

**BEFORE THE INDEPENDENT HEARINGS PANEL - DAVID HILL (CHAIR), GREG HILL
AND SHEENA TEPANIA**

UNDER the Resource Management Act 1991

IN THE MATTER of Various applications by Te Tūāpapa Kura Kāinga - the
Ministry of Housing and Urban Development (MHUD) to
the Rotorua Lakes Council

BETWEEN **MINISTRY OF HOUSING AND URBAN DEVELOPMENT**
Applicant

AND **ROTORUA DISTRICT COUNCIL** Consent Authority

AND **SUBMITTERS**

SUMMARY STATEMENT OF BETHANY BENNIE

Dated 21 / October / 2022

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INTRODUCTION

1. This Summary Statement (**Summary**) has been prepared on the basis that the Independent Hearing Panel (**Panel**) has read my pre-circulated Site-Specific Planner Reports (**Planner Reports**) for the following sites:
 - (a) Alpin Motel (RC17648);
 - (b) New Castle Motor Lodge (RC17650);
 - (c) Pohutu Lodge Motel (RC17661);
 - (d) Ann's Volcanic Motel (RC17892);
 - (e) Lake Rotorua Hotel (RC17647);
 - (f) Union Victoria Motel (RC17673); and
 - (g) Apollo Hotel (RC17893).
2. It is on this basis that my Summary simply records:
 - (a) A summary of the key points of my Planner Reports; and
 - (b) Areas of disagreement, points requiring clarification and updates to my expert opinion as a result of my review of the evidence subsequently filed by other parties relevant to my area of expertise.

KEY POINTS OF MY PLANNER REPORTS

3. All applications propose land uses that are non-complying activities under the Operative District Plan (**District Plan**).
4. For Lake Rotorua Motel (**Lake Rotorua**), Ann's Volcanic Motel (**Ann's Volcanic**), New Castle Motor Lodge (**New Castle**), Alpin Motel (**Alpin**), and Union Victoria Motel (**Union Victoria**), subject to recommended

conditions of consent, the adverse effects of each proposal in relation to character and amenity, transportation, noise and infrastructure are considered acceptable; and

5. I reserved by recommendation on the acceptability of adverse effects from the proposals for Apollo Hotel (**Apollo**) and Pohutu Motor Lodge (**Pohutu**) subject to the provision of further information regarding lack of cultural effects (Apollo and Pohutu), and further information regarding outdoor space, and the suitability of the site for children (Pohutu).
6. Each proposal will be generally consistent with the relevant objectives and policies of the District Plan.
7. Conclusions regarding the gateway test for non-complying activities under s104D of the Resource Management Act 1991 (**RMA**) are discussed in the s42A Overview Report prepared by Mr Batchelar.

Alpin Motel

8. Alpin is located at 16 Sala Street and is within COMZ4.
9. There are 40 one-bedroom units on site. Facilities include a pool, central shared open-space, storage areas, and conference rooms (utilised by the service provider).
10. Seven submitters provided submissions specific to Alpin Motel. Of these submissions, the site-specific issues related to occupancy numbers, visitors parking on the berm or street, appearance of the motel, and site fencing.
11. The key issues for the site are the occupancy rate and the waste management area. Recommended conditions of consent relate to:
 - (a) The number of occupants permitted on site, including the numbers of people permitted per room;

- (b) Maintenance of existing landscaping, planting, fencing and outdoor living areas;
- (c) Removal of motel signage; and
- (d) Screening of the existing waste management area.

New Castle Motor Lodge

- 12. New Castle is located at 18 Ward Avenue and is in COMZ4.
- 13. There are 16 units available on-site. There is a small area of shared open space along the northern boundary of the site. A reserve is located across the road.
- 14. Four submitters provided submissions specific to New Castle. The main site-specific issue raised was overcrowding.
- 15. The key issue for the site is the occupancy rate. Recommended conditions of consent relate to:
 - (a) The number of occupants permitted on site, including the numbers of people permitted per room;
 - (b) Maintenance of existing landscaping, planting, fencing and outdoor living areas;
 - (c) Removal of motel signage; and
 - (d) The installation of a new fence across the vehicle access at the front of the site.

Pohutu Lodge Motel

- 16. Pohutu is located at 3 Meade Street. It is within COMZ4 zone.
- 17. The site has 13 units. Most units have access to a small outdoor space and there is a shared outdoor space to the rear of the site.
- 18. Five submitters provided submissions specific to Pohutu, but the matters raised related to anti-social behaviour or impacts on tourism, so these

were addressed in the s42a Overview Report. Further information is sought from submitters relating to potential cultural effects on residents from Whakarewarewa Village.

19. My s104 assessment concluded that while some effects of the proposal were acceptable, further information is needed on mitigation relating to the lack of outdoor space, the suitability of the site for children, and cultural effects.
20. Recommended conditions of consent relate to:
 - (a) The number of occupants permitted on site, including the numbers of people permitted per room;
 - (b) Maintenance and enhancement of existing landscaping, planting, and outdoor living areas;
 - (c) Removal of motel signage; and
 - (d) Installation of secure fencing for outdoor living areas.

Lake Rotorua Hotel (RC17647)

21. Lake Rotorua located at 131 Lake Road and is in both the Commercial 4 Zone (**COMZ4**) and Residential 1 Zone (**RESZ1**) of the District Plan.
22. There are 38 units on site. Facilities on site included a pool, internal courtyard for parking, and shared open space along the north-western and north-eastern boundaries of the site.
23. There were five submitters who provided a submission specific to Lake Rotorua. Of these submissions, the site-specific issues related to occupancy numbers, inadequate play space for tamariki, effectiveness of site management plans, and traffic effects.
24. The key issues for the site are the occupancy rate and waste management area. Recommended conditions of consent relate to:
 - (a) The number of occupants permitted on site, including the numbers of people permitted per room;

- (b) Maintenance of existing landscaping, planting, fencing and outdoor living areas;
- (c) Removal of motel signage; and
- (d) Screening of the existing waste management area.

Ann's Volcanic Motel

- 25. Ann's Volcanic is located at 107 Malfroy Road and is zoned RESZ2.
- 26. The site has 10 units. Each unit has access to private on-site open space.
- 27. Two submitters provided submissions specific to Ann's Volcanic, with site specific issues related to damage to adjacent property, noise, and occupancy rate.
- 28. Key issues for the site relate to the occupancy rate and suitability of the site for children. Recommended conditions of consent relate to:
 - (a) The number of occupants permitted on site, including the numbers of people permitted per room;
 - (b) Restrictions on certain age-groups occupying the site;
 - (c) Enhancement of landscaping, planting, fencing and outdoor living areas; and
 - (d) Removal of motel signage.

Union Victoria Motel

- 29. Union Victoria is located at 26-28 Victoria Street. It is within the Residential 2 – Medium Density Residential Zone (**RESZ2**).
- 30. The site has 20 units. There is no private on-site open space on site.
- 31. Six submitters provided submissions specific to New Castle. Of these submissions, the site-specific issues related the appearance of the motel, suitability of the motel for CEH, and fencing.

32. Key issues for the site relate to the occupancy rate, landscaping, lack of on-site open space, and the suitability of the site for children. Recommended conditions of consent relate to:
- (a) The number of occupants permitted on site, including the numbers of people permitted per room;
 - (b) Restrictions on certain age-groups occupying the site;
 - (c) Enhancement of landscaping, planting, fencing and outdoor living areas;
 - (d) Removal of motel signage; and
 - (e) Creation of safe play spaces for children.

Apollo Hotel

33. Apollo is located at 7 Tryon Street and is within COMZ4.
34. The site has 39 units. Facilities include a balcony for most of the units, a pool, and a games room.
35. Ten submitters provided submissions specific to Apollo. Of these submissions, site-specific issues relate to occupancy rate and suitability of the hotel for CEH. Further information is sought from submitters relating to potential cultural effects on residents from Whakarewarewa Village.
36. My s104 assessment concluded that while some effects of the proposal were acceptable, further information is needed on potential cultural effects.
37. Recommended conditions of consent relate to:
- (a) The number of occupants permitted on site, including the numbers of people permitted per room;
 - (b) Maintenance and enhancement of existing landscaping, planting, and outdoor living areas;
 - (c) Removal of motel signage; and

- (d) Creation of secure play spaces for children.

AREAS OF DISAGREEMENT, POINTS REQUIRING CLARIFICATION AND UPDATES

Occupancy Rates

38. Ms Blackwell disagrees with the recommended occupancy rates per unit for each of the seven sites.
39. We looked at overcrowding standards as from the outset we have been concerned about the number of occupants per site and it was something raised by submitters in relation to overcrowding for CEH residents and the potential spill over effects from that crowding. We also did not understand the process for which whanau are allocated to a room.
40. We recommended an occupancy rate per room based on the Canadian National Occupancy Standard as that is a standard used by Statistics NZ and MSD to measure household crowding.
41. The evidence we have heard from service providers demonstrates that they have the expertise in that area and go through a considered process when allocating rooms to whanau.
42. In my opinion, it would be helpful to still have an reduced occupancy rate across the whole site as this will help manage internal amenity for CEH residents, especially where there a lack of on-site open space, and any spill over effects. It is also easy to monitor.

Suitability for Children

43. Ms Blackwell disagrees with conditions restricting children of certain age groups from residing at Ann's Volcanic, Apollo, Pohutu, and Union Victoria. No restrictions have been proposed for Lake Road, Alpin, and New Castle, because of availability of areas for outdoor play or proximity to a local park.

44. Ms Collins' expert opinion is that consideration of suitability of play space is relevant. The suitability of motels (particularly for children) was also one of the top submission themes.
45. On review of the evidence of Ms Blackwell and the Service Providers, it is recommended that the conditions that restrict certain age groups from residing at the site can be removed. Ms Collins' assessment should be used as a guidance tool for the Service Providers to allocate children of certain ages to particular sites.

Site Specific - Pohutu Motor Lodge

On-site open space

46. In my Site-Specific report, I stated that it would be helpful for the applicant to provide more information about how the site is managed and any potential mitigation measures regarding the lack of outdoor shared open space.
47. In her evidence, Ms Blackwell stated that while the *"provision of outdoor living space is minimal, the temporary nature of the activity is a mitigating factor. Internal amenity can be further improved by site maintenance"*¹.
48. It is acknowledged that the typical length of stay for a CEH occupant is 2-3 months, with the longest length of stay 19 months² (the applicant has not provided any updated length of stay information in its evidence). We have accepted that the length of stay is a mitigating factor for the lack of on-site open space at other CEH sites.
49. The statement of evidence by Ms Sarah Isaac for Visions of a Helping Hand (**Visions**) provides information on site management though this is focussed on play areas or play alternatives for children. Mitigation

¹ Paragraph 5.23. Statement of evidence by Alice Blackwell, Annexure 7: 3 Meade Street (Pohutu Lodge) – RC17661.

² Response to request for further information – RC 17661 – 3 Meade Street. Section 5.

measures for lack of on-site open space for tamariki, as identified in Ms Isaac's evidence include:

- Demarcating a portion of a carpark area as a play space for children
- Encouraging parents to enrol their tamariki in pre-school and kohanga reo so they are not on site all day.
- Regular excursions to local playgrounds and other natural environments.

50. Ms Isaac states that Visions also provide plants and planter boxes for CEH sites that need landscape enhancement.

51. Mr Rajvanshi described the layout of the units in his evidence. Nine of the 13 units have two bedrooms, two bathrooms, and a separate lounge³. He also states the site *"has a large on-site secure courtyard which is utilised by MHUD guests as a recreational area... lots of outdoor space in the near vicinity"*⁴.

52. It is unclear whether the *"large on-site secure courtyard"* Mr Rajvanshi is referring to is the internal carpark area or smaller adjacent shared space. If the carpark area, in its current form this area is considered unsuitable for recreational use due to the potential conflict between pedestrians and vehicles, and because the Site Management Plan restricts the use of the carpark as a play area. As noted in Ms Isaac's evidence, some of the carpark could be commissioned as a play space, provided it was effectively separated from parking and turning areas.

53. It is also understood that both the adjacent Te Puia site and nearby Arikikapakapa Reserve are privately owned and should not be accessed by the general public. The Whaka Geothermal Trails require an entry fee. Open space on surrounding and nearby land is therefore not considered to be a mitigating factor for the lack of on-site open space.

³ Paragraph 3.5. Statement of evidence by Akshat Rajvanshi Pohutu Motor Lodge.

⁴ Paragraph 3.11. Statement of evidence by Akshat Rajvanshi Pohutu Motor Lodge.

54. Considering the evidence of Ms Blackwell, Ms Isaac, and Mr Rajvanshi, particularly the length of stay, opportunities for enhancement, and the size of the units, the effects of the lack of on-site open space are considered to be acceptable providing the following is implemented:
- (a) Ensuring the outdoor courtyards adjacent the two-bedroom units are individually fenced and maintained to a usable condition for occupants. These areas should be paved and kept weed-free, and outdoor furniture provided where necessary.
 - (b) Ensuring the outdoor courtyard accessed via units 12, 13 and 14 is kept free of vehicles and storage so that its sole use is for the amenity of CEH occupants. This area is to be maintained to a usable condition, with both the garden beds and pavers kept weed free.
 - (c) Ensuring the shared-outdoor courtyard is effectively separated from the carpark area and maintained to a usable standard. Separation from the carpark area can be through use of moveable planter boxes or something similar.
 - (d) Ensuring play equipment for children is available for use in the shared-outdoor courtyard. This includes play equipment for different age groups.

Cultural Effects

55. In my Site-Specific report, I summarised several submissions that related to potential cultural effects of CEH on residents from Whakarewarewa Village. I also summarised a submission from Te Puia - NZ Māori Arts and Crafts Institute. I neglected to include their submission in my cultural effects assessment, which was an error on my part, as they specifically mentioned that CEH resulted in cultural impacts on their business operations.

56. However, from their submission, it appears their main concern is around the effects of CEH on the tourism industry and on removing a visitor accommodation facility from the market.
57. Ms Blackwell addresses cultural effects in her evidence, highlighting the work Visions undertake with CEH occupants in strengthening tikanga and building an understanding of the significance of Te Puia. Ms Blackwell believes cultural effects can be mitigated by suitable conditions of consent. She has not provided any conditions of consent addressing these matters, anticipating these to be developed through the hearing process.
58. Ms Isaac addresses potential cultural effects of CEH, mainly in relation to Te Puia but also in regard to Whakarewarewa Village. She includes a statement from Visions' Māori Liaison Cultural Advisor who advises their role is to teach Te Reo Māori me ōna Tikanga and the history of Te Arawa to CEH occupants and Visions staff. Visions state they will undertake the following:
- Work to develop relationships with Te Puia, Tūhourangi – Ngāti Wāhiao, and Whakarewarewa village.
 - Send out a panui to all CEH occupants at Pohutu detailing the importance and mutual respect of Te Puia.
 - Provide a 24/7 contact for Te Puia to report any anti-social or at-risk behaviour.
59. It would be helpful for submitters from Whakarewarewa to comment on whether the measures outlined by Ms Isaac provide solutions to their concerns.

Site Specific – Apollo Hotel

60. In my Site-Specific report, I stated that it would be helpful for those submitters who reside in Whakarewarewa to provide more information on the potential cultural effects from CEH.

61. Ms Blackwell has raised this in her evidence, listing several measures the service provider undertakes in respect to Whakarewarewa. This is further detailed in the evidence of Ms Toli Maka from Wera Aotearoa Charitable Trust (**Wera**). These measures include:
- Whakarewarewa residents invited to and attending Apollo village hui
 - Regular visits to Whakarewarewa village
 - Identifying an affiliation to Tūhourangi Ngāti Wāhiao iwi as part of the triage process.
 - Maintenance of a risk register
62. It would be helpful for submitters from Whakarewarewa to comment on whether the measures outlined by Ms Maka provide solutions to their concerns.

Conditions

Consent Holder

63. Ms Blackwell disagrees with recommended conditions 2 and 3 across all seven sites which identify the consent holder as the Operator and MHUD, and restrict the consent from being transferred to and held by any other person. This is discussed further within Legal Submissions by Ms Le Bas.

Occupancy

64. Ms Blackwell disagrees with the conditions relating to the maximum occupancy levels across all seven sites. As discussed above, I recommend conditions relating to occupancy levels per unit be removed. A maximum occupancy should be retained across the whole site but the exclusion of children under six months of age should be removed.
65. Further consideration will be given to maximum occupancy numbers per site over the duration of the hearing.

Age Restrictions

66. Ms Blackwell disagrees with the conditions of consent that set restrictions on the ages of children that can reside at Ann's Volcanic, Pohutu, Apollo, and Union Victoria. As I have noted earlier, it is recommended that these conditions are removed.
67. Ms Blackwell recommends that the conditions across all seven sites stating that the occupancy levels do not limit the length of stay, would be better suited as an advice note. I agree with this recommendation.

Noise, glare, and light

68. Ms Blackwell requests that conditions of consent relating to compliance with permitted activity performance standards for noise, glare and light are deleted as the applicant is not seeking to breach these standards. In my opinion, it is helpful for the standards to be outlined in the consent conditions for ease of monitoring and to provide certainty for interested parties.
69. Ms Blackwell requests that the proposed condition relating to internal noise levels for habitable rooms be deleted. This recommended condition was intended to be specific to Pohutu and Alpin due to their proximity to the State Highway⁵ and potential for reverse sensitivity effects. I agree that this condition should be deleted recognising the short-term length of stay by occupants, landform and landscaping buffers (Alpin), and the unreasonable cost this may be to the operator.
70. The proposed conditions also include a review condition to address any adverse effects of CEH on an on-going basis. If road noise from the State Highway is causing adverse effects on the occupants of CEH at Pohutu and/or Alpin, Council can require the applicant to ensure they are compliant with that permitted acoustic standard.

⁵ NOISE-S5(1)(C)

Internal Noise

71. Ms Blackwell disagrees with the inclusion of a consent across all seven sites relating to the road-traffic design sound level inside all habitable rooms. As discussed above, I recommend that this condition is removed across all seven sites.

Bond

72. Ms Blackwell disagrees with the conditions relating to a bond. This is discussed further within Legal Submissions by Ms Le Bas.

Bethany Bennie

21 October 2022