

---

## ROTORUA DISTRICT COUNCIL

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

**FILE NO:** 6221320

**FROM:** Charlotte MacDonald (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.

<b>APPLICANT:</b>	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
<b>APPLICANTS AGENT:</b>	THE PROPERTY GROUP C/-ALICE BLACKWELL
<b>OPERATOR / CONSENT HOLDER</b>	ASCOT ON FENTON C/- FRANK LIU
<b>ADDRESS:</b>	247 FENTON STREET & 12 TOKO STREET, ROTORUA
<b>RESOURCE CONSENT NUMBER:</b>	RC17887
<b>LEGAL DESCRIPTION:</b>	LOT 5 DP 2851 AND LOT 16 DP 2851
<b>APPLICATION STATUS:</b>	NON-COMPLYING ACTIVITY
<b>ZONE AND DISRICT PLAN OVERLAYS:</b>	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION RESIDENTIAL 2 – MEDIUM DENSITY RESIDENTIAL
<b>REPORT:</b>	SECTION 42A – COUNCIL OFFICERS’ REPORT
<b>NOTIFIED:</b>	PUBLIC NOTIFICATION

## SUMMARY

1. Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (**MHUD**) is applying on behalf of the motel operator (the **Applicant**) under Section 88 of the Resource Management Act 1991 (**RMA**) through The Property Group (the **Agent**) to use the subject site (the **site**) and existing Ascot on Fenton 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 (the **application**) was lodged with Council on 20 December 2021. The activity has been operating since 1 July 2021, so the resource consent application is both retrospective and prospective.
3. A request for further information (**RFI**) was issued to the applicant on 3<sup>rd</sup> February 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 11<sup>th</sup> May 2022. The application was publicly notified on 11<sup>th</sup> June 2022 along with 11 other CEH applications. A 13th application was notified on 6<sup>th</sup> 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, one person submitted only on Ascot Motel, and three people submitted only on Ascot Motel and Rotovegas Motel (noting these sites are adjoining). There were also 23 submissions received in support from occupants of Ascot Motel. The majority of submissions covered general matters across all 13 CEH application sites. These 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(1) and RESZ-R2(1) of the Operative Rotorua District Plan (**District Plan**) as the activity is not expressly provided for.

## 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 Charlotte MacDonald. I am employed as a Senior Planner at Boffa Miskell Limited. I hold a Bachelor of Urban Planning (Honours) degree from the University of Auckland. I have approximately six 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 the recommended Conditions of Consent, should the Panel determine that consent should be granted.

## THE SITE AND SURROUNDING ENVIRONMENT

### Site Description

14. The site was initially visited by Bethany Bennie on 19th January 2022, and I also visited the site on the 23rd August 2022.
15. The site is rectangular in shape and has frontage on both Fenton Street and Toko Street. It is comprised of two Records of Title, and each are located within different zones under the District Plan (the Commercial 4 Zone (**COMZ4**) and the Residential 2 Zone (**RESZ2**). These details are set out below and shown in Figure 1.

District Plan Zone	Legal Description	Area (m <sup>2</sup> )
COMZ4	LOT 5 DP 2851	809
RESZ2	LOT 16 DP 2851	809
<b>Total</b>		<b>1,618</b>



Figure 1 – District Plan zones with the subject site outlined in red. The yellow is RESZ2, the purple is COMZ4 and the green is COMZ2.

16. Vehicular entrance and exit to the site are via Fenton Street, which is classified as an Urban Major Arterial Road. A separate exit is provided on Toko Street, which is classified as a Local Road.
17. The applicant gives the following description of the site and motel in Section 2.1 of the application:

*The existing buildings within the site are all related to the operation of the motel. The site has been used for motel purposes since at least the early 1960s, with the current complex having been reconstructed in the early/mid-1990s. The site currently has a mixture of one and two bedroom units and provides for a maximum of 54 motel guests (see Table 1 below). There is also a separate manager's residence/office space, which has two bedrooms, that adjoins a communal laundry room.*

*The configuration of the motel units is outlined in Table 1 below and shown on the Site Plan in Appendix 2. The overall occupancy levels are based on the number of beds typically accommodated within each unit. For example, a double bed can sleep two people, a single bed one person. The occupancy rate is therefore based off the nature of the unit and the beds within (noting in some units, additional beds are located in bedrooms and/or living areas, as is typical of this style of accommodation). Occupancy levels will not change as part of the proposal). It is noted that the Manager's unit, which is located at the front of the site, is not included in the table below, nor are infants aged less than 18 months.*

**Table 1:** Configuration of existing units at 247 Fenton Street/12 Toko Street

Type of unit	No. of units	Max No. of occupants
One bedroom unit	8	24
Two bedroom unit – sleeps max 5 people	6	30
<b>Total</b>	<b>14</b>	<b>54</b>

*Each unit has its own carpark directly outside the unit it serves. A communal laundry space is located between the manager’s unit and Unit 1, which will be utilised by all occupants accommodated within the motel complex.*

*Units 1 and 2 are constructed with accessible access and are two storeys. Units 3-6 (located in the Commercial 4 Zone) are also two storied, and units 7-14 (located in the Residential 2 Zone) are single storey.*

18. The applicant has recently stated an intention to reduce the maximum occupancy level (as originally proposed) from 54 occupants to 43 (excluding staff and children under the age of 18 months). 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.
19. The motel has been in use as MHUD CEH since 1 July 2021.

### **Surrounding Area**

20. The immediate surrounding environment is a mix of emergency housing, commercial, educational, residential and tourist accommodation land uses. Directly north and south of the site is another CEH provider<sup>1</sup>, one of the 13 applications by MHUD to be considered and decided by the Panel. Figure 2 below shows sites that are:
  - CEH;
  - Tourist accommodation not known to be providing emergency housing (**tourist accommodation**);
  - Tourist accommodation that is operating solely as emergency housing (**EH**); and
  - Tourist accommodation that is operating as a mix of tourists and emergency housing (**EH mixed**).
21. In the wider context, south of the site, the majority of land use along the western side of Fenton Street is tourist accommodation, while land to the east of Fenton Street is commercial land use followed by Te Arawa Park Racecourse. West of the site is predominantly residential land use. North of the site is the city centre.

---

<sup>1</sup> Rotovegas Motel (located on two separate sites).



Figure 2 – Activities within the immediate surrounding environment (red – subject site, yellow – EH, pink – EH mixed, orange – other CEH site, green - tourist accommodation). Data source: Rotorua NZ/Rotorua Lakes Council, 13 September 2022

### Local Amenities and Social Infrastructure

22. A supermarket, chemist, butcher, and fruit and vegetable shop are located opposite the site on the corner of Fenton Street and Ti Streets. The nearest pedestrian crossing on Fenton Street is located approximately 350m north of the subject site. Rotorua Central Mall is located approximately 250m north, along Toko Street. St Johns Presbyterian Church is located on the corner of Victoria Street and Ranolf Street, approximately 600m west of the subject site.
23. The Rotorua Youth Centre Reserve is located 250m to the east, on Te Ngae Road. This reserve has a basketball court and indoor centre. Marist Saint Michaels Reserve is located on Te Ngae Road approximately 450m away, and the racecourse is around 500m away. These areas are across Fenton Street, so safe pedestrian access would be via the traffic lights at the Fenton Street/Amohau Street intersection. Puarenga Park is around 1500m away.
24. The nearest school is St Mary’s Catholic School located on Carnot Street, approximately 800m south-west of the subject site. Rotorua Intermediate is located approximately 900m to the west and there is an early childhood centre located opposite at 16 Toko Street.
25. Overall, the site is well served with local amenities and social infrastructure within a 10-minute walking distance.

### RECORD OF TITLE REVIEW

26. The interests contained on the Records of Title are set out below. There are no interests that would restrict the CEH proposal from proceeding.

Record of Title	Legal Description	Interests
SA16B/291	LOT 5 DP 2851	<ul style="list-style-type: none"> <li>• Subject to Section 15 of the Rotorua Town Lands Act 1920<sup>2</sup></li> <li>• Lease agreement<sup>3</sup></li> </ul>
SA1790/23	LOT 16 DP 2851	<ul style="list-style-type: none"> <li>• Subject to Section 15 Rotorua Town Lands Act 1920</li> <li>• Subject to Section 8 Coal Mines Amendment Act 1950</li> <li>• Lease agreement</li> </ul>

## CONSENT HISTORY

27. The following resource consents are listed on the property file. These consents do not specifically provide for the proposed CEH activity.
28. After expiry of the CEH consent, if granted, the motel activity (tourist accommodation) would recommence. There is no intention, nor need, to surrender these consents in the interim.

Reference number	Date of issue	Details
RC1993116	11 January 1991	Land use consent to construct a motel complex that intrudes 2m into the required 5m front yard
No number	30 June 1994	Certificate of compliance to use the land for a motel

## PROPOSAL DESCRIPTION

29. 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.
30. The site will be used primarily for families and whānau with children, young people and people with disabilities. In some instances, this will include other vulnerable individuals such as kaumātua and kuia (i.e. elderly), however, these will be the exception only, and so the vast majority of occupants will be families and whānau with children.
31. The applicant has recently stated an intention to reduce the maximum occupancy level (as originally proposed) from 54 occupants to 43 (excluding staff and children under the age of 18 months)<sup>4</sup>.
32. The applicant proposes no modifications or change to the layout of the buildings within the site. However, it is noted that permanent fencing at the Fenton Street frontage (to replace temporary fencing) has been installed since the application was lodged.
33. On-site support services will be provided by “WERA Aotearoa”<sup>5</sup>, who will be based within the reception area of the motel. WERA Aotearoa will implement a Site Management Plan (**SMP**)

<sup>2</sup> This relates to the Crown reservation of rights to minerals and other resources.

<sup>3</sup> 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.

<sup>4</sup> Email from Alice Blackwell titled Occupancy Numbers 9 September 2022

<sup>5</sup> The application states that although WERA is the current Housing Service Provider, it is possible that one of the other Housing Service Providers could take over the management of the site in the future.



(attached as Appendix 4 of the application). The SMP is offered as an “Augier”<sup>6</sup> condition by the applicant. The SMP details maximum occupancy, on-site security and support services, authorised personnel and visitors, noise management, site maintenance, and health and safety measures.

34. On-site support services involve:

- Assessing what support is required for the whanau;
- Referring whanau to social support and health organisations as appropriate;
- Working with whanau for the duration of their stay (meeting at least weekly or more frequently as appropriate);
- Supporting the household to explore longer term housing options; and
- Carrying out regular inspections of the units.

35. One security guard will be on-site 24/7 and one security guard will be roaming all 13 CEH sites between the hours of 9am – 5pm. The existing motel operator will continue to manage the day-to-day running of the facility and is available as required. Cleaning staff will also be rostered daily.

36. Regarding the length of time occupants will stay in CEH, the applicant has stated the following:

*...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.*

37. The site plan is shown in Figure 3 below, and further details of the proposal are outlined in Section 3 of the application.

---

<sup>6</sup> 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.





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

## ACTIVITY STATUS

38. The activity status for each application is discussed in detail in the Overview Report.
39. In summary, the proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1(1) and RESZ-R2(1) of the District Plan as the activity is not expressly provided for.

## NOTIFICATION AND SUBMISSIONS

### Notification Process

40. The application was publicly notified on 11<sup>th</sup> June 2022 (along with 11 of the other 12 CEH applications)<sup>7</sup>. Notice of the application was served on the owners/occupiers of immediately adjacent properties and 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

41. 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.

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

42. One person submitted only on Ascot Motel, and three people submitted on Ascot Motel and Rotovegas Motel (noting these sites are adjoining). These submissions are summarised below<sup>8</sup>.
43. 23 submissions were received in support from occupants of Ascot Motel. In addition, there were some submitters who only submitted on Fenton Street motels. These submissions covered general matters and have not been summarised here.

Submitter Name/no.	Oppose / Support	Wish to be Heard	Submitted on other applications	Submission Summary
Peter Trotter (196)	Oppose	No	<ul style="list-style-type: none"> <li>No</li> </ul>	<u>Owner of a retail shop located within Rotorua Mall</u> <ul style="list-style-type: none"> <li>Adverse effects on the tourism sector</li> </ul>
Kelvin Tapuke (320)	Oppose	No	<ul style="list-style-type: none"> <li>RC17889</li> </ul>	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> <li>Increase in crime</li> </ul>
Lorraine Bryce (355)	Oppose	No	<ul style="list-style-type: none"> <li>RC17889</li> </ul>	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> <li>Increase in crime and anti-social behaviour on Toko Street</li> </ul>
Emily Telfer (364)	Oppose	No	<ul style="list-style-type: none"> <li>RC17889</li> </ul>	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> <li>Increase in crime and anti-social behaviour</li> <li>Increase in litter and roaming dogs on Toko Street</li> <li>On-site management and wrap around support is ineffective / absent</li> <li>Property values</li> </ul>
Dr Kirk Torr and Ms Donna Webster (325)	Oppose	No	<ul style="list-style-type: none"> <li>RC17889</li> <li>RC17673</li> </ul>	<u>Owns a rental property on Toko Street</u> <ul style="list-style-type: none"> <li>Increase in crime and anti-social behaviour</li> <li>Adverse effects on the tourism sector and Rotorua's reputation</li> <li>Property values</li> <li>Occupants coming from out of town</li> </ul>

## SECTION 104 ASSESSMENT

### Section 104(1)(a) – Assessment of Actual and Potential Effects on the Environment

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

<sup>8</sup> It is recognised that the majority of people submitted on all applications and whilst these general submissions were not specific to Ascot Motel, they are still applicable to this application. Therefore, the Section 104 assessment addresses comments both specific to Ascot, but also general themes across all sites.

- Character and amenity effects
  - External amenity
  - Internal amenity
    - Outdoor living space
    - Suitability for children
    - Occupancy rate
- Transportation effects
  - Parking and access
  - Traffic generation
- Noise effects
  - Reverse sensitivity effects
  - Noise from emergency housing
- Effects on infrastructure
- Financial contributions

45. It is noted that many of the site-specific submitters also raise concerns over crime, CEH 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

46. 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.”*
47. The site is located in the COMZ4 and RESZ2 zones.
48. 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.”*
49. The District Plan describes RESZ2 as *“a mix of single storey and two-storey apartment style living, with limited outdoor space. The built environment is dominant and much of the space around buildings is taken up by hard surfacing for car parking and turning. There are few trees and shrubs that make an impact on the wider area and the zone is more reliant on the street trees to soften the built environment.”*
50. Generally, the District Plan refers to amenity in the context of the *“design and appearance of buildings”*.
51. These elements generally define the character of each of the zones. The following sections assess the external amenity effects of the site, as well as the internal amenity effects.

#### *External amenity effects*

##### Fenton Street

52. The subject site has frontage to Fenton Street (COMZ4) and Toko Street (RESZ2). The Fenton Street frontage is characterised by the existing motel buildings, motel signage and small areas of landscaping directly in front of the building (including low level hedging and vegetation).

These aspects 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 COMZ4.

53. Several submitters have described adverse external amenity effects in relation to Fenton Street. 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.
54. The site was initially visited by Bethany Bennie on the 19th January 2022, and I also visited the site on the 23<sup>rd</sup> August 2022. I have relied on both my site visit, and the site photographs taken by Ms Bennie to assess the visual effects of the site at two separate points in time.
55. The site appeared tidy and there was no sign of road cones, temporary fencing, rubbish, graffiti, or shopping trolleys. The applicant has recently installed permanent pool fencing (with a gate) at the entrance to the site which was consistent with surrounding properties, and the existing fencing at the Toko Street frontage.
56. 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 above<sup>9</sup>. Specifically, this includes the removal of rubbish and graffiti, daily removal of shopping trolleys, daily tidying of the property and street berms, and maintenance of all buildings.
57. Although landscaping is not specifically required under the District Plan at the Fenton Street frontage, a condition of consent is recommended that the existing planting (including low level hedging and vegetation) be maintained and replaced where necessary<sup>10</sup>. Furthermore, it is recommended that the signage associated with the motel is removed<sup>11</sup>. This would assist in reducing visual clutter along Fenton Street.
58. Adoption of the above recommendations would maintain the attractiveness of the streetscape.

#### Toko Street

59. At the Toko Street frontage, the motel building is single storey. This end of the building is consistent with surrounding residential properties. There is some parking located directly in front of the building and some planting at the northern corner. A gate is located at the entrance, consistent with the white pool fencing at the Fenton Street frontage.
60. As outlined above, a condition of consent is recommended that the landscaping is retained and that the site is well maintained in accordance with the SMP.

---

<sup>9</sup> Refer recommended condition 34 in Appendix 1

<sup>10</sup> Refer recommended conditions 14 – 16 in Appendix 1

<sup>11</sup> Refer recommended condition 18 in Appendix 1

### Boundaries with neighbouring properties

61. The site adjoins other emergency housing sites<sup>12</sup> to the north and south, as well as one residential property<sup>13</sup> to the north. The residential property did not make a submission on the application. The building is built right up to a large concrete wall on the southern boundary and therefore these sites are entirely separated.
62. A low concrete wall with a painted mural exists on the northern boundary of the site, which contains some small planter boxes. This wall separates the driveway areas on the subject site as well as the driveway areas on the neighbouring sites. As there is limited opportunity for landscaping across the site due to it being largely impervious, it is recommended that the planter boxes are retained.

### Conclusion

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

### *Internal amenity effects*

#### Outdoor living space

64. The site is entirely impervious, with around 55% of the site area occupied by the existing buildings. The remainder of the site is predominantly used for vehicles (parking and manoeuvring), aside from a small area in between the two buildings which is for the storage of waste and a small children's play area (consisting of a trampoline). The units do not have any private outdoor space or any shared outdoor space.
65. In COMZ4, household units are required to provide a private outdoor living space with a minimum area of 10m<sup>2</sup> and a minimum depth of 2m<sup>14</sup>. However, this only applies to new buildings. There are no objectives and policies within COMZ4 that address outdoor living space.
66. In RESZ2, a minimum of 10% of the net site area is required to be provided as outdoor recreation and amenity space divided between each dwelling. There are a number of objectives and policies that require or encourage outdoor living space, which is addressed further in the Section 104(1)(b) Assessment of this report.
67. A number of submitters have stated that the lack of outdoor space within some motels<sup>15</sup> is contributing to the "spill-over" of people onto surrounding streets (and in particular Fenton Street). The provision of outdoor space on site needs to be balanced with the length of stay, as the motel units are a temporary accommodation solution for families and individuals who do

---

<sup>12</sup> Rotovegas Motel (CEH application also being considered by the Panel) and Pineland Motor Lodge (uncontracted EH)

<sup>13</sup> 10C Toko Street

<sup>14</sup> COMZ-S5

<sup>15</sup> As well as overcrowding, which is addressed below.

not have alternative accommodation options. CEH occupants who stay within the units for shorter durations may be more accepting of a lack of outdoor space.

68. 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.*

69. Updated information on lengths of stay has not yet been provided by the applicant, but is expected to be provided in the course of the hearing.
70. Overall, the site does not provide a high level of amenity due to the lack of private or shared outdoor living space. Mitigating factors relate to the temporary nature of the activity (subject to the applicant's updated information on lengths of stay at this facility), and the fact that the surrounding area is well served with local amenities and social infrastructure.

#### Suitability for Children

71. Ms Collins has assessed the site as unacceptable for children between the age of six months and seven years, as there is no safe outdoor space for play. The site has been assessed as low suitability for children between the age of eight and eighteen. Whilst there is no space on site for children in these age groups to gather, Marist Saint Michael's Reserve Sports Park is approximately 450m away and this group could engage in active recreation as they are older and more independent.
72. 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.
73. Taking this into consideration, a condition of consent is recommended that children between the age of six months and seven years cannot reside on the site<sup>16</sup>. Families with children in this age group will need to be placed in a CEH motel that provides outdoor space suitable for children.
74. In regard to older children (eight and above), whilst 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. A condition of consent is recommended that the dedicated children's play area (including the trampoline) is retained for this age group<sup>17</sup>.
75. 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. Whilst this hasn't been recommended by any of the technical experts, the Panel may wish to consider this as an option to further mitigate internal amenity effects for young occupants of the site.

---

<sup>16</sup> Refer recommended condition 8 in Appendix 1

<sup>17</sup> Refer recommended condition 17 in Appendix 1

### Occupancy rate

76. The applicant has recently stated an intention to reduce the maximum occupancy level across the site from 54 occupants to 43 (excluding staff and children under the age of 18 months). Where there is more than one double bed in a room, only one bed has been counted as sleeping two people.
77. The applicant has also provided details of actual occupancy rates for the CEH activity on the site over an eight-month period<sup>18</sup>. This data<sup>19</sup> shows that the average occupancy level of the CEH activity on site is 36 occupants. The maximum occupancy rate over the same period was 40 occupants in August 2022.
78. A number of submitters have raised concerns of overcrowding within the units. 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”*<sup>20</sup>.
79. 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”*<sup>21</sup>. The New Zealand Deprivation Index uses CNOS as an indicator of crowding<sup>22</sup>. Applied to the subject site, the proposed occupancy rates would result in crowding<sup>23</sup>. To avoid crowding, there would generally need to be a limit of two people per bedroom.
80. It is recognised that the reduced occupancy limit may not meet the objective of CEH which is to house whānau/family with tamariki/children. While some CEH families may consist of two people, it is likely there will be many families consisting of three or more people. As per the recommendations above, children between the age of six months and seven years also will not be able to reside on the site.
81. The site visit did not involve the entering of any units. There is limited information on the types and size of families that have typically stayed within Ascot Motel, the size of the units (in m<sup>2</sup>), or the number of beds within each room. 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 this information in the course of the hearing.
82. The following information has been provided on the types of units:

**Table 1:** Configuration of existing units at 247 Fenton Street/12 Toko Street

Type of unit	No. of units	Max No. of occupants
One bedroom unit	8	24
Two bedroom unit – sleeps max 5 people	6	30
<b>Total</b>	<b>14</b>	<b>54</b>

<sup>18</sup> December 2021 to August 2022

<sup>19</sup> Further information received from the applicant, dated September 2022

<sup>20</sup> Stats NZ (2018) *Living in a crowded house: exploring the ethnicity and well-being of people in crowded households*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz)

<sup>21</sup> Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz)

<sup>22</sup> Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz)

<sup>23</sup> As defined by Statistics NZ



83. As the site does not provide a high level of amenity in the form of outdoor living space, the following occupancy rates are recommended in line with the CNOS standards:
- One-bedroom units shall accommodate a maximum of two people (excluding children under the age of six months); and
  - Two-bedroom units shall accommodate a maximum of four people (excluding children under the age of six months).
84. This would result in a maximum occupancy of 40 occupants across the whole site which is more than the average occupancy (at 36 occupants) and consistent with the maximum occupancy levels (40 occupants) over the last eight months. It is recommended that a record is maintained for Council to monitor these conditions<sup>24</sup>.
85. 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. There are options that could be considered by the Panel, including:
- A transition period of say 3 months; or
  - Allowing the family to stay (if they wish) until they no longer need CEH, but ensuring any incoming CEH occupants meet the proposed occupancy rates and age restrictions.
86. The applicant may be able to provide information in the course of the hearing that identifies how many families this would apply to.

#### Conclusion

87. Overall, it is recognised that the motel units are a temporary accommodation solution for families and individuals who do not have alternative accommodation options. Whilst they may not provide a level of amenity equivalent to more typical permanent residential units, the conditions recommended above will avoid crowding and will reduce long-term negative impacts on children (in relation to play). Overall, with the adoption of the above recommendations, internal amenity effects are considered acceptable.

#### Transportation Effects

##### *Parking and access*

88. The site has existing vehicle crossings onto Fenton Street (entrance and exit) as well as Toko Street (exit only).
89. There are 14 carparks provided on-site (one per unit), as well as one accessible park. There is also staff parking at the Toko Street frontage and the site has a no visitors policy<sup>25</sup>.
90. Several submitters stated that due to a lack of off-street parking, CEH occupants were parking on the berms<sup>26</sup>. During a recent site visit, the motel operator advised that several CEH occupants did not own vehicles and therefore there were parking spaces available on-site that were not

---

<sup>24</sup> Refer recommended condition 12 in Appendix 1

<sup>25</sup> Exemptions may be made on a case-by-case basis, but only if preapproval has been given by the site's security/support services provider.

<sup>26</sup> These submissions were not specifically directed at Ascot Motel, but one submission referred to parking issues on Toko Street.

being used. It was observed that a number of vehicles were parked on the berm on Toko Street, but the motel operator advised these cars were not associated with the motel.

91. Parking on berms is managed through Council Bylaws<sup>27</sup>. Overall, this appears to be a wider parking issue (particularly with the education facility located directly across the road). Furthermore, it is recognised Council is not able to set minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020<sup>28</sup>.
92. Notwithstanding the above, the existing carparks are required to comply with the District Plan standards. The application was circulated to the development engineering team within Council and no issues were raised in regard to the existing carparks or vehicle crossings.

#### *Traffic generation*

93. The maximum occupancy of the motel is 54 occupants (based on the number of beds available). As outlined above, it is recommended that the occupancy rate is reduced to 40 occupants across 14 units. Furthermore, it has been advised that not all CEH occupants own a vehicle and visitors are not permitted at the site.
94. Even though visitors are not permitted, it is acknowledged that there may be security and support services coming and going. Overall, any potential increase in traffic in the immediate transport network from support services is anticipated to be negligible considering the high traffic volumes currently on Fenton Street.
95. Having regard to the existing environment, transportation effects associated with the proposal are assessed as acceptable.

#### Noise Effects

##### *Reverse sensitivity effects*

96. The District Plan requires acoustic insulation of new sensitive activities within the Commercial Zone to mitigate potential reverse sensitivity effects of new sensitive activities on existing commercial activities. As the motel buildings were constructed in the 1960s, it is unlikely the units have been designed to meet the acoustic standards required by the District Plan.
97. COMZ4 predominantly consists of existing tourist accommodation activities and apartments. Directly adjoining Ascot Motel is Rotovegas Motel (currently also used for CEH accommodation) to the north and south, residential activities to the west and commercial activities to the east (consisting of a liquor shop and a printing service). Due to the nature of these activities not being significant sources of noise, it is unlikely that noise experienced at the subject site will be higher than what is typically anticipated within a residential environment.
98. Overall, the potential for reverse sensitivity effects is low.

##### *Noise from emergency housing*

99. The applicant has not applied to breach the noise standards within the District Plan.

---

<sup>27</sup> Traffic Bylaw 2008

<sup>28</sup> Policy 11

100. Potential noise effects from the proposed activity may arise due to a higher number of people being on-site during the day (compared to tourists who are more likely to be out during the day), as well as an increase in children playing outside.
101. Several submitters also raised concerns regarding an increase in police sirens, motor vehicles, and noise from CEH occupants (yelling, late night parties, etc.). Noise that is generated off-site (such as police sirens and motor vehicles) cannot be directly linked to Ascot Motel. However, noise that is generated on-site (such as noise from CEH occupants) can be managed through consent conditions.
102. The applicant proposes the implementation of the SMP to manage potential noise effects. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, and compliance with the noise limits of the District Plan. Furthermore, the SMP outlines that no visitors, alcohol, or drugs are permitted on site, and it provides management measures regarding the de-escalation of conflict. CEH occupants must agree to these rules and sign a Rules of Stay Agreement before moving into a CEH housing unit.
103. Adherence to the SMP will reduce the potential for noise generation at the site and ensure compliance with the District Plan noise limits. However, it is recognised that isolated incidents may occur that may cause nuisance to the neighbours. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints<sup>29</sup>.
104. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

### Effects on Infrastructure

105. Regarding infrastructure, the applicant has stated:

*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.*

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

### Financial Contributions

107. 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.*

108. 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.

---

<sup>29</sup> Refer recommended strategic conditions attached to the Overview Report

109. 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.

110. 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

111. Overall, any actual and potential effects on the environment of a site-specific nature can be mitigated to a level that is acceptable subject to conditions of consent.

### **Section 104(1)(b) – Objectives and Policies of the District Plan**

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

### Commercial 4 Zone

113. The following objectives and policies are applicable to the site in COMZ4:

#### *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.*

114. The applicant does not propose any changes to the existing buildings at the site. These buildings were constructed for tourist accommodation activities and are consistent with the character anticipated within COMZ4. Although landscaping is not specifically required under the District Plan, a condition of consent is recommended that the existing landscaping (including gardens and trees) be maintained and replaced where necessary. Removal of the motel signage, and regular upkeep of the site (as required under the SMP) will also contribute to an attractive streetscape.

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

116. The site provides safe access onto the transportation network, and whilst there is no scope to require on-site carparking (due to the requirements of the National Policy Statement on Urban Development), there appears to be adequate parking available for staff and CEH occupants. The application was circulated to the development engineering team within Council and no issues were raised in regard to the existing carparks or vehicle crossings.

### *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.*
117. The activities in the immediate vicinity of the site include other emergency housing activities, residential activities, an early childcare facility, tourist accommodation and commercial activities on the opposite side of Fenton Street (consisting of a liquor store and a printing service). As the activities on Toko Street and the western side of Fenton Street are similar in nature, the proposed use of the site is considered compatible with the zoning.
118. The commercial activities are located on the eastern side of Fenton Street (across a four-lane major arterial road) and at this distance it is unlikely that reverse sensitivity effects will be experienced.
119. Effects on businesses and properties related to anti-social behaviour, crime and tourism are discussed within the Overview Report and the evidence statements of Ms Hampson and Ms Foy.

### Residential 2 Zone

120. The following objectives and policies are relevant to the site in RESZ2:

#### *Activities in a Residential Zone*

- *RESZ-O1: A high level of amenity that provides residents with:*
    1. *A northerly outlook*
    2. *Side and rear yards that provide aural and visual amenity*
    3. *Residential levels of noise*
    4. *Safe parking and turning areas where required*
    5. *Street surveillance*
    6. *Orientation to maximise energy efficiency*
  - *RESZ-P1: Require yards and protection of daylight planes to provide for privacy and outlook to reduce the adverse effects of noise between household units and the character of the streetscape.*
  - *RESZ-P2: Manage the siting of household units on adjoining land to protect the privacy, outlook and amenity of residents.*
  - *RESZ-P3: Require on-site outdoor space for each household unit.*
  - *RESZ-P4: Ensure the design and location of access, on-site parking and turning areas do not detract from the safe and efficient functioning of the transport network or dominate the streetscape.*
  - *RESZ-P5: When considering a resource consent application, require the landscaping to mitigate the adverse effects of activities and to enhance the character and amenity of the zone.*
121. The proposal does not involve any physical changes to the site or buildings. Therefore, this assessment against objectives and policies in the District Plan primarily relates to whether the conversion of the tourist accommodation to household units will be consistent with the outcomes and amenity levels anticipated within the Residential Zone.

122. The units all have a northerly outlook, which should provide occupants with ample sunlight. However, the units open directly onto the parking area and there is no private or shared outdoor space (aside from the children's play area) on the site. This is inconsistent with Policy RESZ-P3 and does not result in a high level of amenity as required by RESZ-O1.
123. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network. However, with the lack of open space, there may be some safety concerns with children playing in parking areas on site. The recommended conditions (relating to young children not residing on site) will address these safety concerns.
- *RESZ-O2: The character and amenity values of the residential zones are maintained and enhanced.*
  - *RESZ-P8: Maintain the following qualities and characteristics of the Residential 2 Zone:*
    1. *Medium density residential areas*
    2. *A mix of single storey and two-storey buildings*
    3. *Smaller household units and apartment style living*
    4. *Limited outdoor space*
    5. *Built elements dominate the environment*
    6. *Much of the space around buildings is taken up by hard surfacing for car parking and turning*
    7. *Reliance on street trees to soften the built environment*
124. RESZ2 recognises that household units may be smaller, may have limited outdoor space, and that sites may be dominated by buildings with limited landscaping.
125. The site is entirely impervious, with around 55% of the site area occupied by the existing buildings. The remainder of the site is taken up by hard surfacing for vehicles (parking and manoeuvring), aside from a small area in between the two buildings which is for the storage of waste and children's play area (a trampoline).
126. The buildings are also a mix of single and two-storey buildings.
127. Overall, the design and appearance of the site is consistent with the character of RESZ2.
128. Policy RESZ-P8(4) states that there is "limited outdoor space" (emphasis added), which indicates that at least some outdoor space should be provided. As outlined above, the site does not provide dedicated outdoor space other than a small (30 m<sup>2</sup>) children's play area. Therefore, the proposal is inconsistent with this aspect of the policy.
- *RESZ-O3: Non-residential activities in residential zones that are domestic in scale and character and do not have an adverse impact on the amenity values and character of the residential zones, or the vitality and viability of the City Centre or Commercial zones.*
  - *RESZ-P12: Manage the location and design of buildings for non-residential activities to ensure that the activity is in keeping with the appearance and character of the residential zone sought in RESZ-O2 and Policies RESZ-P7 to RESZ-P11.*
  - *RESZ-P13: Prevent the establishment of non-residential activities where they would be more appropriate location in a commercial, industrial or city centre zone and would have an adverse effect on the vitality and viability of those zones.*
  - *RESZ-P14: Avoid adverse effects of noise, vibration, light, smoke, fumes, odours, or other sources of disturbance that are detrimental to the amenity of the residential zones.*

- *RESZ-P16: Avoid, remedy or mitigate the potential adverse effects of non-residential activities, including community activities, through the provision of:*
  1. *Sufficient on-site parking, loading and turning*
  2. *Landscaping to maintain and enhance the quality of residential amenity, primarily the streetscape*
  3. *Noise mitigation measures.*

129. Non-residential activities on the site relate to the provision of the support-services. The support services are located within the existing buildings (within the office/managers unit). This activity is directly related to the residential activities on site and will not adversely impact on amenity values or the character of the zone. It is noted that whilst the support services provide management across the entire site, the actual office building is located within COMZ4 at the Fenton Street frontage. Ancillary offices in this location are envisaged within the zone and provided for as a Permitted Activity.

*The design, layout and appearance of residential sites*

- *RESZ-O6: Residential site design and development in a sustainable manner that promotes and maintains the character of the zone, residential amenity and community safety.*
- *RESZ-P20: Encourage and promote buildings on residential sites that:*
  1. *Have sufficient space to provide private, useable outdoor open areas for garden and amenity space*
  2. *Do not intrude into side, rear or front yards*
  3. *Maximise access to sunlight and daylight to north facing living rooms*
  4. *Provide car parking and turning areas that are separate from outdoor garden and amenity space and do not dominate in the streetscape*
- *RESZ-P21: Encourage site and building design that provides:*
  1. *Passive surveillance of public space*
  2. *Front yards that are free of buildings and not screened by high fencing.*

130. As assessed above, the design of the site is consistent with the character of the zone. There are existing resource consents to allow for the side yard intrusions.

131. The units are north-facing and therefore provide ample sunlight. However, there is no outdoor space for garden and amenity space, as the areas in front of the units are dominated by carparking and manoeuvring areas.

132. There are no windows at the Toko Street frontage, however the pool fencing does provide for some passive surveillance onto the street.

Noise

133. The following objectives and policies are applicable in regard to noise:

- *NOISE-O1: A noise environment consistent with the character and amenity expected for the zone.*
- *NOISE-P4: Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.*
- *NOISE-P9: Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to major infrastructure are appropriately insulated.*



134. Noise levels generated from the proposed activity will be managed through the proposed conditions of consent and through the SMP. As outlined above, the potential for reverse sensitivity effects is low.

### Infrastructure

135. The following objectives and policies are applicable in regard to 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.*

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

### Transport

137. The following objectives and policies are applicable in regard to 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.*

138. The site has existing vehicle crossings and parking areas that allow for on-site manoeuvring. Any potential increase in traffic in the immediate transport network from support services is anticipated to be negligible considering the high traffic volumes currently on Fenton Street.

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

### Conclusion

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

141. The proposal is also generally consistent with the objectives and policies of the Residential chapter in the District Plan that relate to the design and appearance, and character of the zone.

142. However, there are several objectives and policies that require and encourage household units to provide outdoor space. As the proposal does not provide any outdoor space other than a small children's play area, it is inconsistent with these objectives and policies.

## **CONCLUSION**

143. A conclusion on the assessment of effects is provided at paragraph 110. This determines that the adverse effects of the activity on the environment of a site-specific nature will be acceptable, with the adoption of the recommended conditions.
144. A conclusion against the objectives and policies of the District Plan is provided at Paragraphs 139 – 141. Whilst there is inconsistency with some policies, on balance the proposal is not contrary to the objectives and policies of the District Plan.

## **CONDITIONS AND ADVICE NOTES**

145. 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 20 December 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 17887 – 247 Fenton Street & 12 Toko Street*"
- 2 The consent holder shall be Frank Liu (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 40 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 40 occupants (excluding children under six months of age) shall be permitted to reside within the 14 contracted emergency housing units.
- 8 No children between the ages of six months and seven years may reside on the site.
- 9 One-bedroom units shall accommodate a maximum of two people per unit (excluding children under six months of age).

- 10 Two-bedroom units shall accommodate a maximum of four people per unit (excluding children under six months of age).
- 11 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**

- 12 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.
- 13 The information listed in Condition 12 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 40.

### **Landscaping and Planting**

- 14 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 hedging and vegetation at the Fenton Street frontage;
  - b) The trees and vegetation at the Toko Street frontage; and
  - c) The planter boxes at the northern boundary of the site.
- 15 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.
- 16 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.

### **Play Equipment**

- 17 The dedicated children's play area (including the trampoline) as shown on the Site Layout Plan shall be retained for the duration of the consent.

### **Motel Signage**

- 18 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.
- 19 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.
- 20 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**

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

### **External Boundary Fencing**

- 22 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**

- 23 Waste storage areas 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.
- 25 Parking and manoeuvring shall be in accordance with the New Zealand Standard, Parking facilities: Off street car parking, NZS2890.1.
- 26 Surface marking and signage shall be sufficient to ensure the safe and efficient operation of parking and access, including pedestrian safety.
- 27 Parking and access in accordance with these conditions shall be implemented within one month following the grant of consent and shall be maintained for the duration of the consent.

### **Noise**

- 28 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 <sub>Amax</sub>

- 29 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 L <sub>Amax</sub>

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

#### **Glare and Light**

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

#### **On-site Management**

- 33 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 34 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
  - v. Programmed maintenance of all buildings
- e) Effective noise management measures to avoid, remedy or mitigate potential noise nuisance
  - f) The process for dealing with complaints

### **Bond**

- 35 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.
- 36 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.
- 37 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.
- 38 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.
- 39 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**

- 40 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 12; 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.