
ROTORUA DISTRICT COUNCIL

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

FILE NO: 6221188

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	ALPIN MOTEL C/- ANDREW ROBINSON
ADDRESS:	16 SALA STREET, ROTORUA
RESOURCE CONSENT NUMBER:	RC17648
LEGAL DESCRIPTION:	LOTS 44-47 & 76-79 DPS9758 LOT 48 DPS10334 LOT 75 DPS10334
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION
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 Alpin 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 6th August 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 24th September 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. It provides a site-specific assessment of the application. It should be read in conjunction with the Overview Report which addresses matters common to the 13 applications made by MHUD for CEH.
8. This report is not a decision on the application. It provides opinions and assessments, which are, in turn, incorporated into the Overview Report. The Overview Report assesses matters common to all 13 applications and records recommendations to the Independent Hearing Panel (**Panel**) on whether the applications should be granted or declined consent.
9. This report will be considered by the Panel in conjunction with all other evidence and submissions which have been received. The Panel will determine the weight to be given to this report and to any other evidence or submissions that are presented when making its decision.

REPORTING OFFICER

10. This report has been prepared by 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 relied on the following evidence:

- The Overview Report prepared by Craig Batchelar, Planner and Director of Cogito Consulting Limited;
- Expert advice from Sarah Collins, Landscape Architect at Boffa Miskell Limited;
- Expert advice from Rebecca Foy, Social Researcher and Director at Formative; and
- Expert advice from Natalie Hampson, Economist and Director at M.E Consulting.

13. This report records my assessment and recommendations along with recommended Conditions of Consent, should the Panel determine that consent should be granted.

THE SITE AND SURROUNDING ENVIRONMENT

Site Description

14. The site is located in the Commercial 4 Zone (**COMZ4**) under the District Plan, accessed via 16 Sala Street (State Highway 30), and comprises ten parcels as set out below and shown in Figure 1:

District Plan Zone	Legal Description	Area (m ²)
Commercial 4 Zone (COMZ4)	Lot 44-47, Lot 76-79 DPS9758	6,080
	Lot 48 DPS10334	814
	Lot 75 DPS10334	933
Total		7,823



Figure 1 – District Plan zones with the subject site outlined in red. The light yellow is Residential 1 (RESZ1), the dark yellow is Residential 2 (RESZ2), the purple is COMZ4, and the lilac is Commercial 3 (COMZ3).

15. The site and buildings are currently occupied by the Alpin Motel. The applicant gives the following description of the site and motel in Section 2.1 of the application:

A pedestrian walkway adjoins the subject site’s eastern boundary, connecting McKee Ave and Sala Street. The site is currently occupied by the Alpin Motel which has its main entrance and managers unit located in the site’s south-western corner. The existing buildings on the site are all single storied and surround an internal green space, pool, and sauna room. The sauna room is currently closed to residents.

There is a second vehicle access onto Sala Street close to the subject site’s south-eastern corner, however this is locked and not used by those staying on the site. There is no vehicle access onto McKee Avenue...

The existing buildings within the site are dedicated to the existing motel operation, which has been in operation since the 1970’s...

16. The site’s main frontage is to Sala Street. There are 40 one-bedroom units located on site. Each unit has its own carpark directly outside the unit it serves.
17. The site also includes conference facilities. There is an accessible carpark outside the conference facilities and other additional carparking spaces along the western and southern boundaries of the site.
18. Substantial vegetation is established along the boundaries of the site. There is also mature vegetation surrounding the existing swimming pool. A grassed open passive recreation area occupies the northern half of the shared open space in the centre of the site.

- The motel has been used as emergency housing since April 2020. The motel has been in use as MHUD CEH since 1 July 2021.

SURROUNDING AREA

- The immediate surrounding environment is mainly residential properties, as well as some commercial activities to the south of the site across Sala Street. There is a pedestrian pathway to the east of the site.
- The sites main frontage is to Sala Street which is an Urban Primary Road (District Plan Maps 205). The land-use along Sala Street is a mix of residential, commercial, and tourist accommodation, with residential being the predominant use.
- To the south is Whakarewarewa, the Living Māori Village (350m). To the west, is Fenton Street which is an Urban Primary Arterial Road and City Entranceway (District Plan Maps 206) carrying high levels of traffic in and out of Rotorua CBD. Fenton Street has a mix of residential, commercial, and tourist accommodation land-uses. Several of these tourist accommodation facilities along Fenton Street are being used for CEH or emergency housing. Two other CEH providers are located just south of the site on Tryon Street and Meade Street.

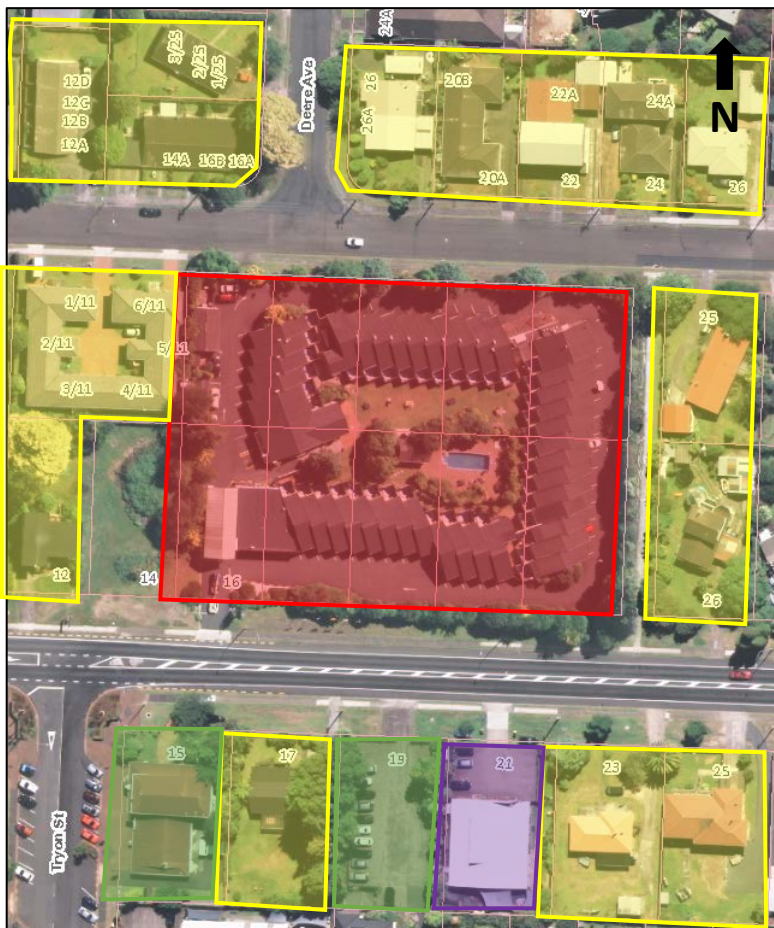


Figure 3 – Activities within the immediate surrounding environment (red – subject site, yellow– residential activities, purple – kindergarten, green – commercial services and retail)

Local Amenities and Social Infrastructure

23. On the north boundary of the site fronting McKee Avenue, is a bus stop accessing the city centre (Route 11). Further north is the Murray Linton Rose Garden (200m) with a playground, recreational areas, and public amenities.

RECORDS OF TITLE REVIEW

24. The Record of Title for Lot 44-47 and Lot 76-79 has a land covenant registered against it. This covenant is between the subject site and adjacent properties at 8-14 Sala Street. Under the covenant, these adjacent properties are not able to operate as a motel or business that provides short-term accommodation.
25. There are no interests registered on the Record of Title that would restrict the CEH proposal from proceeding.

CONSENT HISTORY

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

Reference number	Date of issue	Details
RC3580	22 April 1976	Conditional Use to enable a motel complex
651/173/1	22 May 1973	Directional Signs in Sala Steet
Unknown	9 November 1971	Freestanding horizontal sign for Puhi Nui Motel

27. 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

28. 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.
29. The application is for a maximum of 142 occupants (excluding staff) accommodated in 40 one-bedroom units. This maximum occupancy represents no change from the existing maximum occupancy of the motel. Full-time management and supervision will be provided, with managers accommodation located onsite.
30. The applicant has recently stated an intention to reduce the maximum occupancy level to 120 occupants (excluding staff).¹ 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.
31. The applicant proposes no modifications or change to the layout of the buildings within the site. The conference facilities will be closed to the public, and the south-eastern vehicle access on Sala Street will be closed.
32. On-site support services will be provided by “Visions of a Helping Hand” (**Visions**), who will implement a Site Management Plan (**SMP**) (Appendix 4 of the application). The SMP is

¹ Email from Alice Blackwell titled Occupancy Numbers 9 September 2022

offered as an “Augier”² condition by the applicant. The SMP details maximum occupancy, on-site security, authorised personnel and visitors, and noise management. On-site support services include:

- Registered and trained social and support workers available on-site Monday through Friday 8.30am to 5.00pm;
- 24/7 on-call social and support worker (via phone);
- Facilitated groups run by a programme facilitator. Group topics include budgeting, employment, parenting, education, cooking on a budget, and men’s and women’s empowerment groups; and
- Afterschool and holiday programmes for children.

33. 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; and
- Routine inspections of units.

34. Regarding the length of time occupants will stay in CEH, the applicant stated the following³:

...Across all emergency housing, the average length of stay in 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.

35. The Agent⁴ has confirmed the use of the site for CEH for a maximum of five years followed by reversion back to tourism accommodation.

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

² 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.

³ Response to matters raised in the Request for Further Information – 16 Sala Street RC17648.

⁴ Comms with Agent via zoom, and email from agent dated 27 August 2021 titled “Response to further information -contracted emergency accommodation”.



Figure 4: Proposed Site Plan

ACTIVITY STATUS

37. The activity status for each application is discussed in detail in the Overview Report
38. . In summary, the proposal for CEH at 16 Sala Street has been assessed as a **Non-Complying Activity** pursuant to COMZ-R(1)

NOTIFICATION AND SUBMISSIONS

Notification Process

39. The application was publicly notified on 11th June 2022 (along with 11 of the other 12 CEH applications)⁵. 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

40. Following the close of submissions, 3,841 submissions were received across all 13 notified CEH applications. The majority of submissions applied to all 13 applications and focussed on general matters relating to emergency housing (for example, social and economic effects). These matters are addressed within the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

⁵ The 13th application (Emerald Spa) was notified on 6 August 2022.

41. Those submitters who provided a submission specific to Alpin Motel are addressed below.

Submitter Name/no.	Oppose/Support	Wish to be Heard	Submitted on other applications	Submission Summary
Francesca (Frankie) Kebbell (193)	Oppose	Yes	No	<p><u>Owner of Business located on Fenton Street</u></p> <ul style="list-style-type: none"> • Damage to buildings since the establishment of emergency housing in the area • Proximity to Whakarewarewa Forest • Should be located off the main road, in a more discrete location • Safety of business and employees • Cost of refurbishment of motels from damage by occupants • Visible security guards give impression that the area is unsafe • Increase in crime and anti-social behaviour • Use of motels for CEH means an increase in Air BNB which in turn does not help the housing crisis • Seeks the following relief: Provide CEH on a gated piece of land 15-20 minutes outside of Rotorua. Use portable homes, drug and alcohol free, security, employment requirements, and a bus as transport to and from town.
Anthony Steele and Greet Van Der Helm c/- APL Property Ltd (319)	Oppose	Yes	No	<p><u>Owners of subject site and 8-14 Sala Street</u></p> <ul style="list-style-type: none"> • Lease agreement not suited to the proposed activity • Greater density of occupation under CEH than original use. Density was never expected or anticipated to be at the proposed capacity • Due to greater density of occupation, this occupation spills out into the neighbourhood • Has observed anti-social behaviour from CEH occupants on neighbouring commercial properties • Vehicles parking on the verge and at 14 Sala Street
Horizon Commercial Limited (328)	Oppose	No	RC17893	<p><u>Operates two childcare centres near the site</u></p> <ul style="list-style-type: none"> • Proximity of existing childcare centre to subject site • Concerned with the welfare of the children in the centre • Concerned with the ongoing viability of the business because of proximity to CEH

Blackman Spargo Rural Law Limited (351)	Oppose	TBC	RC17893	<p><u>Rural law firm located opposite the site</u></p> <ul style="list-style-type: none"> • Granting of application will have a major adverse impact on the environment • Motel is more dilapidated since it has been used for emergency housing • Visitors to Alpin parking illegally on Sala Street • Anti-social behaviour • Safety of employees, especially after dark • Fear of crime • Complex needs of CEH occupants causing problems in the community • Negative impact on tourism reputation
Joanna Meyer (348)	Oppose	Yes	RC17893 RC17650	<p><u>Adjacent neighbour</u></p> <ul style="list-style-type: none"> • Safety of elderly neighbourhood • No impact studies completed • Increased day-time population in the local area will result in increase pressure on grocery stores and local amenities, increased police presence, addition noise, increased need for playgrounds and parks • Overcrowding • Duration of consent • Out of town CEH occupants
Richard Shand (143)	Support	No	RC17892 RC17893 RC17647 RC17650 RC17661 RC17673 RC17887 RC17891 RC17662 RC17890 RC17889	<p><u>Local resident</u></p> <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 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 • CEH occupants who are not originally Rotorua residents should return to hometown if occupancy numbers of CEH exceed availability
Tracey Patterson (311)	Oppose	Yes	RC17892 RC17893 RC17647 RC17650 RC17661 RC17673 RC17887 RC17891 RC17662 RC17890	<p><u>Adjacent neighbour</u></p> <ul style="list-style-type: none"> • Current fencing between submitters and the applicant’s properties is adequate for privacy

			RC17889	
--	--	--	---------	--

SECTION 104 ASSESSMENT

SECTION 104(1)(a) - ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

42. 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
 - Noise sensitive activities adjacent State Highways
- Infrastructure effects
- Financial contributions

43. It is noted that many of the site-specific submitters also raise concerns over occupants' behaviour and the effects of CEH on business and tourism. These matters are not covered in this report. An assessment of the social, and economic effects of all applications is addressed in the Overview Report and statements of evidence.

Character and Amenity Effects

44. 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.”*⁶

45. The site is located in the COMZ4 zone. The District Plan describes COMZ4 as predominantly consisting of *“motels or large style 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.”*

46. The described elements generally define the character of the zone, however, in this instance, adjacent properties to the west are in COMZ4 but are a mix of single stand-alone dwellings, single storey residential units, and vacant land. Adjacent properties to the north and east are in residential zones, while properties to the south of the site are split between the Commercial 3 Zone (**COMZ3**) and the Residential 1 Zone (**RESZ1**).

47. Generally, the District Plan refers to amenity in the context of the “design and appearance of buildings”.

⁶ Resource Management Act 1991, Part 1 Interpretation and Application, (2)(1) Amenity.

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

External amenity effects

Sala Street and McKee Avenue

49. The subject site has frontage to both Sala Street and McKee Avenue. Vehicle access is via Sala Street. The Sala Street frontage is characterised by the motel signage, the entrance archway, and established landscaping which screens most of the site from the road. The McKee Avenue frontage is characterised by established vegetation providing some screening to the motel units siting in behind.
50. 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 the COMZ4 Zone.
51. Submitters have raised concerns that the existing buildings have become dilapidated since the site has been used for CEH. This could be due to the motel operator no longer needing to advertise and compete for tourists, or it could be related to increased intensity of use on the site causing wear and tear to the buildings.
52. The site was visited on the 11th August 2021 and again (drive-by) on the 23rd August 2022. Except for the entrance way, the site is screened from Sala Street and adjacent residential properties to the south, east, and west via established planting. There is established planting along the northern boundary of the site adjacent to McKee Avenue, but the planting is not continuous and only partially screens the site from residential properties to the north. The waste management area occupies the north-west corner of the site. This area appeared unkempt during both the site visit and the drive-by.
53. The buildings did not appear dilapidated during the site visit or drive-by. I have not visited the site prior to its use for CEH so I cannot compare the quality of the building from then to now. Except for the waste management area, the site was well presented and in keeping with the character and amenity anticipated for COMZ4.
54. The SMP states that the motel operator is responsible for maintenance of the gardens and outdoor areas and for any required repairs to buildings.
55. It is recommended that conditions be imposed to ensure shared outdoor living space is retained in a suitable condition for recreational use by occupants⁷.
56. To mitigate the visual effect of this waste management area, it is recommended to include a condition of consent requiring the screening of this area from the road frontage and surrounding residential properties⁸.
57. An increase in household unit density could increase the number of outdoor items typically associated with households (i.e., bikes, toys, outdoor chairs, washing baskets). These items would not typically be associated with tourism accommodation. Several bikes and chairs were observed during the site visit on 11th August 2021 however, not enough to detract from

⁷ Refer to recommended Condition 15 in Appendix 1.

⁸ Refer to recommended Condition 21 in Appendix 1.

the amenity of the zone or adjacent residential areas. The boundary planting provides an effective screen along most boundaries of the site, and a storage facility for such items is available on-site. In addition, the applicant has advised that CEH occupants cannot bring household items on to the site.

58. The combination of the above measures, including the layout of the site, established planting along the boundary, and the implementation of the SMP, will ensure any visual effects of the proposal are effectively mitigated.

Internal amenity effects

Length of Stay

59. One of the key differences between motel guests and emergency housing residents 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 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.

60. It is anticipated that the applicant will update this information in the course of the hearing.
61. 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 periods within the motel units, as they would typically be visiting sites and experiencing the city.
62. 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

63. The outlook spaces from the units are contained within exclusive fenced outdoor spaces per unit to provide a level of privacy for whānau. These private outdoor areas are confined; however, they access a larger internal shared landscaped area that includes the pool facility.
64. It is recommended that conditions be imposed to ensure the shared landscaped area is retained in a suitable condition for recreational use by residents⁹.

Suitability for children

65. Ms Collins states that play is important for the development, health, and well-being of children. The impacts on children when they do not have access to 'play' is discussed in detail within her evidence.
66. Ms Collins has rated this motel "highly" for children six months to three years, three to seven years, and eight to twelve years. This is due to access to confined private outdoor areas

⁹ Refer to recommended Condition 15 in Appendix 1.

directly from the units, and the internal shared landscaped area. Both these areas are separate from vehicle access and parking.

67. In her evidence, Ms Collins has rated the subject site as “moderate” for the thirteen to eighteen-year-old age group as active sports parks where this age group can gather are at least 1.5km away.
68. It is recognised that in adverse weather conditions, children would have no play space other than the limited space available within the individual units. A solution to this would be to dedicate one of the units for use as a common playroom. While this has not been recommended by any of the technical experts, the Panel may wish to consider this as an option to manage internal amenity effects for young occupants of the site.
69. Overall, the site is considered suitable for children.

Occupancy Rate

70. The applicant originally proposed 142 (max) occupants within 40 one-bedroom units (excluding infants under 18 months). This is an average of approximately 3.6 persons per one-bedroom unit, excluding any tamariki under 18 months old.
71. The applicant has recently stated an intention to reduce the maximum occupancy level to 120 occupants (excluding staff).¹⁰ 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.
72. 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.
73. The applicant has provided details of actual occupancy rates for the CEH activity on the site over an eight-month period¹¹. This data shows that the average occupancy level of the CEH activity on site is 81 residents (an occupancy rate of 57%). The maximum occupancy rate over the same period was 98 residents in April 2022.
74. A number of submitters have raised concerns of overcrowding. 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*”¹².
75. 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”¹³. The New Zealand Deprivation Index uses CNOS as an indicator of overcrowding¹⁴. Applied to the subject site, the new proposed

¹⁰ Further information received from the applicant dated 9 September 2022

¹¹ December 2021 to August 2022

¹² 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

¹³ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

¹⁴ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*; and 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

occupancy rates could result in crowding¹⁵. To avoid crowding¹⁶, there would need to be a limit of two people per bedroom.

76. 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 Alpin Motel (since it has been CEH), the size of the units (in m²), or the number of beds within each room. It is also not clear as to what criteria is applied for the allocation of units to families. It is expected that the applicant can provide in the course of the hearing.

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

Table 1: Configuration of existing units at 16 Sala Street (Alpin Motel) excluding managers accommodation

Type of unit	No. of units	Max No. of occupants
One bedroom unit	40	142

78. 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.

79. The site has been assessed as suitable for children, and there is both private and shared outdoor space across the site. Because of the quality of outdoor space, a slightly higher occupancy rate is proposed compared to sites with less suitable outdoor space.

80. The proposed occupancy rates are as follows:

- The overall occupancy for the subject site is restricted to 120 occupants (including children under the age of six months); and
- One-bedroom units may accommodate a maximum of three people per unit (excluding children under the age of six months).

81. This would result in a maximum occupancy of 120 occupants across the whole site which is more than both the average occupancy (at 81 occupants) and the maximum occupancy levels (98 occupants) over the previous 18 months

82. The maximum occupancy levels proposed by the applicant exclude children under the age of 18 months. It is recommended that only children under the age of six months are excluded from the occupancy levels. At this age, typically children are unable to crawl or walk and therefore less space is required. This is consistent with the age groups provided by Ms Collins.

83. 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.

84. The SMP also states:

¹⁵ As defined by Statistics NZ

¹⁶ As defined by Statistics NZ

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.

85. 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 basis¹⁷. With that condition and the details in the SMP (which the applicant has already offered as a condition), site occupancy will be managed.

86. It is noted that some existing families may be established in units that no longer meet the recommended occupancy rate. Requiring them to move immediately, if consent is granted, could be an unnecessary disruption. 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.

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

Conclusion

88. 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.

TRANSPORTATION EFFECTS

Parking and Access

89. Submitters have raised concerns about the number of vehicles parking illegally on the street, on the berm, and on neighbouring properties. One submitter has commented that this stems from an increase in visitors to the site. CEH occupants are permitted to have visitors on site between 9am and 6pm¹⁸. No visitor parking is provided on site.

90. While parking on berms is managed through Council Bylaws¹⁹, it is recommended that the proposed condition requiring a SMP include a requirement to identify where visitor vehicles can park off site²⁰. The SMP currently requires a discussion between the service provider and CEH occupant before a visitor is allowed on site and part of this process could also involve informing the visitor where to park.

91. This recommendation is made in recognition of the National Policy Statement on Urban Development that has removed council powers to require on-site parking for any activity. The above SMP parking arrangement are offered conditions and are not subject to this limitation.

¹⁷ Please refer to recommended Conditions 10 and 11 in Appendix 1.

¹⁸ The SMP gives two visitor timeframes, 6am to 9pm and 9am to 6pm.

¹⁹ Traffic Bylaw 2008

²⁰ Refer to recommended Condition 29 in Appendix 1.

Traffic Generation

92. Regarding traffic generation the applicant states²¹:

The nature of traffic generation may alter with the changed accommodation, although the effects are not considered to be any greater than what currently exists under the existing environment.

Residents are more likely to stay on site during the day or go to or from the site for work purposes, compared with tourists who may travel in and out several times a day, and checking in and out at different times.

93. This report recommends lowering the proposed occupancy rates for the application site. This will reduce anticipated traffic generation as the recommended occupancy rates are lower than the maximum occupancy rates of the site when operating as tourist accommodation.

94. No visitor carparks available on-site is anticipated to mitigate the number of vehicles coming and going from the site. The potential increase in traffic in the immediate transport network from visitors is anticipated to be negligible considering the high traffic volumes currently on Sala Street.

95. Traffic generation effects are assessed as acceptable, having regard to the existing environment.

NOISE EFFECTS

Noise Effect of the Activity

96. The applicant has not applied to breach the noise standards within the District Plan. Potential noise effects can 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).

97. The applicant states in section of 5.2.2 of the application that:

As with any residential activity, general noise may be associated with emergency housing being located on the subject site, however, this will be dispersed throughout the site and will be domestic in nature. Overall, it is expected that any noise that is generated from the proposed use of the site will not exceed the permitted noise levels for this environment, nor is it expected to be any greater than the noise generated from the current use of the site as a motel.

98. To manage any potential noise effects, the applicant has recommended the implementation of the SMP.

99. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, specific visitor hours, 8pm time restriction on the outdoor play facilities, and restrictions on the location of outdoor equipment. The SMP states that a social worker will address any neighbours’ concerns. CEH occupants must agree to these rules and

²¹ Application for Resource Consent – 16 Sala Street, Section 5.5.

sign a Rules of Stay Agreement before moving into a CEH housing unit. Adherence to the SMP is offered as a condition of consent by the applicant.

100. Successful implementation of the measures in 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.
101. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints²². With the above management measures in place, any potential noise effects from the proposed activity will be acceptable.

Noise Sensitive Activities

102. Approximately half of the site is located within 40m of Sala Street which is a State Highway with a speed limit of 50km. For habitable rooms within 40m of Sala Street, the District Plan requires windows to be constructed with a specific glazing and ventilation system²³.
103. It would be unreasonable to require the operator to install this glazing and ventilation system for every habitable room within this setback due to the financial costs involved and disturbance to existing households within the units.
104. It is noted that the habitable rooms within this setback are set down from the road behind established planting. This would create some buffering from the road noise.
105. Council is in discussion with Waka Kotahi NZ Transport Agency in regard to the above matter.

INFRASTRUCTURE

106. Regarding infrastructure, the applicant has stated²⁴:

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.

107. The applicant has also provided the following snapshot of occupancy rates at the motel which displays varied occupancy rates from December through to April:

²² Refer recommended strategic conditions attached to the Overview Report

²³ NOISE-S5(1(c)(i)

²⁴ Section 5.7

16 Sala Street		
Capacity		
No. of units for Emergency Housing		40
HSP No. of units		0
Max No. of occupants in CEH onsite (as stated in RC Application)		142
Occupancy		
	No. of units occupied	No. of people in CEH onsite
15 Dec 21	40	74
7 Feb 22	27	69
30 Mar 22	31	79
27 Apr 22	36	98

Figure 5: Capacity and Occupancy Numbers²⁵

108. 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

109. 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.

110. 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.

111. 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.

112. 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

113. Overall, any actual and potential effects on the environment 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

114. An assessment against the broad objectives and policies of the District Plan, as well as Plan Change 9, is provided in the Overview Report.

115. The following sections address objectives and policies for matters of a site-specific nature.

²⁵ Response to request for further information – RC 17648 – 16 Sala Street, page 2.

COMMERCIAL 4 ZONE

116. Design and Appearance of Buildings

- *COMZ-O2 Commercial activities that do not adversely affect the character, safety and efficiency of commercial areas.*
- *COMZ-P6: Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.*
- *COMZ-O3: Commercial buildings and activities designed and operated in a manner that avoids adverse effects on the amenity of residential zones.*
- *COMZ-P7: Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.*

117. The proposed activity will maintain the existing character of the commercial centre by using the existing buildings and maintaining the existing landscaping.

118. Residential properties are located directly on the eastern and western boundaries, and across carriageways north and south of the site. These boundaries are fenced off with 'pool' style fences and established vegetation. With principal outlook spaces and outdoor spaces orientated inwards, and established vegetation screening views into surrounding properties, privacy effects are anticipated to be managed.

119. The SMP will need to manage any potential noise or disturbance effects on adjacent properties. The outdoor spaces in the motel are located at the centre of the site away from residential buildings mitigating noise. As well as this, residential properties are separated by pedestrian pathways (eastern) and carriageways (northern and southern).

120. A condition of consent will require the site operators to maintain the boundary vegetation and manage any adverse noise or disturbance effects through the SMP.

121. The efficient functioning of the transport network will be maintained through amendments to the SMP to communicate with visitors where to park their vehicles.

122. Reverse Sensitivity

- *COMZ-O5: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
- *COMZ-P10: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*

123. Activities in the immediate vicinity are predominantly residential. It is unlikely the proposed activity will result in adverse reverse sensitivity effects for these residential properties.

124. Opposite the site on Sala Street are a childcare centre, Rural Law Firm, and a small set of shops. Due to the nature of those activities, it is unlikely that reverse sensitivity effects will be experienced.

NOISE

125. 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.*

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

INFRASTRUCTURE AND TRANSPORT

127. Infrastructure

EIT-O3: Land use, subdivision and development that do not adversely affect the operation, maintenance, upgrading of and access to existing infrastructure.

EIT-P14: Avoid, remedy or mitigate adverse effects of new land use and development on the efficient operation, maintenance and access to existing infrastructure.

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.

129. Transport

EIT-O7: Subdivision, use and development that enables the continued efficient operation of existing development and activities.

EIT-P18: Protect the safety, efficiency, sustainability and capacity of the transport network through avoiding, remedying or mitigating the adverse effects of land use, development and subdivision.

EIT-P22: Ensure that subdivision, use and development located in the vicinity of the district's transport network is appropriately designed to avoid, remedy or mitigate any reverse sensitivity effects such as noise and vibration.

130. Any potential increase in traffic in the immediate transport network from support services is anticipated to be negligible. On-site parking is provided for CEH occupants and visitors will be advised where to park offsite. This report recommends lowering the proposed occupancy rates for the application site, which will reduce anticipated traffic generation. The application is considered to be consistent with the objective and policies.

131. Reverse Sensitivity

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.

132. The site is located adjacent to the State Highway so there is potential for reverse sensitivity effects from traffic noise and vibration on CEH occupants. Mitigating factors include the 50km speed limit on Sala Street, the existing hedging that would provide a buffer for road noise, the location of the units below the road, which also would result in buffering of road noise, and the duration of the activity being only 5 years.

Conclusion

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

CONCLUSION

134. A conclusion on the assessment of effects is provided at paragraph 113. This determines that the adverse effects of the activity on the environment of a site-specific nature will be acceptable, with the adoption of the recommended conditions.

135. A conclusion against the objectives and policies of the District Plan is provided at Paragraph 133. This determines that on balance, the proposal is generally consistent with the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

136. 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 6 August 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 17648 – 1316 Sala Street*"
- 2 The consent holder shall be Andrew Robinson (the Operator) and Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development (MHUD).
- 3 The consent is issued personal to the Operator and MHUD. The consent cannot be transferred to and held by any other person.
- 4 The consent holder shall appoint a representative(s) within two weeks following the commencement of this resource consent, who will be the Rotorua District Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Rotorua District Council of the representative's name and how they can be contacted. Should that person change during the term of this resource consent, the consent holder shall immediately inform the Rotorua District Council.

Consent Expiry

- 5 This resource consent shall expire on the earlier date of either:
 - a) 5 years from the date the consent commenced; or
 - b) The date of termination or expiry of MHUD's contract for emergency housing applying to the site; or
 - c) The date imposed by a Council review under section 128 of the Resource Management Act 1991 pursuant to Condition 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, Rotorua District Council, or their delegate, for certification an exit programme to end the use of the site and buildings for contracted emergency housing within the timeframe granted under this consent.

Scale and Intensity

- 7 A maximum of 120 occupants (excluding children under six months of age) shall be permitted to reside within the 40 contracted emergency housing units.
- 8 One-bedroom units shall accommodate a maximum of three people per unit (excluding children under six months of age).
- 9 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

- 10 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.
- 11 The information listed in Condition 13 shall be provided to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, at six monthly intervals from the date of commencement of consent, and made available at any other time upon request. This will be a matter considered under Condition 37.

Landscaping and Planting

- 12 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 trees and vegetation at the Sala Street frontage;
 - b) The trees and vegetation at the McKee Road frontage; and
 - c) The vegetation along all other boundaries of the site.
- 13 The landscaping and planting baseline referred to in Condition 13 shall be marked on the Site Layout Plan, and photographed and supplied to Council within one month of the commencement of the consent.
- 14 If any of the landscaping dies and/or becomes diseased, the dead and/or diseased plants shall be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of plants capable of reaching the same height within the next planting season.

Outdoor living

- 15 The existing outdoor shared spaces as shown on the Site Layout Plan are to be retained in a suitable condition for recreation use by occupants.

Motel Signage

- 16 The consent holder shall remove all physical motel signage for the duration of the consent. This includes, but is not limited to, the following:
- a) Any sign that identifies the site as a motel.
 - b) Any vacancy / no vacancy sign.
- 17 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.
- 18 For the avoidance of doubt, this consent does not authorise any signage on the site, other than as required for health and safety reasons.

Storage

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

External Boundary Fencing

- 20 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.
- 21 External boundary fencing across the waste storage area shall be modified or replaced to screen the waste storage area from the road frontage and residential properties.

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 LAm _{ax}

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

Daytime	7pm to 10pm any day except public holidays	65 dB LAeq (15 min)
Night-time and public holidays	At all other times	60 dB LAeq (15 min) 75 dB LAm _{ax}

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

Glare and Light

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

On-site Management

- 28 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 29 A final Site Management Plan (SMP) shall be submitted to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, for certification within one month following the commencement of consent. The SMP shall be based on the Plan provided as part of the application and must include:

- a) Details of on-site managers responsible for implementation of the SMP and the implementation of this resource consent.
- b) Details of the on-site support services to be provided, including the number of staff, location for training and office work within the site and hours of operation.
- c) Site management details including:
 - i. Number of occupants and ages
 - ii. Visitors (in numbers and visiting hours)
 - iii. Staffing and security
 - iv. Carparking allocation (including for visitors) and balancing carparks and open space to play
 - v. Meeting / training operation (including hours of use)
 - vi. Use of communal areas and facilities
- d) Details of site maintenance including:
 - i. Daily tidying of the property and street berms to ensure the site contributes to an attractive streetscape
 - ii. Daily removal of rubbish and graffiti from the property and street berms
 - iii. Daily removal of shopping trolleys from the property and street berms
 - iv. Maintenance of landscaping and planting
- e) Effective noise management measures to avoid, remedy or mitigate potential noise nuisance
- f) The process for dealing with complaints

Bond

- 30 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.
- 31 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.
- 32 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.
- 33 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.
- 34 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

- 35 At any time, Rotorua District Council may initiate a review of the consent conditions in accordance with section 128 of the Resource Management Act 1991 to:
 - a) Assess the record keeping of occupancy, complaints and incidents recorded under Condition 13; and/or
 - b) Change conditions where necessary to address any adverse effect, including, but not limited to responding to findings and recommendations of social impact assessments, setting limits on the number of occupants, requiring amendments to the Site Management Plan, and reducing the term of consent.

APPENDIX 2: ADVICE NOTES

Building Act

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

Waste Management

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

Right of Objection

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

Monitoring of Conditions

- 4 Fulfilment of the conditions of this consent within the timeframe specified in the consent is necessary to carry out the proposal for which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council's Monitoring and Compliance Officer.
- 5 Please contact Council's Compliance & Regulatory Team (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.