
ROTORUA DISTRICT COUNCIL

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

FILE NO: 62221324

FROM: Bethany Bennie (Consultant Planner)

DATE: 22 September 2022

SECTION 42A – COUNCIL OFFICERS REPORT

NOTIFIED APPLICATION TO:

USE THE EXISTING SITE AND BUILDINGS FOR CONTRACTED EMERGENCY HOUSING FOR FIVE YEARS.

APPLICANT:	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
APPLICANTS AGENT:	THE PROPERTY GROUP C/-ALICE BLACKWELL
OPERATOR / CONSENT HOLDER:	ANN'S VOLCANIC MOTEL C/- SAMUEL HO
ADDRESS:	107 Malfroy Street, Rotorua
RESOURCE CONSENT NUMBER:	RC17892
LEGAL DESCRIPTION:	Lot 4 DP 23106 and Part Section 14 Suburbs of Rotorua Lot 21 DPS 8774
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	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**) is applying on behalf of the motel operator (the **applicant**) under Section 88 of the Resource Management Act 1991 (**RMA**) through The Property Group (the **Agent**) to use the subject site (the **site**) and existing Ann's Volcanic Motel buildings for contracted emergency housing (**CEH**) accommodation for a maximum period of five years, after which the site and existing buildings will revert back to tourist accommodation.
2. The resource consent application (**application**) was lodged with Council on 20th December 2021. The activity has been operating since 1 July 2021, so the application is retrospective and prospective.
3. A request for further information (**RFI**) was issued to the applicant on 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 applications. A 13th application was notified on 6th August 2022. Notice of the application was also served on the owners/occupiers of immediately adjacent properties and owners/occupiers of neighbouring properties, owners/occupiers of the subject site, Bay of Plenty Regional Council, Rotorua Housing Taskforce, Te Pokapū, Ngāti Whakaue, Te Arawa Lakes Trust, Restore Rotorua Incorporated, and Rotorua Economic Development Limited.
5. Of the 3,841 submissions received on all 13 CEH applications, four submissions were specific to the subject site. The majority of submissions covered general matters across all 13 CEH application sites. These general matters are covered in the Section 42A Overview Report (**Overview Report**).
6. The proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1 of the Operative Rotorua District Plan (**District Plan**) as the activity is not expressly provided for in the District Plan.

REPORT STATUS

7. This is a report prepared under Section 42A of the RMA. This report provides a site-specific assessment of the application. It should be read in conjunction with the Overview Report which addresses matters common to the 13 applications made by MHUD for CEH.
8. This report is not a decision on the application. It provides opinions and assessments, which are, in turn, incorporated into the Overview Report. The Overview Report assesses matters common to all 13 applications and records recommendations to the Independent Hearing Panel (**Panel**) on whether the applications should be granted or declined consent.
9. This report will be considered by the Panel in conjunction with all other evidence and submissions which have been received. The Commissioners will determine the weight to be given to this report and to any other evidence or submissions that are presented when making their decision.

REPORTING OFFICER

10. This report has been prepared by Bethany Bennie. I am employed as a Senior Planner at Boffa Miskell Limited. I hold a Bachelor of Geography and Master of Planning Practice from The University of Auckland. I have approximately five years planning experience. I am an Intermediate member of the New Zealand Planning Institute (**NZPI**).
11. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 in preparing this report. I agree to comply with it in presenting this report. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this evidence.
12. In preparing this report I have referred to the following:
- The Overview Report prepared by Craig Batchelar, Planner and Director of Cogito Consulting Limited;
 - Expert advice from Sarah Collins, Landscape Architect at Boffa Miskell Limited;
 - Expert advice from Rebecca Foy, Social Researcher and Director at Formative; and
 - Expert advice from Natalie Hampson, Economist and Director at M.E Consulting.
13. This report records my assessment and recommendations along with recommended Conditions of Consent, should the Commissioners determine that consent should be granted.

THE SITE AND SURROUNDING ENVIRONMENT

SITE DESCRIPTION

14. The site is located in the Residential 2 Zone (**REZ2**), on the corner of Victoria Street and Union Street, Rotorua. The site is made up two parcels outlined below:

District Plan Zone	Legal Description	Area (m ²)
Residential 2 Zone (REZ2)	Lot 4 DP 23106 & Pt Sec 14 SBRS of Rotorua	817
Residential 2 Zone (REZ2)	Lot 21 DPS 8774	893
Total		1,710



Figure 1 – District Plan zones with the subject site outlined in red. The yellow is RESZ2.

15. Vehicular entrance and exit to the site is via Malfroy Road, which is classified as an Urban Secondary Arterial Road.
16. The applicant gives the following description of the site and motel in Section 2.1 of the application:

The site is currently occupied by Ann’s Volcanic Motel which has its entrance and exit located on Malfroy Road and manager’s unit and reception located in the southwest corner. A building of four units is located along the northern boundary, and a row of six units is located close to the eastern boundary of the subject site. All buildings are single storey. The motel operator will be landscaping the area at the back of the property to establish a safe play space for children on the site.

The site is surrounded by residential dwellings and other uses typical of a residential neighbourhood. There is a church located across Malfroy Road to the southeast of the subject site and Rotorua Intermediate School is located approximately 75 metres to the east of the subject site.

The existing buildings within the site are dedicated to the motel operation, which has been in operation since the 1990s. The configuration of the units is outlined in Table 1 below and shown on the Site Plan in Appendix 2. The overall occupancy levels are based on the number of beds typically accommodated within each unit. For example, a double bed can sleep two people, a single bed one person. The occupancy rate is therefore based off the nature of the unit and the beds within. It is noted that the Manager’s unit is not included in the table below, nor are infants aged less than 18

months.

Table 1: Configuration of units at 107 Malfroy Road excluding manager's accommodation

Type of unit	No. of units	Max No. of occupants
Studio units	4	12
One-bedroom units	4	16
Two-bedroom units	2	11
Total	10	39

There are a minimum of 10 carparks located within the property. There is a shared laundry facility which can be used by the site occupants.

17. The motel has been in use as MHUD CEH since 1 July 2021.

SURROUNDING AREA

18. Within the immediate surrounding environment, there is mainly residential properties with single detached dwellings. Directly to the south of the site across Malfroy Road, is Rotorua Baptist Church. To the east of the site is Rotorua Intermediate School located approximately 75m away.

19. In the wider context, to the west is Fenton Street which contains various commercial, residential and tourist accommodation activities. To the north of the subject site is Rotorua Central Mall and city centre. To the south and east, is predominately residential activities. Rotorua Girls' High School is located along Old Taupo Road.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, blue - Rotorua Intermediate School, purple – church, all other sites are residential).

LOCAL AMENITIES AND SOCIAL INFRASTRUCTURE

20. The Rotorua Central Mall located approximately 750m north-east of the subject site, contains a supermarket and various retail stores. The nearest doctor and pharmacy, Ranolf Medical Centre, is located 600m from King Street. The Rotorua Baptist Church is located opposite the subject site. There are no pedestrian crossings within the immediate area.
21. The nearest open space recreational reserve is Glenholme Reserve, located approximately 500m from the subject site, which is 1.7ha. Corlett Street Reserve is also located approximately 700m north-west of the subject site containing children play equipment.
22. The nearest primary school is Glenholme School, approximately located 575m south-east of the subject site. To the east of the site is Rotorua Intermediate School located approximately 75m away. Rotorua Girls' High School is located approximately 700m is on the site. Rotorua Boys' High School is located 500 north of the site.

RECORDS OF TITLE REVIEW

23. The interests contained on the Records of Title are set out below.

Record of Title	Legal Description	Interests
SA1200/299	Lot 4 DP 23106 and Part Section 14 Suburbs Rotorua	<ul style="list-style-type: none">• Subject to Section 15 of the Rotorua Town Lands Act 1920• Subject to Section 351D Municipal Corporations Act 1954• Certificate Pursuant to Section 37 Building Act 1991
SA1200/299	LOT 21 DP 8774	<ul style="list-style-type: none">• Subject to a drainage right• Easements subject to Section 351E (1)(a) Municipal Corporations Act 1954• Certificate Pursuant to Section 37 Building Act 1991• Subject to Section 15 of the Rotorua Town Lands Act 1920

24. The Records of Title refer to "B475472.2 CERTIFICATE PURSUANT TO SECTION 37 BUILDING ACT 1991 (ALSO AFFECTS CT SA6B/1023) 9.4.1998". This restricts the separation of the lots through lease or sale.
25. The Records of Title are also subject to Section 15 of the Rotorua Town Lands Act 1920 and Sections 351E(1)(a) and 351D Municipal Corporations Act 1954. These interests relate to the Crown reservation of rights to minerals and other resources, and the subdivision of land.
26. There are no interests registered on the Records of Title that would restrict the CEH proposal from proceeding.

CONSENT HISTORY

27. The following resource consents are listed on the property file:

Reference number	Date of issue	Details
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RC101	7 February 1997	Land use – conversion of existing rental flats to motel units
RC295	11 December 1997	Land use – construction of two additional units
SP1489	26 May 1997	Signage
RC437	11 February 1998	Land use variation – to extend the two approved household units

28. Resource consent RC437 was for the extension of units 8 & 9, adding additional bedrooms and ensuites for each. These additions are now units 7 & 10. RC437 stated in an advice note that:

“this consent however, in no way provides consent to use the building as four units instead of the approved two household units...”

29. It appears this advice note related to the household density standards under the relevant plan. This would not restrict the proposal from proceeding.

30. There is no intention, nor need, to surrender these consents. After expiry of the consent for CEH, if granted, the motel activity (tourist accommodation) would recommence.

PROPOSAL DESCRIPTION

31. 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.

32. The application was initially for a maximum of 39 occupants (excluding staff and children under 18 months old) across 10 motel units. This occupancy rate represents no change from the existing maximum occupancy of the motel (excluding one unit), as it is based on the number of beds available. The applicant has recently stated an intention to reduce the maximum occupancy level to 31 occupants (excluding staff and children under 18 months old).¹

33. Further, the applicant has also identified that one unit (Unit 9, studio unit) is used by the service provider as a meeting space². It is assumed that this unit would be needed on an ongoing basis by the service provider to undertake its ‘24/7’ on-site support services. This reduces the available number of units for use by CEH occupants from 10 to 9 (within 2 two-bedroom units, 4 one-bedroom units, and three studio units).

34. The proposal does not include any alterations to the existing motel complex apart from landscaping for a children’s area, upgrading the existing boundary fence and a constructed gate installed along Malfroy Road for site management purposes.

35. On-site support services will be provided by “Emerge Aotearoa”, who will implement a Site Management Plan (**SMP**) (attached as Appendix 4 of the application). The SMP is offered as an “Augier”³ condition by the applicant. The SMP details maximum occupancy, on-site

¹ Further information received from the applicant dated 9 September 2022

² Response to request for further information – RC 17892 – 105-107 Malfroy Road.

³ 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.

security, authorised personnel and visitors, and noise management. On-site support services include:

- 24/7 on site security presence and an on-call senior security officer; and
- Support Service staff on-site 9am – 5pm Monday to Friday.

36. The existing motel operator will continue to manage the day-to-day running of the facility. This includes:

- Regular maintenance checks of all units;
- Outdoor maintenance;
- Waste management;
- Any repairs;
- Routine inspections of units; and
- Full cleaning of units once tenants have left.

37. Regarding the length of time occupants will stay in CEH, the applicant stated the following⁴:

...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 Agent⁵ has confirmed the use of the site for CEH for a maximum of five years followed by reversion back to tourism accommodation.

39. For further detail on the proposal, please refer to Section 3 of the application.

⁴ Response to matters raised in the Request for Further Information – RC17892 – 105-107 Malfroy Road

⁵ Comms with Agent via zoom, and email from agent dated 27 August 2021 titled “Response to further information -contracted emergency accommodation”.



Figure 3: Site plan showing number of units, carparking, managers unit, shared and private open space.

ACTIVITY STATUS

40. The activity status for each application is discussed in detail in the Overview Report.
41. In summary, the proposal for CEH at 107 Malfroy Road has been assessed as a **Non-Complying Activity** as it is not an activity expressly provided for in RES22.

NOTIFICATION AND SUBMISSIONS

42. The application was publicly notified on 11th June 2022 (along with 11 of the other 12 CEH applications⁶). 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.

SUBMITTERS

43. Following the close of the submission period, 3,841 submissions were received on all the 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

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

effects). These matters are addressed within the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

44. Those submitters who provided a submission specific to Ann’s Volcanic Motel are addressed below.

Submitter Name/no.	Oppose/Support	Wish to be Heard	Submitted on other applications	Submission Summary
Jerzy Zabkiewicz (329)	Oppose	TBC	No	<u>Adjacent landowner</u> <ul style="list-style-type: none"> • Been used as emergency housing for a considerable length of time • Anti-social behaviour • Damage to fences, gate, noise and litter thrown onto the property • Property not suitable for families (busy road, lacks extensive grounds) • Have seen a person jump the fence into pedestrian walkway • Motel rules on website state that children are not allowed • Occupancy rate high • Queries legitimacy of support services and security
Richard Shand (143)	Support	No	RC17647 RC17893 RC17650 RC17661 RC17673 RC17648	<u>Local resident</u> <ul style="list-style-type: none"> • Supports CEH motels located off Fenton Street • Desperate need to house people since the covid pandemic • CEH motels not located on Fenton St appear to have better management, and are not an “eye sore” to visitors • Reduce term from 5 years to 2-3 years as Kāinga Ora’s housing programme should be operational during that period <ul style="list-style-type: none"> • CEH occupants who are not originally Rotorua residents should return to hometown if occupancy numbers of CEH exceed availability

SECTION 104 ASSESSMENT

SECTION 104(1)(A) - ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

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
- Transportation effects
 - Parking and access
 - Traffic generation
- Noise effects
 - Noise from emergency housing
- Infrastructure effects
- Financial contributions

46. An assessment of the social and economic effects of all applications is addressed within the Overview Report and statements of evidence.

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.”*⁷

48. The District Plan describes RESZ2 as predominantly consisting of *“...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.”*⁸

49. The above elements generally define the character of the zone. Generally, the District Plan refers to amenity in the context of the “design and appearance of buildings”.

50. The following sections of the report assess the external amenity effects of the site, as well as the internal amenity effects.

External Amenity Effects

Malfroy Road and public walkway

51. The subject site fronts Malfroy Road to the south and a public walkway to the east. The Malfroy Road frontage is characterised by motel buildings, the site entranceways (a separate entry and exit), and a close boarded fence with some hedging in behind. The boundary of the site adjacent the walkway has an 1.8m-2m high fence covered in ivy with some established trees in behind.

52. These aspects of the site 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 RESZ2 and with many of the neighbouring properties, being stand-alone residential dwellings or a row of residential units.

53. The site was visited on the 19th January 2022 and again via a drive-by on the 23rd August 2022. One noticeable difference between site visits was the removal of motel signage. As the managers unit occupies a residential dwelling, and the units are not dissimilar to a row of

⁷ Resource Management Act 1991, Part 1 Interpretation and Application, (2)(1) Amenity.

⁸ Rotorua District Plan, Part 3 Area-Specific Matters, Residential Zones, Introduction.

residential units, the effect of removing the motel signage meant it was difficult to distinguish it from surrounding residential properties.

54. The RESZ2 does not have any landscaping requirements, relying on “street trees to soften the built environment”. There are no street trees on the berm in front of the site, likely because the berm is too narrow. A new wooden fence had been installed along the site boundary at the time of the site visit in January and hedging had been planted in behind. There is also an existing Yucca tree adjacent the vehicle entry and pedestrian entry, and some established trees on the south-western corner of the site next to the footpath. The boundary fencing bordering the walkway is covered in ivy with several established trees in behind.
55. As this established vegetation is the only “soft” landscaping elements associated with the site when viewed from the public realm⁹, it is recommended that a consent condition be imposed on the subject site to ensure this vegetation is maintained for the duration of the consent¹⁰. Furthermore, it is recommended that the signage associated with the motel is only reinstated when the site is once again used for tourist accommodation¹¹. These aspects will maintain the attractiveness of the streetscape.

Boundaries with Neighbouring Properties

56. The northern boundary of the site borders residential properties, a row of residential units to the north-west, and duplex units to the north-west. There is fencing along the northern boundary of the site, with established vegetation along the fence. The duplex flats have outdoor living areas out the front of the site and to the rear (adjacent to the site). This area backs onto an outdoor storage area currently closed to tenants but the motel operator did advise on the site visit that they wanted to turn this area into a playground. So far, this does not form part of the application.
57. The rear flat in the row of flats has a small outdoor area to the west and to the south adjacent the subject site. The private open space for units 7-10 back onto this southern outdoor space.
58. Privacy will be maintained for these adjacent properties due to the height of the fence and existing vegetation. As above, it is recommended that a consent condition be imposed on the subject site to ensure the fencing and vegetation is maintained for the duration of the consent.

Conclusion

59. Provided the existing external boundary treatments and landscaping features (established vegetation and fencing) are maintained, landscape and visual effects of the proposal on the environment are assessed as acceptable, and consistent with the character and amenity outcomes anticipated by the District Plan for RESZ2. It is recommended that consent conditions be imposed on the activity to ensure ongoing maintenance of these external boundary treatments and landscape features¹².

Internal Amenity Effects

Length of Stay

⁹ Except for the public walkway to the east of the site.

¹⁰ Refer to recommended condition 14 in Appendix 1.

¹¹ Refer recommended condition 17 in Appendix 1

¹² Please refer to recommended conditions 14-16 in Appendix 1.

60. One of the key differences between motel guests and CEH occupants is the length of stay in the units. At the time of the RFI (dated May 2022), the applicant stated that:

...Across all emergency housing, the average length of stay in (sic) is 22 weeks, the typical length of stay is 2-3 months and the maximum length of stay is 19 months.

Across all CEH motels, there are 16 whānau and five individuals that have been in CEH since 1 July 2021 (i.e. from when motels were first contracted by HUD). The shortest length of stay in CEH is three days.

61. It is anticipated that the applicant will update this information in the course of the hearing.

62. Motel guests may be comfortable with lower levels of amenity (such as a lack of outdoor space) due to the shorter length of stay. Furthermore, it is likely that motel guests will not spend long durations within the motel units, as they would typically be visiting sites and experiencing the city.

63. CEH occupants on the other hand, may spend longer within the units during the day and are likely to reside in the units for a longer period of time. This means that a higher level of amenity is likely to be expected. The following sections discuss internal amenity in relation to outdoor living space and the proposed occupancy rate.

Outdoor Living

64. 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 dwelling¹³. A number of objectives and policies require or encourage outdoor living space, which is addressed further in paragraphs 1091-121 of this report.

65. In accordance with the above outdoor living requirement, the site would require approximately 170m² of outdoor recreation and amenity space. Every unit on site has a dedicated private open space at the rear. This open space is directly accessed from the corresponding unit. It is paved and some spaces have established planting. Units 1-6 have a larger private outdoor area compared to units 7-10.

66. There is currently limited shared open space on site, the only space shown on the site plan is not fully fenced and directly adjacent a busy road.

67. A rough estimate is that approximately 160m² of private outdoor space is provided on site. The addition of a children's playground adjacent unit 6 at the rear of the site would increase this total. As the motel operator indicated this playground was in the pipeline, it is recommended to include a condition of consent requiring the area adjacent unit 6 to be utilised as a shared outdoor space.

68. Overall, despite being slightly lower than the District Plan requires for outdoor recreation and amenity space, the site provides an acceptable level of outdoor living due to every unit having access to a usable private open space.

Suitably for children

¹³ RESZ-S3(6)(a)

69. Ms Collins has rated units 1 to 6 “highly” for the six months to three-year-old age group and the three to seven-year-old age group due to the fenced outdoor courtyard provided for each unit.
70. These same units have been rated “moderate” for the older age groups as they require more space. Ms Collins suggested there may be opportunity to collaborate with Rotorua Intermediate School to make their outdoor areas available for use outside school hours and at weekends. It would be difficult to require the operator to do this as a condition of consent, but it will be included in an advice note.
71. Units 7-10 have been rated unacceptable for all age groups as they are studio units.
72. Overall, units 1 to 6 are considered as acceptable for children.

Occupancy Rate

73. The applicant originally proposed a maximum occupancy rate of 39 CEH occupants across 9 units (excluding infants under 18 months). This is an average of approximately 4.3 persons per unit, excluding any tamariki under 18 months old.
74. The applicant has recently stated an intention to reduce the maximum occupancy level to 31 occupants (excluding staff).¹⁴ Under the proposed new maximum, where there is more than one double bed in a room, only one bed has been counted as sleeping two people. Further, the applicant has also identified that one unit (Unit 9, studio unit) is used by the service provider as a meeting space¹⁵. It is assumed that this unit would be needed on an ongoing basis by the service provider to undertake its ‘24/7’ on-site support services. This reduces the available number of units for use by CEH occupants from 10 to 9 (within 2 two-bedroom units, 4 one-bedroom units, and three studio units).
75. The District Plan does not provide guidance on occupancy levels of dwellings. The applicant stated that it prepared the application on the basis that the (motel) is occupied at full capacity which provides a baseline for assessment.
76. The applicant has provided details of actual occupancy rates for the CEH activity on the site over an eight-month period¹⁶. This data shows that the average occupancy level of the CEH activity on site is 12 CEH occupants (an occupancy rate of 31% of the original occupancy). The maximum occupancy rate over the same period was 17 CEH occupants in May 2022.
77. 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*”¹⁷.
78. 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”¹⁸. The New Zealand Deprivation Index

¹⁴ Further information received from the applicant dated 9 September 2022

¹⁵ Response to request for further information – RC 17892 – 105-107 Malfroy Road.

¹⁶ Further information received from the applicant dated 9 September 2022 (eight month period - December 2021 to August 2022)

¹⁷ 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

¹⁸ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

uses CNOS as an indicator of crowding¹⁹. Applied to the subject site, the proposed occupancy rates may result in crowding²⁰. To avoid crowding, there would generally need to be a limit of two people per bedroom.

79. 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 Ann’s Volcanic 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.

80. The following information has been provided on the types of units:

Type of unit	No. of units	Max No. of occupants
Studio units	4	12
One-bedroom units	4	16
Two-bedroom units	2	11
Total	10	39

Figure 4: Configuration of units at 107 Malfroy Road

81. 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.

82. Units 1 to 6 have been assessed as suitable for children, and these units have access to private outdoor space. Because of the quality of private outdoor space for these units, a slightly higher occupancy rate is proposed compared to sites with less suitable outdoor space.

83. Units 7-10 are studio units and have been assessed as unsuitable for children (excluding under the age of six months).

84. Acknowledging that information has not been provided on the number of beds within each room, the following occupancy rate is recommended, and it is expected that the applicant can confirm the bed configuration in the course of the hearing:

- Studio units may accommodate a maximum of two people (excluding children under the age of six months). Children between the ages of six months and eighteen years shall not reside in the studio units;
- One-bedroom units may accommodate a maximum of three people (excluding children under the age of six months); and
- Two-bedroom units may accommodate a maximum of four people (excluding children under the age of six months).

¹⁹ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

²⁰ As defined by Statistics NZ

85. This would result in a maximum occupancy of 26 CEH occupants²¹ across the whole site which is more than both the average occupancy (at 12 CEH occupants) and the maximum occupancy levels (17 CEH occupants) over the previous 18 months.

86. 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.

87. Regarding the enforcement of the above conditions, the applicant offered the below condition:

A record shall be maintained that states occupancy numbers at any given date within emergency housing units and this information shall be made available to the Council upon request.

88. The SMP also states:

A register of the number of occupants in each unit, will be updated on entry and exit and reconciled weekly. A record of the number of occupants residing at the site will be made available to the Council's Compliance Monitoring Officer upon request.

89. It is recommended to include the above *Augier* condition as a condition of consent with a requirement to provide that information to Council on a regular basis²². With that condition and details in the SMP (which the applicant has already offered as a condition), site occupancy will be managed.

90. It is noted that some existing families may be established in units that no longer meet the recommended occupancy rate or there may be children between the ages of six months to eighteen years residing in the studio units. Requiring them to move immediately, if consent is granted, could be an unnecessary disruption. Two options for managing this, which the Panel may wish to consider, are:

- A transition period of say 3 months; and/or
- Allowing the family to stay (if they wish) until they no longer need CEH but ensuring any incoming CEH occupants meet the proposed occupancy rates and age restrictions.

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

Conclusion

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

²¹ Calculated by a maximum of two people per each of the three studio units (6 people), a maximum of three people per each of the 4 one-bedroom units (12 people total), and a maximum of four people per each of the two bedroom units (8 people total)

²² Please refer to condition 12-13 in Appendix 1.

TRANSPORTATION EFFECTS

Parking and Access

93. The site has two vehicle crossings onto Malfroy Road, one entry and one exit.
94. The applicant states there are at least 10 carparks available on site, including one accessible park.
95. There are no minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020²³.
96. 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

97. The applicant has proposed the maximum occupancy for the site based on the maximum occupancy of the motel, which is 39 occupants. As outlined in paragraph 84 above, it is recommended that the occupancy rate of the motel is reduced to 26 CEH occupants. With the reduction in CEH occupants on the site, it is expected that the traffic generation will also reduce.
98. Having regard to the existing environment, transportation effects associated with the proposal are assessed as acceptable.

NOISE EFFECTS

Noise from Emergency Housing

99. The applicant has not applied to breach the noise standards within the District Plan. Potential noise effects stem from the pattern of use changing on site, such as increased noise levels from higher numbers of tamariki playing outside after school hours, in the evenings, and in weekends, and more people being onsite during the day (compared to tourists who are more likely to be out during the day).
100. One submitter raised around noise from CEH occupants. 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 Plan²⁴. The SMP 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.
101. 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 complaints²³.
102. With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

²³ Policy 11

²⁴ Refer recommended strategic conditions attached to the Overview Report

INFRASTRUCTURE

103. Regarding infrastructure, the applicant has stated²⁵:

The existing levels of accommodation (i.e. number of units and associated beds etc) will continue to be utilised at a slightly lower capacity than the current motel operations. No changes are proposed to the onsite reticulated servicing arrangement and there is no subdivision of land or units proposed as part of this proposal. Overall, there will be no change in the intensity of use, such as 3 waters infrastructure, traffic, parking and noise. Any potential adverse effects arising from this proposal in relation to intensity of use will be negligible.

104. This report recommends lowering the proposed occupancy rates of the subject site which reduces the proposal's demand on infrastructure.

105. The application was circulated to Council's engineering team, and they had no comments on the proposal. Considering the above, it is likely that the proposed activity will avoid any adverse effects on the infrastructure capacity of the district.

FINANCIAL CONTRIBUTIONS

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.

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 for matters of a site-specific nature.

RESIDENTIAL 2 ZONE

112. The following objectives are applicable to the site in the RESZ2 Zone:

²⁵ Section 5.7

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.*

113. The proposal does not involve the development of any new household units. 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 RESZ2.

114. Four of the units have a northerly outlook, with the remaining units facing east and west. These units will receive morning and afternoon sun. All units open directly out onto private outdoor space.

115. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network.

- *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*

116. RESZ2 recognises that household units may be smaller, may have limited outdoor space, and that sites may be dominated by buildings with limited landscaping.

117. The buildings are all single storey buildings with an area of private open space.

118. A large part of the site area is taken up by hard surfacing for vehicles (parking and manoeuvring). There are no street trees adjacent the site so recommended conditions of consent seek to retain existing onsite vegetation to soften the built environment.

119. Overall, the design and appearance of the site is consistent with the character of RESZ2.

- *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.*

120. 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 and one 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. In addition, the support services are there to provide assistance to the CEH occupants on-site, including managing any anti-social behaviour.

121. 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.*

122. As assessed above, the design of the site is consistent with the character of the zone.

123. Four of the units are north facing, while the others face both east and west, therefore providing ample sunlight. Each unit has direct access on private open space. Carparking and manoeuvring areas are separated from the private open space.
124. It is noted that the solid fencing and vegetation alongside the public walkway do not allow for passive surveillance of the walkway. These landscape elements are existing and are recommended to be retained for privacy.

NOISE

NOISE-O1: A noise environment consistent with the character and amenity expected for the zone.

NOISE-P1: Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the function of the zones and permitted activities within them.

NOISE-P4: Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.

125. Noise levels generated from the proposed activity will be managed through the proposed conditions of consent and through the SMP.

INFRASTRUCTURE AND TRANSPORT

Infrastructure

126. *EIT-O3: Land use, subdivision and development that do not adversely affect the operation, maintenance, upgrading of and access to existing infrastructure.*
127. *EIT-P14: Avoid, remedy or mitigate adverse effects of new land use and development on the efficient operation, maintenance and access to existing infrastructure.*
128. This report recommends lowering the proposed occupancy rates for the application site. The application is not anticipated to put additional pressure on existing infrastructure.

Transport

129. *EIT-O7: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
130. *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.*
131. *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.*
132. Transportation effects associated with the proposal have been assessed as acceptable. Traffic generation from the site is not likely to hinder the efficient operation of existing activities in the immediate area.
133. Resource consent RC101 (1997) required the converted units to provide adequate sound insulation due to the proximity of the units to Malfroy Road. As such, there will be no adverse reverse sensitivity effects on the transportation network from the proposed activity.

Reverse Sensitivity

134. *EIT-P23: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*
135. The proposed activity is not likely to have any adverse reverse sensitivity effects on existing infrastructure and transport activities.

Conclusion

136. Overall, the proposal is generally consistent with the objectives and policies of the Residential Chapter in the District Plan that relate to the design and appearance, and character of the zone.
137. The proposal is generally consistent with the objectives and policies contained in the Noise Chapter of the District Plan.
138. However, there are several objectives and policies that require and encourage household units to provide outdoor space. As the proposal does not provide any outdoor space other than a small children's play area, it is inconsistent with these objectives and policies.

CONCLUSION

139. A conclusion on the assessment of effects is provided at paragraph 107. This determines that the adverse effects of the activity on the environment will be acceptable, due to the nature of the activity being temporary and not a permanent residence.
140. A conclusion against the objectives and policies of the District Plan is provided at paragraphs 133-135. Whilst there is inconsistency with some policies, on balance the proposal is not contrary to the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

141. 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 17892 – 105-107 Malfroy Road"
- 2 The consent holder shall be Samuel Ho (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 Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the 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 Council.

Consent Expiry

- 5 This resource consent shall expire on the earlier date of either:
 - b) 5 years from the date the consent commenced; or
 - c) The date of termination or expiry of MHUD's contract for emergency housing applying to the site; or
 - d) The date imposed by a Council review under section 128 of the Resource Management Act 1991 pursuant to Condition 35 of the consent.
- 6 No later than 6 months prior to the consent expiry, the consent holder shall submit to the Manager Planning & Development Solutions, Council, or their delegate, for certification a 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 26 occupants (excluding children under six months of age) shall be permitted to reside within the 9 contracted emergency housing units.
- 8 Studio units shall accommodate a maximum of two people per unit. No children (six months to eighteen years) shall reside in studio units.
- 9 One-bedroom units shall accommodate a maximum of three people per unit (excluding children under six months of age).
- 10 Two-bedroom units shall accommodate a maximum of four people per unit (excluding children under six months of age).

- 11 To avoid doubt, this resource consent does not:
- a) Restrict the length of stay for residents in the contracted emergency housing units (see Advice Note 1 referring to Building Act requirements); or
 - b) Limit the number of people residing in the Manager's Accommodation.

Record Keeping

- 12 A record shall be maintained at all times that states:
- a) The total occupancy numbers across the whole site;
 - b) The length of stay of occupants;
 - c) The number of people within each unit;
 - d) Ages of children; and
 - e) The details of any complaints received and any incidents where security staff intervention has been required.
- 13 The information listed in Condition 13 shall be provided to the Manager, Planning & Development of 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 35.

Landscaping and Planting

- 14 The existing landscaping and planting on the site shall be retained and maintained for the duration of the consent. This includes the following:
- a) The hedging and vegetation at the Malfroy Road frontage;
 - b) The vegetation within the private outdoor space for each unit; and
 - c) The vegetation along the eastern boundary of the site.
- 15 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.
- 16 If any of the landscaping dies and/or becomes diseased, the dead and/or diseased plants shall be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of plants capable of reaching the same height.

Motel Signage

- 17 The consent holder shall remove all physical motel signage for the duration of the consent. This includes, but is not limited to, the following:
- d) Any sign that identifies the site as a motel.
 - e) Any vacancy / no vacancy sign.
- 18 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.
- 19 For the avoidance of doubt, this consent does not authorise any signage on the site.

Storage

- 20 Any storage of household effects of contracted emergency housing occupants shall be provided inside existing buildings and/or the private courtyard adjoining each unit.

External Boundary Fencing

- 21 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.

Traffic Management

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

Noise

- 23 Noise levels from the activity shall not exceed the following limits when measured at a point within the boundary of a neighbouring residentially zoned site:

Daytime	7am to 7pm, any day except public holidays	50 dB LAeq (15 min)
Evening	7pm to 10pm any day except public holidays	45 dB LAeq (15 min)
Night-time and public holidays	At all other times	40 dB LAeq (15 min) 70 dB L _{Amax}

- 24 Noise shall be measured and assessed in accordance with NZS 6801:2008 and NZS 6802:2008.

Glare and Light

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

On-site Management

- 25 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 26 A final Site Management Plan (SMP) shall be submitted to the Manager, Planning & Development Solutions, or their delegate for certification within one month following the commencement of consent. The SMP shall be based on the SMP 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.
 - a) 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.
 - b) Site management details including:
 - i. Number of occupants and ages
 - ii. Visitors (numbers and visiting hours)
 - iii. Staffing and security
 - iv. Carparking allocation (including for visitors) and balancing carparks and open space to play
 - v. Meeting / training operation (including hours of use)

- vi. Use of communal areas and facilities
- c) 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
- d) Effective noise management measures to avoid, remedy or mitigate potential noise nuisance
- e) The process for dealing with complaints

Bond

- 27 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.
- 28 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.
- 29 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.
- 30 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.
- 31 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

- 37. At any time, [Rotorua District](#) Council may initiate a review of the consent conditions in accordance with Section 128 of the Resource Management Act 1991 to;
 - a. Assess the record keeping of occupancy, complaints and incidents recorded under Condition 12; and / or
 - b. Change conditions where necessary to address any adverse effect, including, but not limited to responding to findings and recommendations of social impact assessments, setting limits on the number of occupants, requiring amendments to the Site Management Plan, reducing the term of consent.

APPENDIX 2: ADVICE NOTES

Building Act

- 1 This is not a Building Consent. The Building Act 2004 contains provisions relating to the construction, alteration, and demolition of buildings. The Act requires building consents to be obtained where relevant, and for all such work to comply with the building code.

Waste Management

- 2 Waste management is addressed under the Council's Solid Waste Bylaw 2016. The bylaw has a general requirement for a waste management and minimisation plan to be prepared for multi-unit developments: 'Collection from Multi Unit Developments' (See Subpart 6 – Clause 20).

Right of Objection

- 3 If you are dissatisfied with any aspect of the decision, you have a right of objection to Council under section 357A of the Resource Management Act 1991. Please advise Council in writing stating the reasons for the objection and the preferred outcome within 15 working days of receiving this decision. If no objection is received it will be assumed that the applicant accepts this decision. In addition, there is a right of appeal to the Environment Court under section 120 of the Resource Management Act 1991.

Monitoring of Conditions

- 4 Fulfilment of the conditions of this consent within the timeframe specified in the consent is necessary to carry out the proposal for which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council's Monitoring and Compliance Officer.
- 5 Please contact Council's Compliance & Regulatory Team (RMACompliance@rotorualc.nz) in relation to the completion and monitoring of the conditions of this consent. The consent holder will be charged for the administration, monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site inspections, the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.