

owners/occupiers of the subject site, Bay of Plenty Regional Council, Rotorua Housing Taskforce, Te Pokapū, Ngāti Whakaue, Te Arawa Lakes Trust, Restore Rotorua Incorporated, and Rotorua Economic Development Limited.

SUBMITTERS

45. Following the close of submissions, 3,841 submissions were received across all 13 notified CEH applications. The majority of submissions applied to all 13 applications and focussed on general matters relating to emergency housing (for example, social and economic effects). These matters are addressed within the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

46. Those submitters who provided a submission specific to New Castle Motor Lodge are addressed below.

Submitter Name/no.	Oppose/Support	Wish to be Heard	Submitted on other applications	Submission Summary
Joanna Meyer (348)	Oppose	Yes	RC17648 RC17893	<u>Local resident</u> <ul style="list-style-type: none"> • Safety of elderly neighbourhood • No impact studies completed • Overcrowding • Duration of consent • Out of town CEH occupants
Richard Shand (143)	Support	No	RC17892 RC17893 RC17647 RC17648 RC17661 RC17673 RC17887 RC17891 RC17662 RC17890 RC17889	<u>Local resident</u> <ul style="list-style-type: none"> • Supports CEH motels located off Fenton Street • Desperate need to house people since the covid pandemic • CEH motels not located on Fenton St appear to have better management, and are not an “eye sore” to visitors • Reduce term from 5 years to 2-3 years as Kāinga Ora’s housing programme should be operational during that period • CEH occupants who are not originally Rotorua residents should return to hometown if occupancy numbers of CEH exceed availability
Esther Joy Turner (39)	Oppose	Not specified	RC17647 RC17648 RC17662 RC17673 RC17887 RC17889 RC17891	<ul style="list-style-type: none"> • Use of a budget family motel for housing • Impacts on tourism
Amanda Hunt	Oppose	Yes	RC17647 RC17661	<ul style="list-style-type: none"> • Not suitable for the area • Impacts on tourism and Rotorua reputation

			RC17662 RC17673 RC17887 RC17889 RC17890 RC17891 RC17982 RC17893	<ul style="list-style-type: none"> • Increased crime
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SECTION 104 ASSESSMENT

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

47. 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 amenity effects
 - External amenity
 - Internal amenity
- Transportation effects
 - Parking and access
 - Traffic generation
- Noise effects
 - Noise from emergency housing
 - Noise sensitive activities adjacent State Highways
- Infrastructure effects
- Financial contributions

48. 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 in the Overview Report and statements of evidence.

CHARACTER AND AMENITY EFFECTS

49. The RMA defines amenity values as *"those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."*⁷

50. The site is located in the COMZ4 zone. The District Plan describes COMZ4 as predominantly consisting of *"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."*

51. The described elements generally define the character of the zone, however, in this instance, adjacent properties are within COMZ4 but are a mix of sealed carparking, a Sikh temple, a

⁷Resource Management Act 1991, Part 1 Interpretation and Application, (2)(1) Amenity.

dairy (including an upstairs residential unit) and two-storied residential units. The property to the south of the site is a reserve within the Destination Reserves Zone (**DSTZ**).

52. Generally, the District Plan refers to amenity in the context of the “design and appearance of buildings”.
53. The following sections assess the external amenity effects of the site, as well as the internal amenity effects.

External Amenity Effects

Ward Avenue

54. The subject site has frontage to Ward Avenue. The frontage is characterised by the motel signage, motel buildings, and the established landscaping (also present along the side boundaries).
55. These aspects of the site form part of the existing environment and there are no physical changes proposed by the applicant. The buildings were constructed for tourist accommodation activities and the design, appearance and scale are consistent with the character anticipated by the COMZ4 Zone.
56. Several submitters have described adverse external amenity effects generally in relation to CEH motels. Typically, this related to an increase in rubbish, graffiti, shopping trolleys, temporary security fencing and road cones. A number of submitters also described how motels have fallen into a state of disrepair since they have changed in use to emergency housing. This could be due to the motel operator no longer needing to advertise and compete for tourists, or it could be related to increased intensity of use on the site causing wear and tear to the buildings.
57. The site was visited on the 23rd August 2022. The site appeared tidy. The boundary vegetation had recently been trimmed and was piled up along the eastern boundary of the site. There was no sign of road cones, rubbish, graffiti, or shopping trolleys. This site did have two small pool fences on wooden blocks across the front entrance. These were able to be moved by security guards to let vehicles in and out of the site.
58. To ensure the site is well maintained, the applicant has provided a SMP which outlines requirements for site maintenance. It is recommended that the SMP is updated to provide further detail addressing submitter concerns as stated above⁸. Specifically, this includes the removal of rubbish, graffiti, management of shopping trollies and regular tidying of the property.
59. Although landscaping is not specifically required under the District Plan at the Ward Avenue frontage, it is a requirement under the existing motel consent (RC5063). A condition of consent is recommended that the existing planting be maintained and replaced where necessary⁹.

⁸ Refer recommended condition 31 in Appendix 1

⁹ Refer recommended Conditions 13 in Appendix 1.

60. It is recommended that a condition of consent be imposed that requires the temporary fencing across the entrance way be replaced with permanent pool fencing inclusive of a gate. This would improve the amenity of the site when viewed from the public realm¹⁰.
61. Furthermore, it is recommended that the signage associated with the motel is removed¹¹. This would assist in reducing visual clutter when the site is viewed from Ward Avenue.
62. Adoption of these recommendations would maintain the attractiveness of the streetscape.

Boundaries with neighbouring properties

63. The site adjoins privately-owned sealed parking areas to the north and west, and a service lane to the east. The buildings are situated back from these boundaries, with fencing located on the boundary and landscaping in behind. As there is limited opportunity for landscaping across the majority of the site due to it being largely impervious, it is recommended that the existing landscaping be retained.

Conclusion

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

Internal amenity effects

Length of Stay

65. One of the key differences between motel guests and CEH occupants is the length of stay in the units. At the time of the RFI (dated May 2022), the applicant stated that:

...Across all emergency housing, the average length of stay in (sic) is 22 weeks, the typical length of stay is 2-3 months and the maximum length of stay is 19 months.

Across all CEH motels, there are 16 whānau and five individuals that have been in CEH since 1 July 2021 (i.e. from when motels were first contracted by HUD). The shortest length of stay in CEH is three days.

66. It is anticipated that the applicant will update this information in the course of the hearing.
67. 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.
68. 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 amenity in relation to outdoor living space and the proposed occupancy rate.

¹⁰ Refer to recommended condition 22 in Appendix 1

¹¹ Refer recommended condition 17 in Appendix 1

Outdoor Living

69. In COMZ4, household units are required to provide a private outdoor living space with a minimum area of 10m² and a minimum depth of 2m¹². However, this only applies to new buildings. There are no objectives and policies within COMZ4 that address outdoor living space.
70. The outdoor living spaces for the units are predominantly very small patio or decking areas, with a larger shared outdoor space being located adjacent to the four ground floor units at the rear (northern end) of the site, and a smaller shared area adjacent to the front boundary.
71. The site is adjacent Murray Linton Park, which has a rose garden, open space, and a playground.
72. As the onsite open space is minimal, it is recommended that conditions be imposed to ensure shared outdoor living space is retained in a suitable condition for recreational use by occupants¹³.

Suitability for children

73. This section incorporates the recommendations of Ms Collins as outlined in her expert evidence. Ms Collins states 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 her evidence.
74. Ms Collins has rated the site as "low" for children six months to three years, three to seven years, and eight to twelve years. This is due to the limited access to confined private outdoor areas directly from the units, and lack of a central courtyard within the subject site. While the "low" rating indicates that the outdoor living space is not ideal for children in these age brackets, it is nonetheless acceptable in terms of Ms Collins' rating system.
75. Ms Collins has rated the site as "moderate" for the thirteen to eighteen-year-old age group. This is due to the proximity of the park at Murray Linton Rose Garden (directly opposite the site) and the McIntyre / Sala Street Reserve (571m away).
76. It is recognised that in adverse weather conditions, children would have no play space other than the limited space available within the individual units. A solution to this would be to dedicate one of the units for use as a common playroom. While this has not been recommended by any of the technical experts, the Panel may wish to consider this as an option to manage internal amenity effects for young occupants of the site.

Occupancy Rate

77. The applicant originally proposed 64 (maximum) occupants within 16 studio and one-bedroom units (excluding infants under 18 months). This included 24 occupants within the studio units, which equates to an average of three people per studio unit, and 40 occupants within the one-bedroom units, which equates to an average of five people per one-bedroom unit.

¹² COMZ-S5

¹³ Refer to Condition 16 in Appendix 1.

78. The District Plan does not provide guidance on occupancy levels of dwellings. The applicant stated that it prepared the application on the basis that the motel is occupied at full capacity which provides a baseline for assessment.
79. The applicant has recently stated an intention to reduce the maximum occupancy level to 47 occupants (excluding staff).¹⁴ Under the proposed new maximum, where there is more than one double bed in a room, only one bed has been counted as sleeping two people. Further, the applicant has also identified that one unit (Unit 1) is used by the service provider as a meeting space. It is assumed that this studio unit would 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 16 to 15 (within eight one-bedroom units and seven studio units).
80. The applicant has provided details of actual occupancy rates for the CEH activity on the site over an eight-month period¹⁵. This data shows that the average occupancy level of the CEH activity on site is 35 occupants (an occupancy rate of 55%). The data also shows that the maximum occupancy rate over the same period was 47 occupants in August 2022.
81. A number of submitters have raised concerns of overcrowding. Some of these submitters referenced Statistics NZ, whereby "there should be no more than two people to a bedroom but that couples and children of certain ages can share a bedroom"¹⁶.
82. The measure used by Statistics NZ is the Canadian National Occupancy Standard (**CNOS**) and is regarded as a "best fit for the New Zealand context"¹⁷. The New Zealand Deprivation Index uses CNOS as an indicator of overcrowding¹⁸.
83. Applied to the subject site, the new proposed occupancy rates could result in crowding¹⁹. To avoid crowding²⁰, there would need to be a limit of two people per bedroom. This occupancy limit, however, may not meet the objective of CEH which is to house whānau/family with tamariki/children.
84. While some CEH families may consist of two people, it is likely there will be many families consisting of three or more people. No information has been provided on the sizes of families that have typically stayed at the New Castle Motor Lodge. Nor has information has been provided on the size of the units (in m²) or the number of beds within each room, and the site visit did not involve entering the units. It is expected that the applicant can provide in the course of the hearing.

¹⁴ Further information received from the applicant dated 9 September 2022

¹⁵ Further information received from the applicant dated 9 September 2022 (eight-month period - December 2021 to August 2022)

¹⁶ 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

¹⁷ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

¹⁸ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*; and 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

¹⁹ As defined by Statistics NZ

²⁰ As defined by Statistics NZ

85. With this information in mind, considering the lack of outdoor space on-site, suitability of the site for children, and the definitions of crowding as stated above, the following occupancy rates are recommended:

- Studio units may accommodate a maximum of two people (excluding children under the age of six months);
- For one-bedroom units may accommodate a maximum of two people (excluding children under the age of six months); and
- The overall occupancy for the subject site is restricted to 30 occupants (excluding children under the age of six months).²¹

86. This would result in a maximum occupancy of 30 occupants across the whole site which is lower than both the average occupancy (at 35 occupants) and the maximum occupancy levels (46 occupants) over the previous 18 months

87. The maximum occupancy levels proposed by the applicant exclude children under the age of 18 months. It is recommended that only children under the age of six months are excluded from the occupancy levels. At this age, typically children are unable to crawl or walk and therefore less space is required. This is consistent with the age groups provided by Ms Collins.

88. Regarding the enforcement of the above conditions, the applicant offered the below condition:

A register of the number of occupants in each unit, will be completed weekly. A record of the number of occupants residing at the site must be made available to the Council's Compliance Monitoring Officer upon request.

89. The SMP also states:

A register of the number of occupants in each unit, will be updated on entry and exit and reconciled weekly. A record of the number of occupants residing at the site will be made available to the Council's Compliance Monitoring Officer upon request.

90. It is recommended to include the above *Augier* condition as a condition of consent with a requirement to provide that information to Council on a regular basis²². With that condition and details in the SMP (which the applicant has already offered as a condition), site occupancy will be managed.

91. It is noted that some existing families may be established in units that no longer meet the recommended occupancy rate. Requiring them to move immediately, if consent is granted, could be an unnecessary disruption. The Panel may want to consider one to the two options below to manage this are:

- A transition period of say 3 months; and/or
- Allowing the family to stay (if they wish) until they no longer need CEH, but ensuring any incoming occupants meet the proposed occupancy rates and age restrictions.

92. One or several of these above measures could be implemented as consent conditions.

²¹ Calculated by a maximum of two people per each of the eight one-bedroom units (16 people total) and a maximum of two people per each of the seven studio units (14 people total)

²² Please refer to condition 13 in Appendix 1.

TRANSPORTATION EFFECTS

Parking and Access

93. Submitters have raised concerns generally about the number of vehicles parking illegally on the street, on the berm, and on neighbouring properties. CEH occupants are permitted to have visitors on site between 9am and 6pm. No visitor parking is provided on site.
94. While parking on berms is managed through Council Bylaws²³, it is recommended that the proposed condition requiring a SMP include a requirement to identify where visitor vehicles can park off site²⁴. The SMP currently requires a discussion between the service provider and CEH occupant before a visitor is allowed on site, part of this process could also involve informing the visitor where to park.
95. This recommendation is made in recognition of the National Policy Statement on Urban Development that has removed council powers to require on-site parking for any activity. The above SMP parking arrangements are offered conditions and are not subject to this limitation.

Traffic Generation

96. Regarding traffic generation the applicant states²⁵:

The proposed capacity of the site will be similar to the maximum occupancy of the existing motel. The nature of traffic generation may alter with the changed accommodation, although the effects are not considered to be any greater than what currently exists under the existing environment. 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 checking in and out at different times. Visitors to the site are managed by the on-site service providers.

97. This report recommends lowering the proposed occupancy rates for the subject site. This will reduce anticipated traffic generation as the recommended occupancy rates are lower than the maximum occupancy rates of the site when operating as tourist accommodation.
98. Providing no visitor carparks on-site is anticipated to mitigate the number of vehicles coming and going from the site. The potential increase in traffic in the immediate transport network from visitors is anticipated to be negligible.
99. Traffic generation effects are assessed as being acceptable, having regard to the existing environment.

NOISE EFFECTS

Noise Effect of the Activity

100. The applicant has not applied to breach the noise standards within the District Plan. Potential noise effects can stem from the pattern of use changing on site, such as increased noise levels from higher numbers of tamariki playing outside after school hours, in the

²³ Traffic Bylaw 2008

²⁴ Refer to recommended Condition 30 in Appendix 1.

²⁵ Application for Resource Consent – 18 Ward Avenue, Section 5.5.

evenings, and in weekends, and more people being onsite during the day (compared to tourists who are more likely to be out during the day).

101. The applicant states in section of 5.2.2 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 current use of the site as a motel.

102. To manage any potential noise effects, the applicant has recommended the implementation of the SMP.

103. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, specific visitor hours, 8pm to 8am time restriction on any outdoor play facilities, and restrictions on the location of outdoor equipment. The SMP states that a social worker will address any neighbours’ concerns. CEH occupants must agree to these rules and sign a Rules of Stay Agreement before moving into a CEH housing unit. Adherence to the SMP is offered as a condition of consent by the applicant.

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

105. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints²⁶. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

INFRASTRUCTURE

106. Regarding infrastructure, the applicant has stated²⁷:

The existing levels of accommodation (i.e. number of units and associated beds etc) will continue to be utilised at a similar capacity than the current motel operations. No changes are proposed to the onsite reticulated servicing arrangement and there is no subdivision of land or units proposed as part of this proposal. Overall, there will be no change in the intensity of use, such as 3 waters infrastructure, traffic, parking and noise. Any potential adverse effects arising from this proposal in relation to intensity of use will be negligible.

107. The applicant has also provided the following snapshot of occupancy rates at the motel which displays fairly consistent occupancy rates from December through to April:

²⁶ Refer to recommended strategic conditions attached to the Overview Report

²⁷ Section 5.7

18 Ward Avenue		
Capacity		
No. of units for Emergency Housing		16
HSP No. of units		1
Max No. of occupants in CEH onsite (as stated in RC Application)		64
Occupancy		
	No. of units occupied	No. of people in CEH onsite
15 Dec 21	15	31
7 Feb 22	13	32
30 Mar 22	12	34
27 Apr 22	11	32

Figure 5: Capacity and Occupancy Numbers²⁸

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

FINANCIAL CONTRIBUTIONS

109. Rule FC-R1(6) (financial contributions for reserves) states:

A financial contribution shall be levied on household units that are in addition to any existing household units on site. The contribution shall be 2.5% of the value of the household unit as assessed by an independent valuer. Where there is an existing building council will consider 2.5% of the value of the whole building.

110. Under this rule a financial contribution of 2.5% of the value of the whole building would need to be paid to Council for the new household units.

111. Rule FC-R2 (financial contributions for infrastructure) 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.

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

CONCLUSION

113. 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

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

115. The following sections address objectives and policies for matters of a site-specific nature.

²⁸ Response to request for further information – RC 17650 – 18 Ward Avenue, page 2.

COMMERCIAL 4 ZONE

Design and Appearance of Buildings

- *COMZ-O2: Commercial activities that do not adversely affect the character, safety and efficiency of commercial areas.*
- *COMZ-P6: Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.*
- *COMZ-O3: Commercial buildings and activities designed and operated in a manner that avoids adverse effects on the amenity of residential zones.*
- *COMZ-P7: Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.*

116. The proposed activity will maintain the existing character of the commercial area by using the existing buildings and maintaining the existing landscaping.

117. Residential properties are located to the eastern and north-eastern sides of the site. These boundaries are fenced off with close-boarded fencing and established vegetation. With principal outlook spaces and outdoor spaces screened largely screened from the adjacent residential properties, privacy effects are anticipated to be managed.

118. The SMP will need to manage any potential noise or disturbance effects on adjacent properties. The main shared outdoor space on the subject site is located at the northern end of the site, but in behind the close-boarded fence, thereby assisting with mitigating noise. Additionally, residential properties from the site are separated by a service lane.

119. A condition of consent will require the site operators to maintain the boundary vegetation and manage any adverse noise or disturbance effects through the SMP.

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

Reverse Sensitivity

- *COMZ-O5: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
- *COMZ-P10: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*

121. Activities in the immediate vicinity are predominantly non-residential. Notwithstanding this, it is unlikely the proposed activity will result in adverse reverse sensitivity effects for the residential properties located to the east and northeast of the site.

122. The other activities in the area include carparking (with tourist accommodation and a sports bar beyond that), Sikh temple, dairy and a reserve. Due to the nature of those activities, it is unlikely that reverse sensitivity effects will be experienced.

NOISE

Noise

- *NOISE-O1: A noise environment consistent with the character and amenity expected for the zone.*

- *NOISE-P1: Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the function of the zones and permitted activities within them.*
- *NOISE-P4: Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.*

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

INFRASTRUCTURE AND TRANSPORT

Infrastructure

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

124. This report recommends lowering the proposed occupancy rates for the application site. The application is not anticipated to put additional pressure on existing infrastructure.

Transport

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

125. Traffic generation from the proposed activity has been assessed as having an acceptable level of effect on the surrounding traffic network. On-site parking is provided for CEH occupants and visitors will be advised where to park off-site. This report recommends lowering the proposed occupancy rates for the application site, which will reduce anticipated traffic generation. The application is considered to be consistent with the objective and policies of the District Plan that relate to transport.

CONCLUSION

126. The proposal is consistent with the objectives and policies of the Commercial Chapter of the District Plan that relate to the design and appearance of the zone.

127. The proposal is consistent with the objectives and policies of the General District Wide Matters Chapter of the District Plan that relate to noise.

128. The proposal is consistent with the objectives and policies of the Energy, Infrastructure and Transport Chapter of the District Plan that relate to the provision of infrastructure and transport links to and from the site.

APPENDIX 1: RECOMMENDED CONDITIONS

Please note these are the recommended conditions prior to hearing expert evidence from Submitters' and the Applicant. These will be subject to change through the course of the hearing.

General

- 1 The activity shall be in general accordance with the information and plans submitted with the Application for Resource Consent, dated 6 August 2021 and the following additional information provided by the applicant:
 - a) Response to request for further information, dated 11 May 2022 and titled "*Response to request for further information – RC 17650– 18 Ward Avenue*"
- 2 The consent holder shall be Boon Tan (the Operator) and Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development (MHUD).
- 3 The consent is issued personal to the Operator and MHUD. The consent cannot be transferred to and held by any other person.
- 4 The consent holder shall appoint a representative(s) within two weeks following the commencement of this resource consent, who will be the Rotorua District Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Rotorua District Council of the representative's name and how they can be contacted. Should that person change during the term of this resource consent, the consent holder shall immediately inform the Rotorua District Council.

Consent Expiry

- 5 This resource consent shall expire on the earlier date of either:
 - a) 5 years from the date the consent commenced; or
 - b) The date of termination or expiry of MHUD's contract for emergency housing applying to the site; or
 - c) The date imposed by a Council review under section 128 of the Resource Management Act 1991 pursuant to Condition 35 of the consent.
- 6 No later than 6 months prior to the consent expiry, the consent holder shall submit to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, for certification an exit programme to end the use of the site and buildings for contracted emergency housing within the timeframe granted under this consent.

Scale and Intensity

- 7 A maximum of 30 occupants (excluding children under six months of age) shall be permitted to reside within the 15 contracted emergency housing units.
- 8 Studio units shall accommodate a maximum of two people per unit (excluding children under six months of age).
- 9 One-bedroom units shall accommodate a maximum of two people per unit (excluding children under six months of age).
- 10 To avoid doubt, this resource consent does not:
 - a) Restrict the length of stay for residents in the contracted emergency housing units (see Advice Note 1 referring to Building Act requirements); or
 - b) Limit the number of people residing in the Manager's Accommodation.

Record Keeping

- 11 A record shall be maintained at all times that states:
 - a) The total occupancy numbers across the whole site;
 - b) The length of stay of occupants;
 - c) The number of people within each unit;
 - d) Ages of children; and
 - e) The details of any complaints received and any incidents where security staff intervention has been required.
- 12 The information listed in Condition 13 shall be provided to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, at six monthly intervals from the date of commencement of consent, and made available at any other time upon request. This will be a matter considered under Condition 37.

Landscaping and Planting

- 13 The existing landscaping and planting on the site shall be retained and maintained for the duration of the consent. This includes the following:
 - a) The vegetation at the Ward Avenue frontage; and
 - b) The trees and vegetation along all other boundaries of the site.
- 14 The landscaping and planting baseline referred to in Condition 14 shall be marked on the Site Layout Plan and photographed and supplied to Council within one month of the commencement of the consent.
- 15 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 capable of reaching the same height within the next planting season.

Outdoor living

- 16 The existing outdoor shared spaces as shown on the Site Layout Plan are to be retained in a suitable condition for recreation use by occupants.

Motel Signage

- 17 The consent holder shall remove all physical motel signage for the duration of the consent. This includes, but is not limited to, the following:
 - a) Any sign that identifies the site as a motel.
 - b) Any vacancy / no vacancy sign.
- 18 The consent holder shall remove all online advertising and websites that promote tourist accommodation and other services at the site for the duration of the consent.
- 19 For the avoidance of doubt, this consent does not authorise any signage on the site, other than as required for health and safety reasons.

Storage

- 20 Any storage of household effects of contracted emergency housing occupants shall be provided inside existing buildings on the site.

External Boundary Fencing

- 21 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.
- 22 A pool-style fence and shall be installed across the vehicle access fronting Ward Avenue.

Waste Storage

- 23 A solid gate (or similar) shall be installed across the waste management area so that waste storage shall not be visible from the road frontage or residential properties.

Traffic Management

- 24 A minimum of one accessible carpark shall be provided on the site which shall be sealed and marked.

Noise

- 25 Noise levels from the activity shall not exceed the following limits when measured at a point within the boundary of a neighbouring residentially zoned site:

Daytime	7am to 7pm, any day except public holidays	50 dB LAeq (15 min)
Evening	7pm to 10pm any day except public holidays	45 dB LAeq (15 min)
Night-time and public holidays	At all other times	40 dB LAeq (15 min) 70 dB LAmx

- 26 Noise levels from the activity shall not exceed the following limits when measured at any point within the boundary of a neighbouring commercially zoned site:

Daytime	7pm to 10pm any day except public holidays	65 dB LAeq (15 min)
Night-time and public holidays	At all other times	60 dB LAeq (15 min) 75 dB LAmx

- 27 Noise shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008.

Glare and Light

- 28 Activities shall be managed so that direct or indirect illumination measures not more than 10 lux on any residential site boundary.

On-site Management

- 29 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 30 A final Site Management Plan (SMP) shall be submitted to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, for certification within one

month following the commencement of consent. The SMP shall be based on the Plan provided as part of the application and must include:

- a) Details of on-site managers responsible for implementation of the SMP and the implementation of this resource consent.
- b) 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.
- c) Site management details including:
 - i. Number of occupants and ages
 - ii. Visitors (including numbers and visiting hours)
 - iii. Staffing and security
 - iv. Carparking allocation (including for visitors) and balancing carparks and open space to play
 - v. Meeting / training operation (including hours of use)
 - vi. Use of communal areas and facilities
- d) Details of site maintenance including:
 - i. Daily tidying of the property and street berms to ensure the site contributes to an attractive streetscape
 - ii. Daily removal of rubbish and graffiti from the property and street berms
 - iii. Daily removal of shopping trolleys from the property and street berms
 - iv. Maintenance of landscaping and planting
- e) Effective noise management measures to avoid, remedy or mitigate potential noise nuisance
- f) The process for dealing with complaints

Bond

- 31 The Operator must, within one month of the commencement of this consent, enter into an enforceable written agreement acceptable to Rotorua District Council that provides for a bond in favour of Rotorua District Council pursuant to sections 108(2)(b) and 108A of the Resource Management Act 1991.
- 32 The purpose of the bond is to secure the performance of any one or more of the conditions of this consent in the event of a failure by the Operator to achieve that performance to Council's satisfaction.
- 33 The bond must be a cash bond or bank bond provided by a registered trading bank of New Zealand acceptable to Rotorua District Council. The bond amount must be \$100,000.
- 34 If the Operator and Rotorua District Council cannot agree on the terms of the bond, the dispute must be resolved through an agreed disputes resolution process.
- 35 The costs of, and incidental to, the preparation of all bond documentation, including the costs of Rotorua District Council, must be met by the Operator.

Review Condition

- 36 At any time, Rotorua District Council may initiate a review of the consent conditions in accordance with section 128 of the Resource Management Act 1991 to:
 - a) Assess the record keeping of occupancy, complaints and incidents recorded under Condition 13; and/or
 - b) Change conditions where necessary to address any adverse effect, including, but not limited to responding to findings and recommendations of social impact assessments,

setting limits on the number of occupants, requiring amendments to the Site Management Plan, and reducing the term of consent.

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.

Waste Management

- 2 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

- 3 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

- 4 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.
- 5 Please contact Council's Compliance & Regulatory Team (RMACompliance@rotorualc.nz) in relation to the completion and monitoring of the conditions of this consent. The consent holder will be charged for the administration, monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site inspections, the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.