

Annexure 6: 18 Ward Avenue (New Castle Motor Lodge) – RC17650



Figure 1: 18 Ward Avenue (as viewed from Ward Avenue)

1 Introduction

1.1 Resource consent to use 18 Ward Avenue for Contracted Emergency Housing (CEH) was lodged with Rotorua Lakes Council (RLC) on 6 August 2021. CEH is described in detail in the Application and in my Primary Evidence. To summarise, the Proposal is to:

- (a) Use all 16 existing motel units for CEH, primarily for whānau with children and vulnerable individuals (such as elderly);
- (b) Provide on-site support services for CEH occupants by a dedicated Service Provider. The Service Provider is currently Visions of a Helping Hand Charitable Trust, but the Applicant would like to retain flexibility so that an alternative Service Provider could provide the necessary Support Services if required.
- (c) 24/7 security on-site and an on-call Senior Security Officer;

- (d) Operate CEH from the site for a maximum of five years (from the date of the decision of the consent);
- (e) Revert back to a motel activity once the site is no longer being used for CEH.

2 Changes to the Application since lodgement

Maximum Occupancy

- 2.1 Since the notification of the Application, the Applicant has revised the total maximum occupancy onsite, reducing this from 64 occupants to **47 occupants**.
- 2.2 CEH has been operating from the 18 Ward Avenue since 1 July 2021. On 11 May 2022, Ministry of Housing and Urban Development (MHUD) provided to RLC (in response to a s92 request) updated information about the actual number of occupants on the site. This information demonstrated that the number of occupants is lower than the theoretical capacity (of 64 people) if every bed in every unit was occupied. Updated actual occupancy is provided in Table 1 below.

Table 1: 18 Ward Avenue - Actual Occupancy Units (U) and People (P) December 2021 – August 2022

Date	15/12/21		7/02/22		30/03/22		27/04/22		23/05/22		30/06/22		1/08/22		30/08/22	
	U	P	U	P	U	P	U	P	U	P	U	P	U	P	U	P
No.	15	31	13	32	12	34	11	32	12	38	11	31	14	46	12	37

NB: All 46 units are contracted for CEH and 18 Ward Avenue has a maximum theoretical capacity of 64 CEH occupants.

- 2.3 The reality of CEH is that units are allocated to whānau based on their specific needs, and this does not necessarily mean every bed in every unit is occupied. As demonstrated in Table 1 above, the actual number of people onsite has varied between 31 and 38 people. While these levels are lower than the maximum occupancy of 47 persons that is now being sought by the Applicant, it is my understanding that reasons for low levels of occupation can vary – for example, on occasion, rooms are decommissioned for maintenance and repairs between whānau stays, and some rooms are set aside for emergency placements.

- 2.4 It is accepted that those staying in CEH are generally onsite longer than typical motel guests. As such, in terms of the potential intensity of use I consider that a reduced maximum occupancy is appropriate and helps to mitigate the potential effects that could result from overcrowding.

Site Fencing

- 2.5 The original fence along the side and rear boundaries has been updated. The wider scope of works includes upgrading the fence along the Ward Avenue boundary in conjunction with landscape screening.

Motel Signage

- 2.6 The motel operator has removed the motor lodge signage, and their website. Their name has been retained on the building.

Laundry Room

- 2.7 The motel operator has established an onsite laundry room available for resident use from 8am to 10pm.

Onsite play area

- 2.8 The service provider has established a small onsite play area between the two buildings on the site.

3 Activity Status

Operative Rotorua District Plan

- 3.1 The subject site is located entirely within the Commercial 4 zone. The Commercial 4 zone adjoins the site to the north, east and west. To the south is zoned Reserve 2 Zone.
- 3.2 As discussed in my Primary Evidence, the activity has been assessed as a Non-Complying Activity pursuant to Rule COMZ-R1.

4 Site Specific Matters raised in Submissions

- 4.1 The site specific s42A report by Ms Bennie provides an overview of the notification process and submissions raised. I note that many submitters made 'blanket' submissions which related to all Applications. As such,

where the issues raised in submissions are relevant to all Applications, I have considered these issues in my Primary Evidence.

- 4.2 There were 310 submissions in relation to the resource consent at 18 Ward Avenue for CEH (including 16 submissions that were provided to the Independent Hearing Panel prior to notification of the application). Four submissions are not considered blanket submissions and were more specific to 18 Ward Avenue. Two of the submitters live within the Fenton Park/Glenholme area, while the other two are residents of the wider Rotorua area. One submission is in support while the other three oppose the Proposal.
- 4.3 The issues raised by the four non-blanket submissions are reasonably generic, and can be broadly categorised as follows:
- (a) Social Effects
 - (b) Tourism Effects
 - (c) External Amenity Effects
 - (d) Internal Amenity Effects
 - (e) Consent duration
- 4.4 Submissions relating to social effects, tourism effects and consent duration have been addressed in my Primary Evidence. No further discussion will be undertaken regarding these issues here. Further, changes to the application since lodgement (discussed in Section 2 above) together with conditions of consent will effectively mitigate many submitter's concerns at the site-based level.
- 4.5 External and internal effects are not addressed in my Primary Evidence. These are discussed in my effects assessment below.
- 4.6 Overall, I agree with the analysis and conclusions within Ms Bennie's s42A report with regard to submissions received on this property.

5 Assessment of Effects

- 5.1 My Primary Evidence discusses effects as they relate to all Applications. The following discusses effects specifically relevant to this site:

- (a) Positive effects
- (b) Character and amenity effects
 - (i) External amenity
 - (ii) Internal amenity
- (c) Transportation Effects
 - (i) Parking and access
 - (ii) Traffic generation
- (d) Noise Effects

Positive effects

- 5.2 The positive effects of the Proposal are outlined in the Application and in my Primary Evidence. The motel operator has undertaken a number of site specific improvements to enhance the living environment for occupants of CEH, including introduction of a new play area for children.

Character and amenity effects

External Amenity - Streetscape / neighbourhood character

- 5.3 No changes are proposed in relation to the buildings and the AEE in the Application for 18 Ward Avenue remains valid in this regard.
- 5.4 As identified above, site fencing along the side and rear boundaries has been improved and it is my understanding that the motel operator also intends to upgrade the Ward Avenue fencing. Improvement to site fencing was a recommendation in the Social Impact Assessment (SIA) and aligns with the conclusions made in Ms Bennie's site specific s42A report. This measure enhances the appearance of the site while also assisting with site management.
- 5.5 Ms Bennie has recommended a condition of consent requiring the Site Management Plan (SMP) be updated to require site maintenance be undertaken to address concerns with adverse external amenity effects. I consider this will aid in mitigating external amenity effects and that it is appropriate to be imposed as a condition of consent.

- 5.6 The motel operator has confirmed that motel signage has been removed in response to recommendations made within the Beca SIA. In addition to the above, a number of experts of the Council and MHUD have recommended that all online advertising and websites that promote tourist accommodation and other services should be removed. Fully removing an online presence may be difficult due to the nature of the internet, however Mr Tan has updated his website to show no room availability and has done the same on secondary accommodation booking sites. I agree that such measures are generally appropriate.
- 5.7 Ms Bennie has recommended a condition of consent that existing landscaping be maintained and replaced where necessary. Landscaping was required as a condition of the previous motel consent. I consider this provides assurances in terms of mitigating potential internal and external amenity effects and consider it appropriate to be imposed as a condition of consent. I also agree with Ms Bennie's recommendation that the site fencing be upgraded with a permanent pool fence, to help improve the streetscape appeal of the site.
- 5.8 With the implementation of these physical mitigation measures, it is my opinion that the external amenity effects arising from the use of the site for CEH purposes are acceptable.

External Amenity – Cumulative effects

- 5.9 Cumulative effects of 13 resource consents being considered concurrently is discussed in my Primary Evidence. This was also addressed in the s92 response, the SIA, and in the Evidence of Ms Healy and Mr Eaqub.
- 5.10 Specific to the 18 Ward Avenue proposal, I note that there are no other CEH facilities in the immediate surrounding environment. The closest CEH activity¹ is located approximately 250m northwest of the subject site, with a second CEH activity² approximately 350m southeast, adjoining the site. As identified in Figure 2 of the site specific s42A report, there are two tourist accommodation sites and a non-contracted emergency housing motel in proximity to the site.

¹ Malones Motel

² Alpin Motel

- 5.11 The improvement to fencing and proposed removal of motel signage will assist in reducing any ambiguity around the nature of onsite activities and will help the site integrate more into the environment in which it is located.
- 5.12 My conclusion in relation to cumulative effects in my Primary Evidence are equally applicable here. Cumulative effects of the Proposal are considered to be acceptable and with the proposed management and mitigation are considered to be no more than minor.

Internal Amenity

- 5.13 Internal amenity relates to the quality of the onsite living environment for those staying in CEH, including access to onsite amenities typically associated with domestic living, open space and onsite services.
- 5.14 My Primary Evidence discusses how individuals are allocated to particular units, which among other matters, includes consideration of a unit's size, location, and onsite amenities to suit the requirements of the whānau or individual being homed.
- 5.15 Residents within CEH are accommodated on a relatively short-term basis (when compared with more permanent housing), with the length of stay varying between whānau groups. It is acknowledged, however, that the duration of stay is for a longer period than individuals who previously utilised the accommodation as motel guests. The provision of a quality and safe living environment is an important objective of CEH.
- 5.16 In undertaking this effects assessment, I also draw on the guiding principles within the relevant planning provisions applicable to the Commercial 4 Zone. The COMZ4 zone requires a minimum of 10m² (with a minimum depth of 2m) of outdoor open space to be provided per household unit³. This provides a helpful starting point in which to consider adequacy of open space; however, this must also be considered in the context that this standard is particularly applicable to site development resulting in permanent places of residence, as opposed to repurposed accommodation that instead serves as a temporary place of residence to the occupants. I also note that there are no guiding provisions regarding outdoor living space in this zone.

Internal Amenity – Outdoor living space

³ COMZ-S5

- 5.17 Access to onsite open space is one element that can contribute to a high-quality living environment. In my opinion, the extent and quality of the onsite amenity (including provision of open space) must be considered within the context of CEH providing a short-term place of residence for members of the community who otherwise have no tenable or better alternative accommodation.
- 5.18 The site specific s42A report identifies that units have access to private outdoor living space and a shared open space which provides a suitable level of amenity for occupants. The site is also adjacent to the Murray Linton Park which accommodates gardens, open space and a playground. I agree with Ms Bennie's conclusion in this regard.

Internal Amenity – Suitability for children

- 5.19 The subject site includes a small children's play area. It is also adjacent to the Murray Linton Park with a playground and open space.
- 5.20 Ms Collins identifies the site as having low suitability for children aged six months to twelve years. It was rated as moderate for children twelve to 18 years. Ultimately, Ms Collins concludes that the site is acceptable to accommodate children. I agree with this conclusion.
- 5.21 Ms Bennie states that the Panel may choose to recommend that a unit is dedicated for use as a common playroom. I understand the intention to provide children a play space outside their units in wet weather, however, I consider that the Service Provider is best placed to make decisions about whether additional dry weather play spaces are required.

Occupancy rate

- 5.22 Ms Bennie recommends that the proposed maximum occupancy rate for the site be restricted to 30 occupants. Maximum occupancy rates per unit type (2 people per studio and 1 bedroom unit - excluding children under the age of six months) are also recommended. These recommendations are carried through to conditions 7-9 of the s42A report. The proposed limits on occupancy rates attempts to mitigate concerns of overcrowding and is based on the Canadian National Occupancy Standard (CNOS) used by Statistics New Zealand.
- 5.23 My Primary Evidence discusses why the CNOS is not appropriate as applied to CEH. In my opinion, the service provider is best placed to

determine which rooms are most suitable for occupants, and they consider a multitude of factors including family dynamics.

- 5.24 Considering first the occupancy levels of the wider site, as noted in the s42A report, the Applicant has offered a reduction in the maximum occupancy numbers to a **maximum of 47 occupants**, which is an additional 17 people above that recommended by the Council's s42A report. Informed by the advice of the service providers and Mr Wilson, I support the maximum level of 47 persons, and consider that it is appropriate to enable additional flexibility over and above what is proposed by the Council, in recognition that on occasion, the placement of whānau groups may require some occasional exceedance to the more restrictive operating limit proposed in the Council's conditions.
- 5.25 As noted above, I do not agree that it is necessary to limit the individual occupancy levels of specific units. In my opinion, while such restrictions are well-intended, I do not consider that these are necessary to achieve the worthy objective of avoiding overcrowding. The Service Providers are skilled at ensuring the wellbeing of whānau and tamariki are at the forefront of determining appropriate allocation of accommodation.
- 5.26 Ms Bennie identifies that should the panel be of the mind to grant consent impose the occupancy conditions stated in the s42A report, some families may be established in units that no longer meet the recommended occupancy rates. If this is the case, it is requested that the options presented in paragraph 91 of the s42A report also be imposed. This will ensure that those currently occupying the site are able to retain their place of accommodation until a suitable long-term option is found.

CPTED principles

- 5.27 The overview s42A report briefly notes that it would be helpful to better understand the application of the National Guidelines for Crime Prevention through Environmental Design (CPTED) in the context of each site. Such an assessment has not yet been undertaken; however, a condition of consent requiring a CPTED audit be undertaken based on the principles of CPTED could be imposed in the decision of this consent if the Panel considered this was necessary. In my opinion, any recommendations of a subsequent CPTED audit could then inform a site-specific action and implementation plan that can be incorporated into the SMP.

Transportation Effects

- 5.28 I agree with and accept the s42A analysis with regard to transportation effects and the inclusion of suitable conditions.

Noise Effects

- 5.29 I agree with and accept the s42A analysis with regard to noise effects, including reverse sensitivity and noise from emergency housing.

Effects on Infrastructure

- 5.30 I agree with and accept the s42A analysis with regard to effects on infrastructure.

Financial contributions

- 5.31 I agree with and accept the s42A analysis with regard to financial contributions.

6 Relevant Planning Framework

- 6.1 The higher order planning framework is discussed in my Primary Evidence, below I will discuss the ODP in the context of 18 Ward Avenue where there are particular matters that are distinct from my assessment in my Primary Evidence.

Operative District Plan (ODP) Zone and CEH

- 6.2 The site is located entirely within the Commercial 4 Zone (COMZ4 Zone). The Commercial 4 zone is described in the ODP as:

“Tourism accommodation concentrated along city entranceways and arterial routes such as Fenton Street and Lake Road. Activities within the Commercial 4 zone consist 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.”

- 6.3 The Proposal aligns with this zone description. CEH is very similar to the operation of a motel or to medium density residential household units. There are no modifications proposed to the buildings or structures themselves, except the establishment of the new fencing and removal of motel signage. The site will be fully fenced on all boundaries.

- 6.4 As discussed elsewhere, the Proposal includes the reversion back to traditional ‘tourist accommodation⁴’ in the future (which will likely include reinstatement of motel signage).
- 6.5 I note that the ODP provides for ‘community housing⁵’ as a permitted activity in both the Commercial 4 and all residential zones of the ODP⁶. The only reference to emergency housing in the ODP is in the definition of ‘community housing’ and emergency housing is not otherwise mentioned anywhere in the ODP. I note the evidence of Mr Batchelar is that if the Proposal did not include wrap around support services, it could be considered as a conversion of motel units to residential units⁷.

Commercial Zone Objectives and Policies

- 6.6 **COMZ-O1** aims to keep commercial centres compact and have commercial and tourism centres that effectively service and support the needs of the surrounding community. While the CEH activity does not provide a commercial service to the community, the Proposal provides an alternative form of service to the community – by providing temporary supported accommodation for members of the community during a period in which there is an acute need for housing. The tourism and housing context has clearly changed in the last 5-10 years and as a result “housing is one of the biggest issues facing the Rotorua community⁸”. Coupled with an acute housing need, Rotorua’s tourism sector is recovering from the impact of COVID-19.
- 6.7 Experts, including Ms Healy, advise that the mixing of tourism accommodation and emergency accommodation has the potential to adversely affect Rotorua’s reputation as a desirable place to visit. In my opinion, the exclusive contracting nature of the CEH model for emergency housing (rather than mixing tourist accommodation guests with emergency housing occupants) minimises situations where those utilising

⁴ ODP definition of ‘Tourist accommodation’ (page 35 Part 1 of ODP).

⁵ Community housing is defined as (page 8 ODP): “a place of residence for a maximum of eight persons (i.e. all residents including resident staff) where some element of care or support is provided for residents. The definition includes emergency housing (including temporary overnight accommodation) and rehabilitation centres, but excludes facilities where the movement of residents is legally restricted”.

⁶ Community housing is permitted activity in the Commercial 4 zone, all residential zones, all Rural zones and the City Centre 1 zone (above the first floor).

⁷ Noting that this is in the context of the District Plan definition of ‘household units’.

⁸ See RLC Submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, page 2.

accommodation for living purposes erode a visitor's experience of a tourist accommodation facility. In my opinion, CEH strikes an appropriate balance between providing for tourism needs and the needs of the surrounding community.

- 6.8 Furthermore, the motel operator advises that in order to survive in the current tourism market, the business would have had to otherwise accept both traditional motel guests and Ministry of Social Development clients. CEH has enabled a tourism business to survive in the unique and challenge context of operating under the impact of COVID-19.
- 6.9 Relevant to this site is supporting Policy **COMZ-P4**, which provides direction to sites located in the Entranceway Accommodation and Tourism area. I note that the Proposal does not prevent the development of other tourism enterprises or Māori cultural experience in this area, or the amenity and vibrancy that they bring. In addition, the SMP is adaptive to situations and allows Service Providers to respond to any issues that could affect amenity or vibrancy accordingly.
- 6.10 In my opinion, while the Proposal cannot be said to clearly support the 'nationally significant tourism sector', it does nevertheless support the needs of the community by providing a supported living environment to vulnerable individuals and whānau. In my opinion, any conflict with **COMZ-O1** and **COMZ-P4** can be reconciled with the positive impacts the Proposal has in terms of meeting the needs of the surrounding community by providing a short-term housing solution to those without suitable alternative accommodation, in a manner whereby effects of the activity are largely contained.
- 6.11 **Objectives COMZ-O2** and **COMZ-O3** address design and appearance of buildings. Relevant supporting policies are **COMZ-P6** and **COMZ-P7**. I generally agree with the assessment undertaken by Ms Bennie in regard to these objectives and policies.
- 6.12 In particular, I agree with Ms Bennie that maintaining the existing landscaping and fencing together with the removal of motel signage and site upkeep will contribute to an attractive streetscape.

- 6.13 Objective **COMZ-O5** and supporting policy **COMZ-P10** address reverse sensitivity. I generally agree with the assessment undertaken by Ms Bennie in regard to this objective and policy.

District Wide Objectives and Policies

- 6.14 Ms Bennie addresses the following objectives and policies in her site specific s42A report:

- (a) Noise: NOISE-O1, NOISE-P4 and NOISE-P9
- (b) Infrastructure: EIT-O3 and EIT-P14
- (c) Transport: EIT-O7, EIT-P18 and EIT-P22

- 6.15 I agree with the assessment undertaken by Ms Bennie in regard to the district wide matters and have not identified any areas of conflict.

Objectives and policies conclusion

- 6.16 Overall, I consider the Proposal is broadly consistent with the relevant objectives and policies of the District Plan.

7 Response to s42A Report's Recommended Conditions of Consent

- 7.1 Appendix 1 of the site specific s42A Report for 18 Ward Avenue contains draft conditions of consent recommended by Ms Bennie. There is broad agreement around the majority of proposed conditions. The discussion below focuses more specifically upon conditions where I suggest changes or explicitly disagree with those recommended in the s42A report. The Strategic Conditions in the overview s42A report have been discussed in my Primary Evidence.

- 7.2 An updated set of proposed consent conditions will be provided at the commencement of the hearing, and it is anticipated that these will develop over the course of the hearing. In the meantime, I provide the following overall comments on the recommended consent conditions attached to the Council's s42A site specific report.

- 7.3 **Conditions 2 and 3** identify the consent holder as the Operator and MHUD and restrict the consent from being transferred to and held by any other person. I do not agree with this restriction and have addressed this in my Primary Evidence.

- 7.4 **Condition 7** restricts site occupancy to a maximum of 30 persons (excluding children under six months of age). For the reasons outlined in Section 5 above it is my opinion that the maximum occupancy sought by the Applicant (47 persons) is acceptable. Ultimately, I consider that the Service Provider is best placed to determine which rooms are most suitable for occupants, and they consider a variety of factors including family dynamics.
- 7.5 **Conditions 8 and 9** specify the maximum occupancy levels for studio and 1 bedroom units (excluding children under six months of age). I do not support the placement of these conditions and recommend their deletion.
- 7.6 **Condition 10** provides clarification that the occupancy levels do not limit the length of stay for residents accommodated in the units, and also does not limit the number of people residing in Manager's Accommodation. I recommend that this is instead reframed as an Advice Note under the condition controlling the maximum site occupancy (condition 7). Further to this, if the panel is of the mind to grant consent and impose the maximum number of occupants as stated in the s42A report, it is requested that the options presented in paragraph 91 of the s42A report also be imposed. This will ensure that those currently occupying the site are able to retain their place of accommodation until a suitable long-term option is found.
- 7.7 **Conditions 11 to 12** require regular monitoring and reporting of site occupancy and incidences involving security staff. I support these conditions in principle, but recommend small improvements.
- 7.8 **Conditions 13 to 16 and 21 to 22** relate to retention/enhancement of landscaping, installation and maintenance of fencing, and improvements to open space areas throughout the site. I agree with the placement of these conditions.
- 7.9 **Condition 17** requires that physical motel signage be removed for the duration of the consent. I agree that this is reasonable.
- 7.10 **Condition 18** requires that all online advertising and websites that promote tourist accommodation and other services be removed. The implementation of this condition is difficult due to the nature of online advertising. Notwithstanding this, it is reasonable to require the Motel Operator to

amend their website and booking websites to show no room availability and on this basis I agree that a condition to this effect is reasonable.

- 7.11 **Conditions 25 to 28** require compliance with the permitted activity performance standards for noise and light emissions from the site. I do not consider placement of conditions, that simply replicate permitted activity standards, to be in accordance with good practice, and nor do I consider their placement necessary. I recommend deletion of these conditions.
- 7.12 **Conditions 31 to 35** relate to the taking of a bond. This matter has been discussed within my Primary Evidence, where I dispute the need for a bond, and also the value of the individual bond. I recommend deletion of these conditions.
- 7.13 **Condition 36** is a review condition. I agree with the placement of a review condition, but do not support the wording as proposed within the s42A recommended condition.

8 Section 104D Gateway Test and Part 2 Analysis

- 8.1 As discussed in my Primary Evidence, it is my opinion that the effects of the Proposal are no more than minor and the Proposal is not contrary to the objectives and policies of the Rotorua District Plan or Plan Change 9.
- 8.2 As detailed in my Primary Evidence, the Proposal aligns with Part 2 of the Act.

Date: 5 October 2022



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Alice Blackwell