
ROTORUA DISTRICT COUNCIL

REPORT TO: David Hill, Sheena Tepania, and Greg Hill (Independent Hearing Panel)

FILE NO: 6221198

FROM: Bethany Bennie (Consultant Planner)

DATE: 22 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	POHUTU LODGE MOTEL C/- AKSHAT RAIVANSHI
ADDRESS:	3 MEADE STREET, ROTORUA
RESOURCE CONSENT NUMBER:	RC17661
LEGAL DESCRIPTION:	SECTION 2 BLOCK XLIX TOWN OF ROTORUA
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 Pohutu Lodge Motel 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 13th 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 20th October 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 11th May 2022.
4. The applicant requested that the application be publicly notified on 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, five 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 referred to the following:
 - 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, accessed via Meade Street, and comprises one parcel as set out below:

District Plan Zone	Legal Description	Area (m ²)
COMZ4	Section 2 Block XLIX Town of Rotorua	1,012



Figure 1 – District Plan zones with the subject site outlined in red. The purple is COMZ4, the lilac is Commercial 3 (COMZ3), the orange is Commercial 5 (COMZ5), and the green is Reserve 3 – Community Asset Reserve (CAZ).

15. The site and buildings are currently occupied by the Pohutu Lodge Motel. The applicant gives the following description of the site and motel in Section 2.1 of the application:

The site is currently occupied by the Pohutu Lodge Motel which has its main entrance and managers unit located in the site’s north-western corner. The existing buildings on the site are two storied, with the section over the driveway entrance to the site increasing to three stories in height. The driveway entrance tunnel connects to an internal paved parking area.

The property on the southern boundary is Southern Arikikapakapa Reserve, which is classified as a recreation reserve, and the property on the eastern boundary is vacant. The properties on the northern and western side of the road are a mix of residential and commercial accommodation.

The existing buildings within the site are dedicated to the motel operation, which has been in operation since the 1990s.

16. The sites main frontage is to Meade Street. The site contains one ‘U’ shaped building, located predominantly across two storeys, with a section over the driveway entrance to the site increasing to three stories in height.
17. A driveway entrance ‘tunnel’ connects to an internal paved parking area, which provides 14 carparks. There is a shared laundry facility on site, which can be utilised by the site occupants.
18. The motel has been used as emergency housing since at least 2017 (date the current motel operator brought the business). The motel has been in use as MHUD CEH since 1 July 2021.

SURROUNDING AREA

19. The immediate surrounding environment includes tourist accommodation to the north, residential properties to the west and east, and vacant land to the south.

20. To the south-east of the site is Whakarewarewa – Living Māori Village. North of the site are commercial activities, tourist accommodation and residential properties. West of the site is Arikikapakapa Reserve (**Rotorua Golf Club**) and Fenton Street which is an Urban Primary Arterial Road carrying high levels of traffic in and out of the Rotorua CBD.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, yellow – tourism sites, green – golf course, orange – commercial, blue – tourist/SNG accommodation, purple – CEH motel, uncoloured – residential/vacant land)

LOCAL AMENITIES AND SOCIAL INFRASTRUCTURE

21. The closest park to the subject site is Murray Linton Rose Garden, approximately 700m north from the subject site. This park has open space and a playground. The open space to the south of the site and the golf course to the west of the site are not freely accessible for casual recreational activities.
22. There is a service station 100m north of the site on Fenton Street, and a small set of shops 400m from the site on Tryon Street. The latter set of shops is adjacent an early childhood centre. The closest school is Whakarewarewa School, located on Sala Street approximately 1km east of the site.

RECORD OF TITLE REVIEW

23. The Record of Title (SA946/280) is subject to Section 15 Rotorua Towns Lands Act 1920. This relates to the Crown reservation of rights to minerals and other resources.
24. There are no interests registered on the Record of Title that would restrict the proposal from proceeding.

CONSENT HISTORY

25. The following resource consent is listed on the property file:

Reference number	Date of issue	Details
RC199569	9 June 1995	To build a motel 2.5m from rear boundary and intruding daylight controls

26. This consent would not restrict the proposal from proceeding. There is no intention, nor need, to surrender the consent. After expiry of the any consent for CEH, the motel activity (tourist accommodation) would recommence.

PROPOSAL DESCRIPTION

27. 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.

28. The application was initially for a maximum of 53¹ occupants (excluding staff) accommodated in 13 units. This includes five studio units and eight two-bedroom units. Full-time management and supervision will be provided, with managers accommodation located onsite. Units 12-14 have shared bathrooms, and these units will be generally allocated to people from the same whānau.

29. The applicant has recently stated an intention to reduce the maximum occupancy level to 42 occupants (excluding staff).² Further, the applicant has also identified that one unit (Unit 1) is used by the service provider as a meeting space³. It is assumed that this 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 14 to 13 (within 9 two-bedroom units and four studio units).

30. The applicant proposes no modifications or change to the layout of the buildings within the site.

31. 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"⁴ 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; and
- Afterschool and holiday programmes for children.

¹ Response to request for further information – RC 17661 – 3 Meade Street. Page 10.

² Email from Alice Blackwell titled Occupancy Numbers 9 September 2022.

³ Response to request for further information – RC 17661 – 3 Meade Street.

⁴ 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.

32. The existing motel operator will continue to manage the day-to-day running of the facility. This includes:
- Regular maintenance checks of all units;
 - Outdoor maintenance;
 - Waste management;
 - Any repairs; and
 - Routine inspections of units.
33. Regarding the length of time occupants will stay in CEH, the applicant stated the following⁵:
- ...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.*
34. The Agent⁶ has confirmed the use of the site for CEH for a maximum of five years followed by reversion back to tourism accommodation.
35. For further detail on the proposal, please refer to Section 3 of the application.

⁵ Response to matters raised in the Request for Further Information – 3 Meade Street, RC17661

⁶ Comms with Agent via zoom, and email from agent dated 27 August 2021 titled “Response to further information -contracted emergency accommodation”.



Figure 3: Site Plan

ACTIVITY STATUS

36. The activity status for each application is discussed in detail in the Overview Report.
37. In summary, the proposal for CEH at 3 Meade Street has been assessed as a **Non-Complying Activity** pursuant to COMZ-R(1)
38. As discussed in the Overview Report, we acknowledge there may be differing perspectives on the activity status of the proposal, as the activity is not clearly defined in the District Plan.

NOTIFICATION AND SUBMISSIONS

NOTIFICATION PROCESS

39. The application was publicly notified on 11th June 2022 (along with 11 of the other 12 CEH applications)⁷. 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.

⁷ The 13th application (Emerald Spa) was notified on 6 August 2022.

SUBMITTERS

40. 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.

41. Those submitters who provided a submission specific to Pohutu Lodge Motel are addressed below.

Submitter Name/no.	Oppose/Support	Wish to be Heard	Submitted on other applications	Submission Summary
Tim Cossar on behalf of Te Puia (362)	Oppose	Yes	No	<p><u>CEO of Te Puia. Te Puia is home of NZ Māori Arts and Crafts Institute and is located within Te Whakarewarewa Geothermal Reserve</u></p> <ul style="list-style-type: none"> • Understand and support the need for emergency housing • Board request that the Minister of Housing consults with Mana Whenua in relation to the site, and any other future sites before approvals are given⁸ • Use of visitor accommodation for emergency housing is not the optimum use for a recovering tourism industry • Te Puia relies on a strong and vibrant tourism industry • Visitor accommodation needs to return to the market for visitors • Negative perception of Rotorua from emergency housing
James Warbrick (169)	Opposes	Yes	RC17648 RC17892 RC17893 RC17887 RC17891 RC17647 RC17662 RC17890 RC17889 RC17673	<p><u>Director of Whakarewarewa The Living Māori Village</u></p> <p>(This submission did not specifically talk about Pohutu Lodge Motel, but I have included it in here due to the proximity of the subject site and Whakarewarewa.)</p> <ul style="list-style-type: none"> • Have found drug utensils and empty bottles of booze in Village • Odd person found sleeping in their bath house after missing curfew to get back into their unit • People bathing in their communal baths • Safety of Kuia
Makuini Warbrick (210)	Opposes	No	RC17648 RC17892 RC17893 RC17887	<p><u>Resident of Whakarewarewa</u></p> <ul style="list-style-type: none"> • Anti-social behaviour of CEH occupants within Whakarewarewa village • Layout not suitable for families

⁸ Please refer to paragraphs 112-113 of the Overview Report.

			RC17891 RC17647 RC17662 RC17890 RC17889 RC17673	<ul style="list-style-type: none"> Discarded trolleys dumped in river No nearby parks for children so they are engaging in anti-social behaviour out of boredom
Kathryn Warbrick (174)	Opposes	No	RC17648 RC17892 RC17893 RC17887 RC17891 RC17647 RC17662 RC17890 RC17889 RC17673	<u>Resident of Whakarewarewa</u> <ul style="list-style-type: none"> Anti-social behaviour
Richard Shand (143)	Support	No	RC17892 RC17893 RC17647 RC17650 RC17661 RC17673 RC17887 RC17891 RC17662 RC17890 RC17889	<u>Local resident. Address for service is 18 McLean Street.</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

SECTION 104 ASSESSMENT

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

42. Having reviewed the application and submissions, I consider it appropriate to address the actual and potential effects of the proposal under the following topics:

- Cultural effects
- 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

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

CULTURAL EFFECTS

44. Residents of Whakarewarewa have raised concerns about the behaviour of CEH occupants in and around their village. They seek that the application be declined.

45. Whakarewarewa is an "exceptional" and "unique" place of cultural and historic significance⁹. Whakarewarewa is zoned Residential 3 (RESZ3). REZS3 is the zoning for the "cultural and historic villages of Ōhinemutu, Whakarewarewa, and Ngāpuna." The District Plan states that "each village contributes to the cultural historic heritage and identity of Rotorua"¹⁰, and that:

*...activities on the land adjacent to the villages may cause disturbance through noise, smoke, dust, vibration or traffic, or may be visually intrusive such that they have and adverse impact on the cultural and historic heritage of the villages and consequently of the district.*¹¹

46. There are no specific objectives or policies regarding potential adverse effects of adjacent activities on Whakarewarewa, however there is a clear environmental outcome of active protection of the villages as places of cultural and historic significance. There are also several historic structures in Whakarewarewa that are included in the District Plan's Historic Heritage schedules¹².

47. As the cultural effects of the CEH proposal on Whakarewarewa and it's residents are not fully understood, it would be helpful for those submitters who reside in Whakarewarewa to speak to this further at the hearing. Until then, a recommendation on the cultural effects of this proposal on Whakarewarewa and its residents cannot be made.

CHARACTER AND AMENITY EFFECTS

48. 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."¹³

49. 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."

⁹ Part 3 Area-Specific Matters, Zones, RESZ, Issues.

¹⁰ Part 3 Area Specific Matters, Zones, RESZ, Introduction.

¹¹ Part 3 Area-Specific Matters, Zones, RESZ, Issues.

¹² Part 2 District Wide Matters, Historic and Cultural Values.

¹³ Resource Management Act 1991, Part 1 Interpretation and Application, (2)(1) Amenity.

50. The described elements generally define the character of the zone, however, in this instance, the adjacent property to the west contains a two-storey detached dwelling and the property to the east is vacant. The properties to the north (on the opposite side of Meade Street) contain either tourist accommodation or other emergency housing. The property to the south of the site is within the Commercial 5 Zone (**COMZ5**).
51. Generally, the District Plan refers to amenity in the context of the “design and appearance of buildings”.
52. The following sections assess the external amenity effects of the site, as well as the internal amenity effects.

External Amenity Effects

Meade Street and Hemo Road

53. The subject site has frontage to Meade Street. The motel building can also be seen obliquely from Hemo Road (SH30). The Meade Street frontage is characterised by the motel signage, the building’s front façade, and some landscaping located on either corner of the front façade.
54. These aspects of the site form part of the existing environment and there are no physical changes proposed by the applicant. The building was constructed for tourist accommodation activities and the design, appearance and scale is consistent with the character anticipated by the COMZ4 Zone.
55. 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.
56. The site was visited on the 19th October 2021. The site generally appeared tidy but the gardens out the front of the site were unkempt.
57. 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 above¹⁴. Specifically, this includes the removal of rubbish, graffiti, management of shopping trollies and regular tidying of the property.
58. Although landscaping is not specifically required under the District Plan at the Meade Street frontage, it is shown on the approved plan set for the existing motel consent (RC199569). A condition of consent is recommended that the existing planting be maintained and replaced where necessary¹⁵.
59. Furthermore, it is recommended that the signage associated with the motel is removed¹⁶. This would assist in reducing visual clutter when the site is viewed from Meade Street.
60. Adoption of these recommendations would maintain the attractiveness of the streetscape.

¹⁴ Refer recommended condition 32 in Appendix 1

¹⁵ Refer recommended conditions 15 in Appendix 1

¹⁶ Refer recommended condition 19 in Appendix 1

Boundaries with neighbouring properties

61. The site adjoins privately-owned COMZ4 zoned sites to the east and west, and the open COMZ5 zoned Te Puia land to the south. The building is 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

62. 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

63. 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.

64. It is anticipated that the applicant will update this information in the course of the hearing.
65. 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.
66. 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.

Outdoor Living

67. The subject site has limited outdoor living space for residents, and there are no parks or reserves near the site¹⁷.
68. Units 2-7 all have direct access to a small semi-private courtyard adjacent to each unit, shown in the image below:

¹⁷ Refer to Map 5 in Ms Collins evidence.

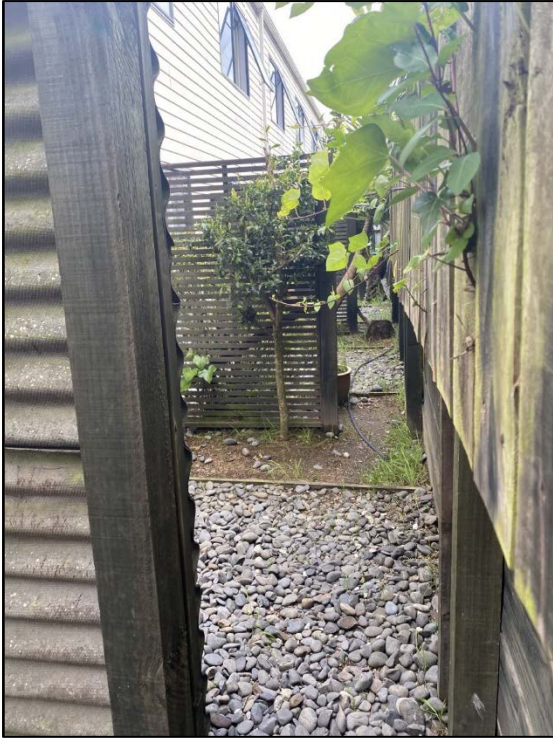


Figure 4: View of outdoor courtyards for Units 2-7.

69. These outdoor spaces do not appear well-maintained and no outdoor furniture was seen for the use of occupants.
70. The shared outdoor space is situated at the rear of the site and consists of a narrow, small courtyard with a table and chairs. This space is directly adjacent vehicle parking.
71. Units 12, 13 and 14 have shared access to a private outdoor courtyard on the western boundary of the site, shown in the below image:



Figure 5: Western private courtyard.

72. This area was reasonably maintained and had some outdoor seating for occupants, but it also appeared to be a storage area for a motorbike.

73. Overall, the level of on-site amenity is low. Adverse effects on the lack of on-site shared space (and the quality of that space), cannot be mitigated by proximity to a neighbour park or reserve.
74. Before making a recommendation, it would be helpful to understand from the applicant how the site is managed and any potential mitigation measures regarding this lack of outdoor shared open space.

Suitability for children

75. 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.
76. Ms Collins has rated the site as "unacceptable" for children six months to three years and three to seven years. This is due to the eastern two storey units only having small courtyard. The courtyards are not securely fenced which is required if they are to achieve the "low" rating and the area is to be safe for small children.
77. Ms Collins has rated the site as "unacceptable" for the eight to twelve-year-old age group. This is because there is no space on site nor nearby, for young people who are becoming more independent. There is no opportunity to get outside into a central courtyard, as that outdoor space is a carpark.
78. Ms Collins has rated the facility "low" for the thirteen- to eighteen-year-old age group, as there is no place on site nor nearby for groups to socialise, or for group activities and informal games, for these older more independent groups.
79. Given the evidence of Ms Collins, it is recommended that the following conditions be imposed:
¹⁸
 - Secure fencing of each courtyard adjacent the two storey units; and
 - Prevent occupancy of the site by eight- to twelve-year-olds.
80. Overall, the site's suitability for children is low. Before making a recommendation, it would be helpful to understand from the applicant any mitigation measures regarding the site's suitability for children.

Occupancy Rate

81. The applicant originally proposed 58 (maximum) occupants within 14 studio and two-bedroom units (excluding infants under 18 months). This included 13 occupants within the studio units, which equates to an average of 2.6 people per studio unit, and 45 occupants within the two-bedroom units, which equates to an average of five people per two-bedroom unit. However, it is understood that units 12-14 (studio units) are effectively bedrooms in what was once the managers house. These units then share the downstairs kitchen and lounge area. The applicant stated:

...these three units have separate lockable bedrooms, with one unit having an ensuite and the other two sharing a bathroom. Units 12, 13 and 14 then share the downstairs open space (inside and outside). Consideration is given to the people placed in these

¹⁸ Refer to recommended conditions 7-12 in Appendix 1.

*rooms at the time of room allocation and this type of configuration could suit a larger family, or three separate individuals.*¹⁹

82. 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.
83. The applicant has recently stated an intention to reduce the maximum occupancy level to 42 occupants (excluding staff).²⁰ 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 space²¹. It is assumed that this 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 14 to 13 (within 9 two-bedroom units and four studio units).
84. The applicant has provided details of actual occupancy rates for the CEH activity on the site over an eight-month period²². This data shows that the average occupancy level of the CEH activity on site is 38 occupants (an occupancy rate of 66%). The maximum occupancy rate over the same period was 41 occupants in March 2022.
85. 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*"²³.
86. 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"²⁴. The New Zealand Deprivation Index uses CNOS as an indicator of overcrowding²⁵. Applied to the subject site, the new proposed occupancy rates could result in crowding²⁶. To avoid crowding²⁷, there would need to be a limit of two people per bedroom.
87. No 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. From the proposed occupancy rates it appears there are at least two beds in each unit, with beds being located within the lounge in the studio units (where there is no separate bedroom), and beds potentially also being located in the lounge in the two-bedroom units.

¹⁹ Response to request for further information – RC 17661 – 3 Meade Street, page 5.

²⁰ Further information received from the applicant dated 9 September 2022

²¹ Response to request for further information – RC 17661 – 3 Meade Street.

²² Further information received from the applicant dated 9 September 2022 (eight-month period - December 2021 to August 2022)

²³ 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

²⁴ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

²⁵ 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

²⁶ As defined by Statistics NZ

²⁷ As defined by Statistics NZ

88. No information has been provided on the sizes of families that have typically stayed at the Pohutu Lodge Motel. It is also not clear as to what criteria is applied for the allocation of units to families. It is expected that the applicant can provide in the course of the hearing.
89. The following information has been provided on the types of units:
- 5 x Studio = 13*
- 9 x 2 bed = 45*
- Total Occupants = 58²⁸*
90. It is recognised that the reduced occupancy limit may not meet the objective of CEH which is to house whānau/family with tamariki/children. This has been considered when recommending the maximum occupancy rates for this site.
91. The site has been rated as “unacceptable” for children between the ages of eight to twelve years old. The site has also been rated “unacceptable” for children between the ages of six months to seven years old unless the courtyards are securely fenced. The site has been rated “low” of the thirteen- to eighteen-year-old age group.
92. The site also does not provide a high level of amenity in the form of shared outdoor living space. These factors have been considered when recommending the below maximum occupancy rates, which are in line with the CNOS standard:
- No children between the ages of eight years and twelve years shall be permitted to reside on-site.
 - Studio units may accommodate a maximum of two people (excluding children under the age of six months). No children between the ages of six months and eighteen years shall be permitted to reside in the studio units;
 - Two-bedroom units may accommodate a maximum of four people (excluding children under the age of six months). This is conditional on secure fencing being installed for each courtyard adjacent the two-bedroom unit;
 - In the case that secure fencing is not installed for each courtyard, children between the ages of six months and seven years old shall not be permitted to reside on-site;
 - The overall occupancy for the subject site is restricted to 42 occupants (excluding children under the age of six months).
93. This would result in a maximum occupancy of 42 occupants across the whole site which is more than both the average occupancy (at 38 occupants) and the maximum occupancy levels (41 occupants) over the previous 18 months
94. 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.
95. Regarding the enforcement of the above conditions, the applicant offered the below condition:

²⁸ Further information received from the applicant dated 27 August 2021

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.

96. 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.

97. 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 basis²⁹. With that condition and details in the SMP (which the applicant has already offered as a condition), site occupancy will be managed.

98. 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 or two of the options below to manage this:

- 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.

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

TRANSPORTATION EFFECTS

Parking and Access

100. 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.

101. While parking on berms is managed through Council Bylaws³⁰, it is recommended that the proposed condition requiring a SMP include a requirement to identify where visitor vehicles can park off site³¹. 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.

102. 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 arrangement are offered conditions and are not subject to this limitation.

Traffic Generation

103. Regarding traffic generation the applicant states³²:

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

²⁹ Please refer to condition 13 and 14 in Appendix 1.

³⁰ Traffic Bylaw 2008

³¹ Refer to recommended Condition 32 in Appendix 1.

³² Application for Resource Consent – 3 Meade Street, Section 5.5.

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 provider.

104. 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.
105. Traffic generation effects are assessed as being acceptable, having regard to the existing environment.

NOISE EFFECTS

Noise Effect of the Activity

106. 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 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).
107. 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.

108. To manage any potential noise effects, the applicant has recommended the implementation of the SMP.
109. 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.
110. 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.
111. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints³³. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

Noise Effects on the Activity

³³ Please refer to recommended strategic conditions attached to the Overview Report

112. Over half the site is located within 40m of Fenton Street, which is a State Highway with a speed limit of 50km. For habitable rooms within 40m of Fenton Street, the District Plan requires windows to be constructed with a specific glazing and ventilation system³⁴. The District Plan also requires all habitable rooms within commercial zones to comply with indoor noise criteria³⁵.
113. Both these rules are triggered because the proposed activity is a “new noise sensitive activity” on the site, not because of a new build or alteration.
114. It is unclear whether the existing units meet any of the above criteria as this information is not available on the property file nor provided by the applicant.
115. It would be unreasonable to require the motel operator to install this glazing and ventilation system for every habitable room within this setback due to the financial costs involved and disturbance to existing households within the units. This may, however, result in minor adverse noise effects on occupants, especially those staying for longer periods of time.
116. Council is in discussion with Waka Kotahi NZ Transport Agency in regard to the above matter.

INFRASTRUCTURE

117. Regarding infrastructure, the applicant has stated³⁶:

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.

118. 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:

3 Meade Street		
Capacity		
No. of units for Emergency Housing		14
HSP No. of units		1
Max No. of occupants in CEH onsite (as stated in RC Application)		58
Occupancy		
	No. of units occupied	No. of people in CEH onsite
15 Dec 21	13	36
7 Feb 22	11	37
30 Mar 22	12	41
27 Apr 22	11	35

Figure 6: Capacity and Occupancy Numbers³⁷

³⁴ NOISE-S5(1(c)(i)

³⁵ NOISE-S6(1)

³⁶ Section 5.7

³⁷ Response to request for further information – RC 17661 – 3 Meade Street, page 2.

119. 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

120. 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.

121. 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.
122. 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.
123. 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

124. Overall, it is considered that the potential adverse effects of the activity on outdoor play space for children, on-site amenity, and cultural effects may not be able to be mitigated.
125. It would be helpful to understand from the applicant how the site is managed and any potential mitigation measures on the lack of outdoor shared open space and the lack of play space for children.
126. It would also be helpful to hear from submitters who are residents of Whakarewarewa village regarding potential cultural effects.

SECTION 104(1)(b) - OBJECTIVES AND POLICIES OF THE DISTRICT PLAN

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

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.*

129. The proposed activity will maintain the existing character of the commercial area by using the existing buildings and maintaining the existing landscaping.
130. Residential properties are located to the western (occupied) and eastern (vacant) sides of the site. These boundaries are fenced off and are subject to vegetation. With principal outlook spaces and outdoor spaces largely screened from the adjacent residential properties, privacy effects are anticipated to be managed.
131. The SMP will need to manage any potential noise or disturbance effects on adjacent properties.
132. 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.

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.*
133. It is unlikely the proposed activity will result in adverse reverse sensitivity effects for the existing residential property located to the west of the site, and the vacant site to the east would have the ability to be designed to mitigate any noise effects in the future should it be developed.

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.*
134. 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.*
135. 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.*

136. 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. The application is considered to be consistent with the objective and policies.

CONCLUSION

137. 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.

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

139. 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.

140. The potential adverse effects of the activity on outdoor play space for children, on-site amenity, and cultural effects may not be able to be mitigated.

141. To further understand these effects and any potential mitigation measures, both the applicant (regarding outdoor play space for children and on-site amenity), and submitters who are residents of Whakarewarewa (cultural effects), are invited to speak to these matters further at the hearing.

CONDITIONS AND ADVICE NOTES

142. If the applicant is granted, recommended conditions of a site-specific nature and advice notes are attached as Appendix 1 and Appendix 2, respectively.

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 13 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 17661– 3 Meade Street*"
- 2 The consent holder shall be Akshat Raivanshi (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

Scale and Intensity

- 7 A maximum of 42 occupants (excluding children under six months of age) shall be permitted to reside within the 13 contracted emergency housing units.
- 8 No children between the ages of eight years and twelve years may be permitted to reside on site.
- 9 Studio units may accommodate a maximum of two people (excluding children under the age of six months). No children between the ages of six months and eighteen years shall be permitted to reside in the studio units.

- 10 Two-bedroom units shall accommodate a maximum of four people per unit (excluding children under six months of age). This is conditional on secure fencing being installed for each courtyard adjacent the two-bedroom unit prior to occupation.
- 11 In the case that secure fencing, referred to in condition 10, is not installed for each courtyard, no children between the ages of six months and seven years old are permitted to reside on-site.
- 12 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

- 13 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.
- 14 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

- 15 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, and trees along the Meade Street frontage; and
 - b) The vegetation and hedging along all other boundaries of the site.
- 16 The landscaping and planting baseline referred to in Condition 15 shall be marked on the Site Layout Plan and photographed and supplied to Council within one month of the commencement of the consent.
- 17 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

- 18 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

- 19 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.
- 20 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.
- 21 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

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

External Boundary Fencing

- 23 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.

Waste Storage

- 24 Waste storage areas shall not be visible from the road frontage or residential properties.

Traffic Management

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

Noise

- 26 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 L _{Amax}

- 27 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	At all other times	60 dB LAeq (15 min)

- 28 Noise shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008.
- 29 The site shall be capable of meeting an internal road-traffic design sound level of 40dB LAeq inside all habitable rooms.

Glare and Light

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

On-site Management

- 31 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 32 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 (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

- 33 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.
- 34 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.
- 35 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.
- 36 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.
- 37 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

- 38 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.