
ROTORUA DISTRICT COUNCIL

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

FILE NO: 6221321

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.

APPLICANT:	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
APPLICANTS AGENT:	THE PROPERTY GROUP C/-ALICE BLACKWELL
OPERATOR / CONSENT HOLDER	ROTOVEGAS MOTEL C/- BRYCE SMART
ADDRESS:	8A, 8B, AND 10B TOKO STREET, ROTORUA; AND 249-251 FENTON STREET AND 14-16 TOKO STREET, ROTORUA
RESOURCE CONSENT NUMBER:	RC17889
LEGAL DESCRIPTION:	LOT 15 DP 2851 (AREA 1, 2, & 3); AND LOT 1 DPS 28301, LOT 7 DP 2851, PT LOT 17 AND LOT 18 DP 2851
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION RESIDENTIAL 2 – MEDIUM DENSITY RESIDENTIAL
REPORT:	SECTION 42A – COUNCIL OFFICERS’ REPORT
NOTIFIED:	PUBLIC NOTIFICATION

SUMMARY

1. Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (**MHUD**) are 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 the existing Rotovegas Motel buildings for contracted emergency housing (**CEH**) accommodation for a maximum period of five years. On the expiry of the consent, 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 3rd 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 11th May 2022. The application was publicly notified on 11th June 2022 along with 11 other CEH applications¹. 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 Rotovegas Motel and three people submitted only on Ascot Motel and Rotovegas Motel (noting these sites are adjoining). There were also 15 submissions received in support from occupants of Rotovegas 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 that 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 their decision.

¹ The 13th application (Emerald Spa) was notified on 6 August 2022.

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 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 proposed activity is split across two separate sites, which are not adjoining. The first site is located at 8A, 8B and 10B Toko Street, and the second site is located at 249 – 251 Fenton Street and 14 – 16 Toko Street. Collectively they are referred to as "the subject sites" throughout this report.
16. The subject sites are held within four Records of Title and are located within the Commercial 4 Zone (**COMZ4**) and the Residential 2 Zone (**RESZ2**) of the District Plan. This is shown in Figure 1 and within the table below.

District Plan Zone	Legal Description	Area (m ²)
RESZ2	LOT 15 DP 2851 (AREA 1, 2, & 3)	539 ²
RESZ2 and COMZ4	LOT 1 DPS 28301	1,348
RESZ2	PT LOT 17 AND LOT 18 DP 2851	1,078
COMZ4	LOT 7 DP 2851	809
Total		3,774

² This is the total of the lease areas. The size of the underlying Record of Title is 809m².



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.

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

The subject site is currently occupied by an existing motel, which contains a number of accommodation blocks across two locations...

The first is a 3,235m² site at 249-251 Fenton Street / 14-16 Toko Street, which has frontage to Fenton Street along its eastern boundary and Toko Street along its western boundary. The main entrance and manager's unit are located in the site's eastern edge. The existing buildings within the site are dedicated to the existing motel operation and the site has been utilised for motel purposes for many decades, with the motel operation being incrementally expanded over the years.

Two vehicle access crossings are located on the Fenton Street frontage, one servicing the Manager's garage, and the other serving the primary site. A vehicle access is located on the Toko Street frontage, servicing the large accommodation block located on Toko Street. Access from this crossing does not carry through the site, with a wooden fence and gate structure preventing vehicle through-access.

There are three separate accommodation blocks on the site. A two-storey block of six ground floor units and six second floor units are attached to the managers accommodation on the north-eastern side of the site (located in COMZ4). A second two-storey block of five ground floor units and four second floor units are located on the south-eastern side of the site (located in COMZ4). A third two-storey block is located on the south-western side of the site, which includes two units across both floors (located in RESZ2). There are a minimum of 26 carpark within the site.

The motel also rents motel units in a second location, at 8A, 8B and 10B Toko Street. The units are on a 809m² cross lease site and comprise a two thirds share of the total site. A fourth unit, being 10C Toko Street, is an independently owned private residence on a one third share of the site. Unit 8A and Unit 8B are located on the western boundary and share a common internal wall. Unit 10B is directly behind units 8A and 8B, sharing a common wall with the private residence located at the eastern end of the site. Each of these units have carparking provided directly outside the units.

The combined subject site has a mixture of studio, one bedroom, two bedroom and three-bedroom units across both sites and provides for a maximum of 108 guests (see Table 1 below). The main motel site at 249-251 Fenton Street/14-16 Toko Street also contains a guest laundry, sheltered BBQ area, pool and games room available for guest use.

The configuration of the motel units is outlined in Table 1 below and shown on the Site Plan in Appendix 2. The maximum 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). Maximum 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 249-251 Fenton Street/14-16 Toko Street and 8A, 8B and 10B Toko Street

Type of unit	No. of units	Max No. of occupants
Studio	11	28
One bedroom unit	7	32
Two bedroom unit	3	18
Two bedroom house (including 3x2 bedroom houses at 8A, 8B and 10B Toko Street)	4	17
Three bedroom house	1	13
Total	26	108

18. The applicant has recently stated an intention to reduce the maximum occupancy level (as originally proposed) from 108 occupants to 80 (excluding staff and children 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. Prior to this, the motel was used for emergency housing (by accepting customers paying through the use of Emergency Housing Special Needs Grants (**EHSNG**) provided by the Ministry of Social Development (**MSD**)) since May 2018.

Surrounding Area

20. The immediate surrounding environment is a mix of emergency housing, commercial, educational, residential and tourist accommodation land uses. In between the two sites is

another contracted emergency housing provider³, one of the 13 applications by MHUD to be 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.



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 and Ti Streets. The nearest pedestrian crossing on Fenton Street is located approximately 350m north of the subject sites. 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 sites.

³ Ascot Motel

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. Both reserves 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 sites. Rotorua Intermediate School is located approximately 900m to the west. There is an early childhood centre located opposite 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
645480, 645481, 645479	LOT 15 DP 2851 (AREA 1, 2, & 3)	<ul style="list-style-type: none"> • Subject to Section 15 Rotorua Town Lands Act 1920⁴ (Affects Fee Simple) • Subject to Section 8 Coal Mines Amendment Act 1950 (Affects Fee Simple) • Lease agreements⁵
SA26A/547	LOT 1 DPS 28301	<ul style="list-style-type: none"> • Subject to Section 15 Rotorua Town Lands Act 1920
SA26D/59	PT LOT 17 AND LOT 18 DP 2851	
SA857/212	LOT 7 DP 2851	

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
8A, 8B, and 10B Toko Street		
RC14879	March 2014	Subdivision consent
RC13158	June 2009	Tourist accommodation for 25 people with associated signage
RC668754	October 1987	Dispensation / waiver – new home units exceeding height restrictions
14-16 Toko Street and 249-251 Fenton Street		
RDC-178396	March 2011	Change in signage

⁴ This relates to the Crown reservation of rights to minerals and other resources.

⁵ 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.

RC1911	September 1998	Construct a dwelling with daylight and boundary infringements
RC1145	July 1994	Signage
No consent number	February 1980	Amalgamation of lots
No consent number	December 1979	Approval for spa pool, sauna, plunge pool, games room and manager's garage
SP2398	April 1979	Dispensation to erect a canopy
No consent number	June 1976	"Keep clear" signage
No consent number	December 1974	Three additional household units being an extension of the existing motel
SP1810	June 1974	Signage
No consent number	March 1973	Dispensation for side yard infringement

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 108 occupants to 80 (excluding staff and children under the age of 18 months)⁶.
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 has been installed since the application was lodged. The reception area of the motel is used by security services and the social services team uses the office space behind the reception area.
33. On-site support services will be provided by "WERA Aotearoa"⁷, who will implement a Site Management Plan (SMP) (attached as Appendix 4 of the application). The SMP is offered as an "Augier"⁸ 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;

⁶ Email from Alice Blackwell titled Occupancy Numbers 9 September 2022

⁷ 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.

⁸ 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.

- 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. All families placed in the three off-site units (at 8A, 8B and 10B Toko Street) will have low support needs, however regular engagement will happen with support staff. Additionally, they will be made aware of the contact details of the security guards for their support if required. These off-site units will also continue to be monitored by security staff.
37. 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.*
38. The plan for each site is shown in Figures 3 and 4 below, and further details of the proposal are outlined in Section 3 of the application.



Figure 3 – Site plan showing 8A, 8B and 10B Toko Street



Figure 4 – Site plan showing 249-251 Fenton Street and 14-16 Toko Street

ACTIVITY STATUS

39. The activity status for each application is discussed in detail in the Overview Report.
40. 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

41. The application was publicly notified on 11th June 2022 (along with 11 of the other 12 CEH applications)⁹. 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

42. 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.

⁹ The 13th application (Emerald Spa) was notified on 6 August 2022.

43. One person submitted only on Rotovegas Motel, and three people submitted on Ascot Motel and Rotovegas Motel (noting these sites are adjoining). These submissions are summarised below¹⁰.
44. In addition, 15 submissions were received in support from occupants of Rotovegas 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
Ali and Ezra Carkci (194)	Oppose	No	<ul style="list-style-type: none"> No 	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> Increase in crime and anti-social behaviour Parking issues on Toko Street Installation of security measures at their property Reduction in property values Current security and on-site management is not effective
Kelvin Tapuke (320)	Oppose	No	<ul style="list-style-type: none"> RC17887 	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> Increase in crime
Lorraine Bryce (355)	Oppose	No	<ul style="list-style-type: none"> RC17887 	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> Increase in crime and anti-social behaviour on Toko Street
Emily Telfer (364)	Oppose	No	<ul style="list-style-type: none"> RC17887 	<u>Resident on Toko Street</u> <ul style="list-style-type: none"> Increase in crime and anti-social behaviour Increase in litter and roaming dogs on Toko Street On-site management and wrap around support is ineffective / absent Property values
Dr Kirk Torr and Ms Donna Webster (325)	Oppose	No	<ul style="list-style-type: none"> RC17887 RC17673 	<u>Owns a rental property on Toko Street</u> <ul style="list-style-type: none"> Increase in crime and anti-social behaviour Adverse effects on the tourism sector and Rotorua's reputation Property values CEH occupants coming from out of town

¹⁰ It is recognised that the majority of people submitted on all applications and whilst these general submissions were not specific to Rotovegas Motel, they are still applicable to this application. Therefore, the Section 104 assessment addresses comments both specific to Rotovegas, but also general themes across all sites.

SECTION 104 ASSESSMENT

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

45. Having reviewed the application and submissions, I consider it appropriate to address the actual and potential effects of the proposal under the following topics:
- Character and amenity effects
 - External amenity
 - Internal amenity
 - 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
46. It is noted that many of the site-specific submitters raise concerns over crime, occupants' behaviour, and the effects of CEH on business and tourism. These matters are not covered in this report. An assessment of the cumulative, social, and economic effects of all applications is addressed in detail within the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

Character and Amenity Effects

47. 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.”*
48. The site is located in COMZ4 and RESZ2.
49. 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.”*
50. 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.”*
51. Generally, the District Plan refers to amenity in the context of the *“design and appearance of buildings”*.
52. 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

53. The subject sites have frontage to both Fenton Street (COMZ4) and Toko Street (RESZ2). The Fenton Street frontage is characterised by the existing motel buildings, motel signage (which is both attached to the building and freestanding), and a small area of landscaping directly in front of the building (including gardens and trees). 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.
54. 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.
55. The site was initially visited by Bethanie Bennie on the 19th January 2022, and I also visited the site on the 23rd 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.
56. 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 at the entrance to the property which was consistent with surrounding properties.
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 above¹¹. 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.
58. Although landscaping is not specifically required under the District Plan at the Fenton Street frontage, a condition of consent is recommended that the existing landscaping (including gardens and trees) be maintained and replaced where necessary¹². Furthermore, it is recommended that the signage associated with the motel is removed¹³. This would assist in reducing visual clutter along Fenton Street.
59. Adoption of the above recommendations would maintain the attractiveness of the streetscape.

Toko Street

60. The Toko Street frontage is located within RESZ2 and is comprised of two separate sites (8A, 8B and 10B Toko Street, and 16 Toko Street). Both sites contain two storey buildings used for residential activities. Although they appear slightly larger than surrounding residential properties, they have been lawfully established and the scale is consistent with the outcome of the RESZ2 Zone. They also appear well kept with some hedging directly in front of the buildings.

¹¹ Refer recommended condition 37 in Appendix 1

¹² Refer recommended conditions 15 - 17 in Appendix 1

¹³ Refer recommended condition 21 in Appendix 1

61. 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.

Boundaries with neighbouring properties

62. Each of the sites contain either concrete walls or fencing along the side boundaries with neighbouring properties. None of these properties made a submission on the application. This fencing separates the activities on adjacent sites, and therefore it is recommended these are retained.

Conclusion

63. Provided the existing external boundary treatments and landscaping features along the boundaries of the site (grass, established vegetation and trees, 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. 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 applicant provides the following statement with regard to outdoor living space:

Private open space is limited on the subject site but residents within the main motel area have good access to shared open space areas. A sheltered BBQ area with playground equipment is available for tenant [sic] use, as well as a games room and pool. Private open space is also available to some of the units in the south-eastern block of 249-251 Fenton Street/14-16 Toko Street. At the units at 8A, 8B and 10B Toko street present more like typical residential dwellings and have good access to private open space.

65. In COMZ4, household units are required to provide a private outdoor living space with a minimum area of 10m² and a minimum depth of 2m¹⁴. 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 motels¹⁵ 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 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:

¹⁴ COMZ-S5

¹⁵ As well as overcrowding, which is addressed below.

...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. Whilst not all of the units provide private outdoor living space, there is shared open space available on the site which provides amenity for the residents. Further 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. The units located at 8A, 8B and 10B Toko Street have been assessed by Ms Collins as highly suitable for children between the age of six months to seven years. The units located on the ground floor of the main site have also been assessed as highly suitable as they each have direct access to private outdoor space.
72. Ms Collins has rated the site as moderate for children between the age of eight and eighteen years. This is due to the provision of shared open space with play equipment and a games/pool room with a BBQ area. Children however may need to come downstairs and cross the carpark (within the site) to reach these areas. Further to this, Marist Saint Michaels Reserve Sports Park is approximately 415m away, the racecourse is around 500m away, and Puarenga Park Sports Fields is approximately 1500m away.
73. Overall, the site is considered suitable for children and there is good access to local reserves. The shared games room is also available for children to use in adverse weather conditions. A condition of consent is recommended that this is retained for recreation purposes¹⁶.

Occupancy rate

74. The applicant has recently stated an intention to reduce the maximum occupancy level across the site from 108 occupants to 80 (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.
75. The applicant has provided details of actual occupancy rates for the CEH activity on the site over an eight-month period¹⁷. This data¹⁸ shows that the average occupancy level of the CEH activity on site is 55 occupants. The maximum occupancy rate over the same period was 66 occupants in December 2021.

¹⁶ Refer recommended condition 20 in Appendix 1

¹⁷ December 2021 to August 2022

¹⁸ Further information received from the applicant, dated 9 September 2022

76. 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*”¹⁹.
77. 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*”²⁰. The New Zealand Deprivation Index uses CNOS as an indicator of crowding²¹. Applied to the subject site, the proposed occupancy rates would result in crowding²². To avoid crowding, there would generally need to be a limit of two people per bedroom.
78. 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 Rotovegas Motel (since it has been CEH), the size of the units (in m²), 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.
79. The following information has been provided on the types of units:

Table 1: Configuration of existing units at 249-251 Fenton Street/14-16 Toko Street and 8A, 8B and 10B Toko Street

Type of unit	No. of units	Max No. of occupants
Studio	11	28
One bedroom unit	7	32
Two bedroom unit	3	18
Two bedroom house (including 3x2 bedroom houses at 8A, 8B and 10B Toko Street)	4	17
Three bedroom house	1	13
Total	26	108

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. This has been considered when recommending the maximum occupancy rates for this site.
81. The site has been assessed as suitable for children, and there is both private and shared outdoor space across the site, as well as a shared games room for periods of wet weather. Because of the quality of outdoor space, a slightly higher occupancy rate is proposed compared to sites with less suitable outdoor space. The proposed maximum occupancy rates are as follows:
- A maximum of 63 occupants (excluding children under the age of six months) shall be permitted to reside within the 26 CEH units.
 - Studio units may accommodate a maximum of two people per unit (excluding children under the age of six months); and
 - One-bedroom units may accommodate a maximum of three people per unit (excluding children under the age of six months); and

¹⁹ 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

²⁰ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

²¹ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

²² As defined by Statistics NZ

- Two-bedroom units may accommodate a maximum of four people per unit (excluding children under the age of six months); and
 - The three-bedroom house may accommodate a maximum of six people (excluding children under the age of six months).
82. 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.
83. The proposed maximum occupancy levels across the site are more than the average occupancy (at 55 occupants) and slightly less than the maximum occupancy levels (66 occupants). It is recommended that a record is maintained for Council to monitor these conditions²³.
84. It is noted that some existing families may be established in units that no longer meet the recommended occupancy rate, or the recommended conditions regarding children on the site. 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 three months; 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.
85. The applicant may be able to provide information in the course of the hearing that identifies how many families this would apply to.

Conclusion

86. Overall, the site is suitable for children and provides amenity for occupants through both private outdoor space, shared outdoor space and communal facilities (games room, pool and a BBQ area). The conditions recommended above will also avoid overcrowding within the units and is more consistent with the actual occupancy rates over the last eight months. Overall, with the adoption of the above recommendations, internal amenity effects are considered acceptable.

Transportation Effects

Parking and access

87. The site has two existing vehicle crossings onto Fenton Street (one servicing the managers garage and the other servicing the main site area). Separate vehicle access is located at the Toko Street frontage servicing the units at 16 Toko Street. A wooden gate is located at this entrance so vehicles cannot drive through the site. There are 26 carparks provided on-site (approximately one per unit), as well as one accessible park.
88. The units at 8A, 8B and 10B have two separate vehicle crossings onto Toko Street and each have carparking provided directly in front of the units.
89. Several submitters stated that due to a lack of off-street parking, CEH occupants were parking on the berms. During a recent site visit, a number of the carparks available on site were empty.

²³ Refer recommended condition 13 in Appendix 1

It was observed that several vehicles were parked on the berm on Toko Street, however this cannot be directly linked back to occupants of Rotovegas Motel²⁴.

90. Parking on berms is managed through Council Bylaws²⁵. Overall, this appears to be a wider parking issue (particularly with the education facility located directly across the road). Furthermore, it is recognised that Council is not able to set minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020²⁶.
91. 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

92. The maximum occupancy of the motel is 108 occupants (based on the number of beds available). As outlined above, it is recommended that the occupancy rate is reduced to 63 occupants across 26 units. Furthermore, it has been advised that not all CEH occupants own a vehicle and visitors are not permitted at the site.
93. 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.
94. Having regard to the existing environment, transportation effects associated with the proposal are assessed as less than minor.

Noise Effects

Reverse sensitivity effects

95. 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 buildings are existing, it is unclear whether these have been designed to meet the acoustic insulation requirements of the District Plan.
96. COMZ4 predominantly consists of existing tourist accommodation activities and apartments. Directly adjoining Rotovegas Motel is Ascot Motel (currently used for CEH accommodation), 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 at the subject site will be experienced that is higher than what is typically anticipated within a residential environment.
97. Overall, the potential for reverse sensitivity effects in relation to noise is low.

Noise from emergency housing

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

²⁴ The motel operator of Ascot Motel (ie. The neighbouring motel) advised that staff at the education facility utilise the berm outside the motels for their parking.

²⁵ Traffic Bylaw 2008

²⁶ Policy 11

99. 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.
100. Several submitters also raised concerns regarding an increase in police sirens, motor vehicles, and noise from occupants (yelling, late night parties, etc.). Noise that is generated off-site (such as police sirens and motor vehicles) cannot be directly linked to Rotovegas Motel. However, noise that is generated on-site (such as noise from occupants) can be managed through consent conditions.
101. 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.
102. 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 complaints²⁷.
103. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

Effects on Infrastructure

104. 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.

105. 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

106. 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.

107. 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.

²⁷ Refer recommended strategic conditions attached to the Overview Report

108. 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.

109. 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

110. 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

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

Commercial 4 zone

112. The following objectives and policies are applicable to the site in the COMZ4 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.*

113. 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.

114. 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.

115. 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 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.*
116. 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.
117. 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.
118. 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

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

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.*
120. The proposal does not involve any physical changes to the site or buildings. Therefore, this assessment against objectives and policies 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.

121. The units located at 8A, 8B and 10B are typical residential dwellings and have access to private open space. On the main site, only some units have private outdoor space, with the remainder reliant on shared outdoor space. Alongside this outdoor space there is a pool and a games room for occupants to enjoy. Although residing in a motel is not an ideal situation, these aspects will provide occupants with a reasonable level of amenity.
122. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network. The parking is mainly located within the centre of the site, which does not dominate the streetscape.
123. Landscaping is existing at the Fenton Street frontage which enhances the character and amenity of the zone. It is recommended that this landscaping is retained.
- *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. This is consistent with the character of the existing motel.
- *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.*
125. 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.*

126. 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 RESZ2.

127. 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 occupants.

128. There are windows at both the Toko Street and Fenton Street frontages which provides passive surveillance onto the street.

Noise

129. 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.*

130. 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

131. 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.*
132. 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

133. 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.*
134. 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.
135. Overall, the proposed activity will enable the continued operation, efficiency and sustainability of the transport network.

Conclusion

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

CONCLUSION

137. 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.
138. A conclusion against the objectives and policies of the District Plan is provided at Paragraph 136. This determines that on balance, the proposal is generally consistent with the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

139. 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 17889 –249-251 Fenton Street, 14-16 Toko Street & 8A, 8B and 10B Toko Street*"
- 2 The consent holder shall be Bryce Smart (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 43 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 63 occupants (excluding children under six months of age) shall be permitted to reside within the 26 contracted emergency housing units.
- 8 Studio units shall accommodate a maximum of two people per unit (excluding children under six months of age).
- 9 One-bedroom units shall accommodate a maximum of three people per unit (excluding children under six months of age).

- 10 Two-bedroom units and houses shall accommodate a maximum of four people per unit (excluding children under six months of age).
- 11 The three-bedroom house shall accommodate a maximum of six people (excluding children under the age of six months).
- 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 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 43.

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 hedging and vegetation at the Fenton Street frontage; and
 - b) The trees and vegetation at the Toko Street frontage.
- 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.

Shared Space

- 18 Shared open space shown on the approved Site Layout Plan shall be maintained to ensure the spaces are suitable for recreational use by occupants.

- 19 Shared open space shown on the approved Site Layout Plan shall not be used for vehicle parking, storage, or occupied by any buildings or structures other than for the purpose of recreational use such as shade structures, seating, and play equipment.
- 20 The games room shall be made available for the use of children for recreation purposes.

Motel Signage

- 21 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.
- 22 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.
- 23 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

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

External Boundary Fencing

- 25 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

- 26 Waste storage areas shall not be visible from the road frontages or surrounding residential properties.

Traffic Management

- 27 A minimum of one accessible carpark shall be provided on the site which shall be sealed and marked.
- 28 Parking and manoeuvring shall be in accordance with the New Zealand Standard, Parking facilities: Off street car parking, NZS2890.1.
- 29 Surface marking and signage shall be sufficient to ensure the safe and efficient operation of parking and access, including pedestrian safety.
- 30 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

- 31 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 LAmax

- 32 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 LAmax

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

Glare and Light

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

On-site Management

- 36 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 37 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. Visitor numbers including 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

- 38 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.
- 39 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.
- 40 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.
- 41 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.
- 42 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

- 43 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 (RMACcompliance@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.