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## ROTORUA DISTRICT COUNCIL

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

**FILE NO:** 6221207

**FROM:** Bethany Bennie (Consultant Planner)

**DATE:** 23 September 2022

### SECTION 42A – COUNCIL OFFICERS REPORT

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**NOTIFIED APPLICATION TO:**

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

<b>APPLICANT:</b>	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
<b>APPLICANTS AGENT:</b>	THE PROPERTY GROUP C/-ALICE BLACKWELL
<b>OPERATOR / CONSENT HOLDER:</b>	UNION VICTORIA MOTEL C/- YUE SUN & EDITH YAN
<b>ADDRESS:</b>	26-28 VICTORIA STREET, ROTORUA
<b>RESOURCE CONSENT NUMBER:</b>	RC17673
<b>LEGAL DESCRIPTION:</b>	LOT 1 DPS 23548
<b>APPLICATION STATUS:</b>	NON-COMPLYING ACTIVITY
<b>ZONE AND DISRICT PLAN OVERLAYS:</b>	RESIDENTIAL 2 – MEDIUM DENSITY RESIDENTIAL
<b>REPORT:</b>	SECTION 42A – COUNCIL OFFICERS REPORT
<b>NOTIFIED:</b>	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 Union Victoria 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 22<sup>nd</sup> 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 24<sup>th</sup> 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 11<sup>th</sup> May 2022.
4. The applicant requested that the application be publicly notified on the 11<sup>th</sup> May 2022. The application was publicly notified on 11<sup>th</sup> June 2022 along with 11 other CEH applications. A 13<sup>th</sup> application was notified on 6<sup>th</sup> August 2022. Notice of the application was 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, six submissions were specific to the subject site. The other 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 RESZ-R2(1) 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 Panel will determine the weight to be given to this report and to any other evidence or submissions that are presented when making their decision.

## 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 Panel determine that consent should be granted.

## THE SITE AND SURROUNDING ENVIRONMENT

### SITE DESCRIPTION

14. The site is located in the Residential 2 Zone (**RE22**), on the corner of Victoria Street and Union Street, Rotorua. The site is made up one parcel outlined below:

District Plan Zone	Legal Description	Area (m <sup>2</sup> )
Residential 2 Zone (RE22)	Lot 1 DPS 23548	2225



Figure 1 – District Plan zones with the subject site outlined in red. The yellow is RESZ2 and the orange is City Centre Zone 2 (CCZ2).

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

*The site... has its main entrance located on Victoria Street as well as a secondary entrance onto Union Street. A manager's unit is in the site's north-eastern corner. There is an existing single storey building in the site's north-western corner containing two units, with the remaining 18 units located within a two storey L shaped building in the south-western corner of the site. The site also has a swimming pool, thermal baths and a games room.*

*The Union Street frontage is densely vegetated behind an existing close boarded timber fence. The Victoria Street frontage has an existing white picket fence with vegetation framing either side of the main entrance...*

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

Type of unit	No. of units	Max No. of occupants
Studio unit	12	36
One bedroom unit	4	20
Two bedroom unit	4	22
<b>Total</b>	<b>20</b>	<b>78</b>

*There is a minimum of one carpark per unit, plus a manager's carpark, located within the subject site. There is a shared laundry facility on site, which can be used by the site occupants.*

16. The motel has been used as emergency housing since May 2018. The motel has been in use as MHUD CEH since 1 July 2021.

## SURROUNDING AREA

17. The immediate surrounding environment includes the Rotorua Central Mall shopping centre to the north, tourist accommodation to the west, and a mix of residential properties and tourist accommodation facilities to the east and south of the site.

18. Victoria Street is an Urban Collector Road and Union Street is a local road.

19. In the wider context, the Rotorua Central Mall shopping centre runs the length of Victoria Street. Land-use along Victoria Street is a mix of residential and tourist accommodation, with commercial being the predominant use west of the site, and residential and tourist accommodation the predominant use to the east of the site towards the Rotorua CBD.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, green – tourist accommodation, yellow – emergency housing (uncontracted), purple – commercial activities, all other sites are residential).

## LOCAL AMENITIES AND SOCIAL INFRASTRUCTURE

20. Rotorua Central Mall shopping centre has a supermarket, chemist, bank and food market, as well as other retail outlets.

21. A skate park and drainage reserve (not maintained as a rec reserve) is located on the corner of Ranolf Street and Pererika Street, approximately 450m from the subject site. There is also a wide berm (not useable green space) on the corner of Ranolf Street and Victoria Street approximately 250m from the site. Rotorua Community Youth Centre is located approximately 500m east of the site across Fenton Street, this consists of an indoor centre, outdoor open space and a basketball court.

22. Rotorua Intermediate School is located approximately 550m west of the site on Pretoria Street. St Mary’s Catholic School is located approximately 800m south of the site. Rotorua Boys High School and Rotorua Girls High School are both in are both in close proximity to the site.

## RECORDS OF TITLE REVIEW

23. The Record of Title (SA22A/346) is subject to Section 15 Rotorua Town Lands Act 1920 and Section 387B Municipal Corporations Act 1954. These interests relate to the Crown reservation of rights to minerals and other resources, and the design and construction of buildings to resist earthquake shocks.

24. There are no interests registered on the Record of Title that would restrict the proposal from proceeding.

## CONSENT HISTORY

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

Reference number	Date of issue	Details
RC3597	18 May 1976	Conditional Use to enable a motel complex
Unknown	8 December 1976	Amalgamation of lots
Unknown	26 February 1981	Use of Site for Motel Purposes

26. None of the above consents would restrict the proposal from proceeding. 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

27. 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.

28. The application was initially for a maximum of 78 occupants (excluding staff) accommodated in 20 units. There are 12 studio units, 4 one-bedroom units, and 4 two-bedroom units. The applicant has recently stated an intention to reduce the maximum occupancy level to 56 occupants (excluding staff and children under 18 months old)<sup>1</sup>. The applicant has also identified that two units (units 7 and 9, studio units) are being used by the housing service provider. It is assumed that these units would be needed on an ongoing basis by the housing service provider to undertake its on-site support services (outlined below). This effectively reduces the available number of units for use by CEH occupants from 20 to 18 (i.e., within 10 studio units, four one-bedroom units and four two-bedroom units).

29. Full-time management and supervision will be provided, with managers accommodation located onsite.

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<sup>1</sup> Further information received from the applicant dated 9 September 2022

30. The applicant proposes no modifications or change to the layout of the buildings within the site.
31. 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 offered as an “*Augier*”<sup>2</sup> 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.
32. 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.
33. Regarding the length of time occupants will stay in cCEH, the applicant stated the following<sup>3</sup>:
- ...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.*
34. The Agent<sup>4</sup> has confirmed the use of the site for CEH for a maximum of five years followed by reversion back to tourism accommodation.
35. For further detail on the proposal, please refer to Section 3 of the application. Figure 3 below outlines the site plan.

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<sup>2</sup> 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.

<sup>3</sup> Response to matters raised in the Request for Further Information – RC17673, 26-28 Victoria Street/5 Union Street

<sup>4</sup> 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

## ACTIVITY STATUS

36. The activity status for each application is discussed in detail in the Overview Report.
37. In summary, the proposal for CEH at 26-28 Victoria Street/5 Union Street has been assessed as a **Non-Complying Activity** pursuant to Rule RESZ-R2 of the District Plan.

## NOTIFICATION AND SUBMISSIONS

38. The application was publicly notified on 11<sup>th</sup> June 2022 (along with 11 of the other 12 CEH applications) <sup>5</sup>. 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

39. 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

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



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.

40. Those submitters who provided a submission specific to Union Victoria Motel are addressed below.

Submitter Name/no.	Oppose/Support	Wish to be Heard	Submitted on other applications	Submission Summary
Ting Jiang (343)	Oppose	Yes	No	<p><u>Local resident or motelier of adjacent motel</u></p> <ul style="list-style-type: none"> <li>• To many emergency housing residents</li> <li>• Not safe</li> <li>• Noisy</li> </ul> <p>It is noted that this submitter put their address and contact details as Accolade Lodge Motel. This motel has been identified operating as an uncontracted emergency housing provider. This submitter may be a trade competitor with the subject site. If so, this submission must be disregarded in accordance with Section 104(3)(a)(i) of the RMA.</p>
Jennifer Murray (353)	Oppose in part	TBC	No	<p><u>Adjacent resident</u></p> <ul style="list-style-type: none"> <li>• Need for emergency housing</li> <li>• Concerned that consent will be extended beyond five years</li> <li>• Out of town tenants</li> </ul> <p>Would support the application if the following were put in place:</p> <ul style="list-style-type: none"> <li>• No “right of renewal” or extension to the five-year consent period</li> <li>• Council having a robust plan in place to ensure the motel’s return to tourist accommodation in 5 years i.e., a sinking lid policy</li> <li>• Onsite support services are ensuring. Remove title for support services so that another service provider could be used if necessary</li> <li>• Robust monitoring on the performance of the service providers</li> <li>• Temporary fencing is replaced with permanent high security fencing</li> <li>• Only one entrance to the site</li> </ul>

				<ul style="list-style-type: none"> <li>• Landscaping is maintained to a good standard (currently an eye-sore)</li> <li>• Motel does not turn up the geothermal pressure to the extent that it overflows onto their property</li> <li>• Proper implementation of the SMP</li> <li>• Occupants are residents of Rotorua</li> </ul>
David Gahan (356)	Oppose	Yes	No	<u>Owner of neighbouring property (lives in South Island)</u> <ul style="list-style-type: none"> <li>• Questions internal layout of units and whether the proposal meets the fire guidelines and safety protocols</li> <li>• Questions the intentions of the motelier from a financial perspective</li> </ul>
Shaun Gahan (363)	Oppose	TBC	No	<u>Owner of neighbouring property (lives overseas)</u> <ul style="list-style-type: none"> <li>• Turning Union Street into a “slum”</li> <li>• Devalues properties</li> <li>• Increase in crime</li> <li>• Bad for tourist reputation</li> </ul>
Dr Kirk Torr and Ms Donna Webster	Oppose	TBC	RC17887 RC17889	<u>Landlords of neighbouring properties</u> <ul style="list-style-type: none"> <li>• Anti-social behaviour</li> <li>• Excessive noise</li> <li>• Rotorua’s reputation</li> <li>• Neighbourhood safety</li> <li>• Value of rental property</li> <li>• Out of town occupants</li> </ul>
Richard Shand (143)	Support	No	RC17648 RC17892 RC17893 RC17647 RC17650 RC17661 RC17887 RC17891 RC17662 RC17890 RC17889	<u>Local resident</u> <ul style="list-style-type: none"> <li>• Supports CEH motels located off Fenton Street</li> <li>• Desperate need to house people since the covid pandemic</li> <li>• CEH motels not located on Fenton St appear to have better management, and are not an “eye sore” to visitors</li> <li>• Reduce term from 5 years to 2-3 years as Kāinga Ora’s housing programme should be operational during that period</li> <li>• CEH occupants who are not originally Rotorua residents should return to hometown if</li> </ul>

				occupancy numbers of CEH exceed availability
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## SECTION 104 ASSESSMENT

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

41. 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

42. 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

43. 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.”*<sup>6</sup>

44. 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.”*<sup>7</sup>

45. 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”*.

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

#### External Amenity Effects

##### Victoria Street and Union Street

47. The subject site has frontage to both Victoria Street and Union Street. The main vehicle access to the site is on Victoria Street. This frontage is characterised by motel signage, motel buildings, white picket fencing, and some landscaping. Temporary cones and fencing are situated across the main vehicle access. The Union Street frontage is fenced with a solid 1.5m

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

<sup>7</sup> Rotorua District Plan, Part 3 Area-Specific Matters, Residential Zones, Introduction.

fence and hedging, the exception being the site's secondary access which is currently blocked off with temporary fencing.

48. These aspects of the site (except the temporary fencing and cones) 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.
49. One submitter has described the landscaping around the boundary of the site as an "eyesore", and other submitters have commented that Union Street is turning into a "slum" and that the occurrence of CEH at the subject site is devaluing their property.
50. The site was visited on the 22<sup>nd</sup> September 2021. The boundary hedging along Union Street had recently been trimmed and trimmings were still piled up on the ground within the boundary. The landscaping along Victoria Street was unkempt, and the picket fencing was covered in grime. Temporary fencing was located across both accesses, a high temporary fence at the Union Street frontage, and a movable temporary fence with cones across the Victoria Street frontage.
51. The SMP included within the application states that the motel operator is responsible for maintenance of the gardens and outdoor areas. At the time of the site visit, this was not being implemented. The RESZ2 Zone does not have any landscaping requirements, relying on "street trees to soften the built environment", however, the landscaping around the boundary of the site is existing and could be maintained to a standard which would improve the amenity of the site, especially when viewed from neighbouring properties.
52. It is recommended that a consent condition be imposed on the subject site to ensure the site boundary landscaping is well improved and maintained<sup>8</sup>. Furthermore, it is recommended that the signage associated with the motel is removed<sup>9</sup>. These aspects will maintain the attractiveness of the streetscape.

#### Boundaries with Neighbouring Properties

53. The western boundary of the site adjoins the Accolade Lodge Motel and residential units. The Accolade Lodge Motel has been identified as providing un-contracted emergency housing<sup>10</sup>. A 1.8m-2m high solid fence runs the length of the western boundary.
54. The southern boundary of the site adjoins a residential property. A 1.8m-2m high fence also runs the length of this boundary. A submission was received from the owner of this property; however, they raised no boundary specific issues apart from the geothermal pressure overflow pipe spraying water onto their property on numerous occasions.

#### Conclusion

55. Provided the existing external boundary treatments and landscaping features (established vegetation and trees, hedging, 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

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<sup>8</sup> Refer to recommended condition 16 in Appendix 1.

<sup>9</sup> Refer recommended condition 23 in Appendix 1

<sup>10</sup> Refer to Overview Report, page 9.

that consent conditions be imposed on the activity to ensure ongoing maintenance of these external boundary treatments and landscape features<sup>11</sup>.

### **Internal Amenity Effects**

#### Length of Stay

56. 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.*

57. 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.

58. 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

59. In RESZ2, a minimum of 10% of the net site area is required to be provided as outdoor recreation and amenity space divided between each dwelling<sup>12</sup>. A number of objectives and policies require or encourage outdoor living space, which is addressed further in this report.

60. There is no private outdoor space on site. The site plan shows shared open space located outside units 1 and 2 and adjacent to the managers accommodation. The site plan also shows a children's playground along the western boundary of the site behind units 4-6. When the site visit was undertaken, the children's playground had not been established. It is acknowledged that the site visit was undertaken in 2021, while the updated site plan was not provided until May 2022 (as part of the RFI), so the playground may now be in situ.

61. During the site visit, the open space shown adjacent to units 1 and 2 appeared to be exclusively for these units (site layout and location of fencing), and the open space to the east of the managers accommodation appeared to be exclusively for the manager's use (again site layout and fencing).

62. There is a small balcony or patio located at the front of each unit in the L-shaped building, typically with a chair or table. The ground floor patios open straight up on the carpark.

63. On the southern half of the site, the space between the units and the southern and western boundaries appeared unused and unsafe for use due to various broken household items strewn around and exposed pipes.

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<sup>11</sup> Please refer to recommended conditions 16 in Appendix 1.

<sup>12</sup> RESZ-S3(6)(a)



Images 1 and 2: Open space adjacent southern and western boundaries of the site.

64. It is noted there is no direct access from the units to these areas and it is unlikely these areas were used extensively by tourists. However, with patterns of use changing on the site and CEH occupants staying on site for extended periods of time, it would seem appropriate to utilise some of this outdoor space for occupant's use, especially for tamariki. To allow for a portion of land on the western boundary to be utilised as a children's playground (as shown on the Site Plan), the SMP will need to be amended to remove the following from section 2.8:

*No recreational equipment will be placed within five metres of the neighbouring residential boundary fences.*

65. The above is a noise management measure within the SMP. This has been discussed further in paragraph 100 of this report.

66. It is recommended that conditions of consent be imposed to keep the internal open space well maintained and to fence off any unsafe areas (i.e. around the geothermal pressure pipe.)<sup>13</sup>

67. Overall, the site does not provide a high level of internal amenity due to the lack of private outdoor space and usable shared outdoor living space.

#### Suitability for children

68. Ms Collins has rated the site "unacceptable" for children six months to three years, and three to seven years due to the lack of fencing and the location of the outdoor areas. This could be raised to "low" if the open space adjacent to units 1 and 2 were fully fenced.

69. The lack of space to gather for the eight to twelve-year-old and the thirteen to eighteen-year-old age groups has been mitigated due to Sheaf Park being located approximately 500m from the site. The subject site is therefore rated "low" for these two age groups.

70. It is recommended that the open space adjacent to units 1 and 2 be fully fenced to allow this space to be suitable for the six months to three years, and three to seven years age groups.

71. Ms Collins has also recommended repurposing some carparking spaces to increase the size of communal space. This would be beneficial for the eight to twelve, and thirteen- to eighteen-year-old age groups. It is recommended that this be included as a condition of consent.

<sup>13</sup> Refer to recommended condition 19 in Appendix 1.

72. 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. Whilst 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.

#### Occupancy Rate

73. The applicant originally proposed a maximum occupancy rate of 78 CEH occupants across 20 units (excluding infants under 18 months).

74. The applicant has recently stated an intention to reduce the maximum occupancy level to 56 occupants (excluding staff and children under 18 months old)<sup>14</sup>. The applicant has also identified that two units (units 7 and 9, studio units) are being used by the housing service provider<sup>15</sup>. It is assumed that these units would be needed on an ongoing basis by the housing service provider to undertake its on-site support services (outlined below). This effectively reduces the available number of units for use by CEH occupants from 20 to 18 (i.e., within 10 studio units, four one-bedroom units and four two-bedroom units).

75. The applicant has provided details of actual occupancy rates for the CEH activity on the site over an eight-month period. This data shows that the average occupancy level of the CEH activity on site is 34 CEH occupants (an occupancy rate of 44%). This data also shows the maximum occupancy rate over the same period was 46 CEH occupants in February 2022.

76. A number of submitters have raised concerns of overcrowding within the units. Some of these submitters referenced Statistics NZ, whereby *“there should be no more than two people to a bedroom but that couples and children of certain ages can share a bedroom”*<sup>16</sup>.

77. The measure used by Statistics NZ is the Canadian National Occupancy Standard (**CNOS**) and is regarded as a *“best fit for the New Zealand context”*<sup>17</sup>. The New Zealand Deprivation Index uses CNOS as an indicator of crowding<sup>18</sup>. Applied to the subject site, the proposed occupancy rates may result in crowding<sup>19</sup>. To avoid crowding, there would generally need to be a limit of two people per bedroom.

78. The site visit did not involve entering any of the units. There is limited information on the types and size of families that have typically stayed within the motel (since it has been CEH) and the size of the units (in m<sup>2</sup>) or the number of beds within each room. It is also not clear as to what criteria is applied for the allocation of units to families. It is expected that the applicant can provide this information in the course of the hearing.

79. The following information has been provided on the types of units<sup>20</sup>:

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<sup>14</sup> Further information received from the applicant dated 9 September 2022

<sup>15</sup> Response to request for further information – RC 17673 – 26-28 Victoria Street/5 Union Street.

<sup>16</sup> 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](http://www.stats.govt.nz)

<sup>17</sup> Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz)

<sup>18</sup> Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from [www.stats.govt.nz](http://www.stats.govt.nz)

<sup>19</sup> As defined by Statistics NZ

<sup>20</sup> This table has not taken into consideration the new proposed occupancy rate.

Type of unit	No. of units	Max No. of occupants
Studio unit	12	36
One bedroom unit	4	20
Two bedroom unit	4	22
<b>Total</b>	<b>20</b>	<b>78</b>

Figure 4: Configuration of units at 26-28 Victoria Street

80. It is recognised that the reduced occupancy limit may not meet the objective of CEH which is to house whānau/family with tamariki/children. This has been considered when recommending the maximum occupancy rates for this site.
81. The Union Victoria Motel provides studio, one-bedroom and two-bedroom units, two-bedroom units, and therefore families could be placed in the two-bedroom units, or large families in more than one unit.
82. The site has been given an “unacceptable” rating for younger ages groups. This could be lifted to “low” for units 1 and 2, subject to fencing. The rating for older ages groups is “low”. The site also does not provide a high level of amenity in the form of shared outdoor living space. These factors have been considered when recommending the below maximum occupancy rates, which are in line with the CNOS standard:
- Children between the ages of six months and seven years old are permitted to reside in units 1 and 2 if the outdoor area directly accessed by these units is fully fenced;
  - Children between the ages of six months and seven years old are not permitted to reside in any other units than units 1 and 2;
  - Studio units may accommodate a maximum of two people (excluding children under six months);
  - One-bedroom units may accommodate a maximum of two people (excluding children under six months old); and
  - Two-bedroom units may accommodate a maximum of four people (excluding children under six months old).
83. This would result in a maximum occupancy of 44 CEH occupants across the whole site, which is more than both the average occupancy (at 34 CEH occupants) but slightly less than the maximum occupancy levels (46 CEH occupants) over the previous 18 months.
84. 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 in her evidence.
85. 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.*



86. 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.*

87. 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 basis<sup>21</sup>. With that condition and details in the SMP (which the applicant has already offered as a condition), site occupancy will be managed.

88. 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.

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

### Conclusion

90. 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. While 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, subject to conditions of consent.

## **TRANSPORTATION EFFECTS**

### **Parking and Access**

91. The site has existing vehicle crossings onto Victoria Street (entrance and exit) as well as Union Street (exit only). The Union Street exit will be closed for the duration of the activity.

92. The applicant states there are at least 21 carparks available on site, though there appear to be only 18-19 carparks provided on-site, including one accessible park.

93. There are no minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020<sup>22</sup>.

94. 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**

95. The applicant has proposed the maximum occupancy for the site based on the maximum occupancy of the motel, which is 78 occupants. It is recommended that the occupancy rate of

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<sup>21</sup> Please refer to condition 36 in Appendix 1.

<sup>22</sup> Policy 11

the motel is reduced to 56 CEH occupants. With the reduction in CEH occupants on the site, it is expected that the traffic generation will also reduce.

96. Having regard to the existing environment, transportation effects associated with the proposal are assessed as acceptable.

## **NOISE EFFECTS**

### **Noise from Emergency Housing**

97. The applicant has not applied to breach the noise standards within the District Plan. Potential noise effects from non-compliance with the household unit density standard 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).
98. Several submitters also raised concerns regarding an increase in police sirens, motor vehicles, and noise from CEH occupants (yelling, late night parties, etc.). Noise that is generated off-site (such as police sirens and motor vehicles) cannot be directly linked to Union Victoria Motel. However, noise that is generated on-site (such as noise from CEH occupants) can be managed through consent conditions.
99. The applicant proposes the implementation of the SMP to manage potential noise effects. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, and compliance with the noise limits of the District Plan. Furthermore, the SMP outlines that no visitors, alcohol, or drugs are permitted on site, and it provides management measures regarding the de-escalation of conflict. CEH occupants must agree to these rules and sign a Rules of Stay Agreement before moving into a CEH housing unit.
100. It is noted that this report has recommended the removal of one of the noise management measures in the SMP to allow for a children’s playground to be located within 5m of the western boundary. It is recommended that the SMP be further amended as to restrict the use of this playground from 8am to 7pm<sup>23</sup>.
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 complaints<sup>24</sup>.
102. With the above management measures in place, any potential noise effects from the proposed activity are acceptable.

## **INFRASTRUCTURE**

103. Regarding infrastructure, the applicant has stated<sup>25</sup>:

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<sup>23</sup> The current SMP restricts the use of outdoor facilities to 8am to 8pm. The 7pm time limit is recommended due to the proximity of the playground to the boundary and for consistency with the District Plan’s noise limits.

<sup>24</sup> Refer recommended strategic conditions attached to the Overview Report

<sup>25</sup> Section 5.7

*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 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 is provided in the Overview Report.

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

## **RESIDENTIAL 2 ZONE**

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

### Activities in a Residential Zone

- *RESZ-O1: A high level of amenity that provides residents with:  
1. A northerly outlook*

2. *Side and rear yards that provide aural and visual amenity*
  3. *Residential levels of noise*
  4. *Safe parking and turning areas where required*
  5. *Street surveillance*
  6. *Orientation to maximise energy efficiency*
- *RESZ-P1: Require yards and protection of daylight planes to provide for privacy and outlook to reduce the adverse effects of noise between household units and the character of the streetscape.*
  - *RESZ-P2: Manage the siting of household units on adjoining land to protect the privacy, outlook and amenity of residents.*
  - *RESZ-P3: Require on-site outdoor space for each household unit.*
  - *RESZ-P4: Ensure the design and location of access, on-site parking and turning areas do not detract from the safe and efficient functioning of the transport network or dominate the streetscape.*
  - *RESZ-P5: When considering a resource consent application, require the landscaping to mitigate the adverse effects of activities and to enhance the character and amenity of the zone.*

114. 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.

115. Approximately half of the units have a northerly outlook, which should provide residents of those units with ample sunlight. The remainder of the units are facing east so will have morning and afternoon sun. All ground floor units open directly onto the parking area and there is no private outdoor space on site. There is a small outdoor shared area for units 1 and 2, and a proposed children's play area along the western boundary. Overall, the site does not result in a high level of amenity as required by RESZ-O1.

116. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network. However, with the lack of open space, there may be some safety concerns with children playing in parking areas on the site. The recommended conditions (relating to young children residing on the site) will address these safety concerns.

- *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*

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

118. Approximately 42% of the site area is occupied by the existing buildings with the remainder of the site being taken up by hard surfacing for vehicles (parking and manoeuvring) and some green space around the boundary of the site.
119. The buildings are a mix of single and two-storey buildings.
120. 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.*
121. 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 several units). 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 occupants on-site, including managing any anti-social behaviour.
122. 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.*
123. As assessed above, the design of the site is consistent with the character of the zone.

124. Approximately half of the units have a northerly outlook, which should provide CEH occupants of those units with ample sunlight. The remainder of the units are facing east so will have morning and afternoon sun.

125. There is limited usable outdoor space on site for CEH occupants. Any permanent fencing installed across the Union Street access should still provide some passive surveillance of the street.

## **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.

## Conclusion

127. Overall, the proposal is consistent with the objectives and policies contained in the Noise Chapter of the District Plan.

128. The proposal is generally consistent with the objectives and policies of the Residential Chapter that relate to the design and appearance, and character of the zone.

129. However, there are several objectives and policies that require and encourage household units to provide outdoor space. As the proposal does not provide any private open space, and only limited shared open space, it is inconsistent with these objectives and policies.

## **CONCLUSION**

130. A conclusion on the assessment of effects is provided at paragraph 110. This determines that the adverse effects of the activity on the environment of a site-specific nature will be acceptable, with the adoption of the recommended conditions.

131. A conclusion against the objectives and policies of the District Plan is provided at paragraph 127-129. This determines that on balance, the proposal is generally consistent with the objectives and policies of the District Plan.

## **CONDITIONS AND ADVICE NOTES**

132. 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 22 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 17673– 26-28 Victoria Street / 5 Union Street*"
- 2 The consent holder shall be Yue Sun and Edith Yan (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 40 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 44 occupants (excluding children under six months of age) shall be permitted to reside within the 18 contracted emergency housing units.
- 8 Children between the ages of six months and seven years old are not permitted to reside in any other units than units 1 and 2.
- 9 Children between the ages of six months and seven years old are permitted to reside in units 1 and 2 if the outdoor area directly accessed by these units is fully fenced.

- 10 Studio units shall accommodate a maximum of two people (excluding children under six months).
- 11 One-bedroom units shall accommodate a maximum of two people per unit (excluding children under six months of age).
- 12 Two-bedroom units shall accommodate a maximum of four people per unit (excluding children under six months of age).
- 13 To avoid doubt, this resource consent does not:
  - d) Restrict the length of stay for occupants in the contracted emergency housing units (see Advice Note 1 referring to Building Act requirements); or
  - e) Limit the number of people residing in the Manager's Accommodation.

### **Record Keeping**

- 14 A record shall be maintained at all times that states:
  - f) The total occupancy numbers across the whole site;
  - g) The length of stay of occupants;
  - h) The number of people within each unit;
  - i) Ages of children; and
  - j) The details of any complaints received and any incidents where security staff intervention has been required.
- 15 The information listed in Condition 12 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 40.

### **Landscaping and Planting**

- 16 The existing landscaping and planting on the site shall be retained and maintained for the duration of the consent. This includes the following:
  - k) The trees, hedging and vegetation at the Victoria Street frontage;
  - l) The trees and vegetation at the Union Street frontage; and
  - m) The vegetation along all other boundaries of the site.
- 17 The landscaping and planting baseline referred to in Condition 17 shall be marked on the Site Layout Plan and photographed and supplied to Council within one month of the commencement of the consent.
- 18 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.

### **Open Space**



- 19 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. Any hazardous areas onsite shall be fenced and have restricted entry.
- 20 The dedicated children’s play area as shown on the Site Layout Plan shall be retained for the duration of the consent.
- 21 Parking spaces adjacent the closed access to Union Street shall be repurposed as a shared open space. This area shall be separated, with a fence or similar, from all parking and manoeuvring areas on-site.
- 22 The shared space to the west of units 1 and 2 shall be securely fenced.

**Motel Signage**

- 23 The consent holder shall remove all physical motel signage for the duration of the consent. This includes, but is not limited to, the following:
  - n) Any sign that identifies the site as a motel.
  - o) Any vacancy / no vacancy sign.
- 24 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.
- 25 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**

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

**External Boundary Fencing**

- 27 All external boundary fencing shall be maintained in the same or similar form to the existing fencing to provide privacy and security for contracted emergency housing occupants and adjoining neighbours.

**Waste Storage**

- 28 Waste storage areas shall not be visible from the road frontage or residential properties.

**Traffic Management**

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

**Noise**

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

Daytime	7am to 7pm, any day except public holidays	50 dB LAeq (15 min)
Evening	7pm to 10pm any day except public holidays	45 dB LAeq (15 min)

Night-time and public holidays	At all other times	40 dB LAeq (15 min) 70 dB LAmax
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31 Noise levels from the activity shall not exceed the following limits when measured at any point within the boundary of a neighbouring commercially zoned site:

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

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

33 The site shall be capable of meeting an internal road-traffic design sound level of 40dB LAeq inside all habitable rooms.

#### **Glare and Light**

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

#### **On-site Management**

35 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.

36 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:

- p) Details of on-site managers responsible for implementation of the SMP and the implementation of this resource consent.
- q) 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.
- r) 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

- s) Details of site maintenance including:
  - i. Daily tidying of the property and street berms to ensure the site contributes to an attractive streetscape
  - ii. Daily removal of rubbish and graffiti from the property and street berms
  - iii. Daily removal of shopping trolleys from the property and street berms
  - iv. Maintenance of landscaping and planting
  - v. Programmed maintenance of all buildings
- t) Effective noise management measures to avoid, remedy or mitigate potential noise nuisance
- u) The process for dealing with complaints

### **Bond**

- 37 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.
- 38 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.
- 39 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.
- 40 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.
- 41 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**

- 42 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, and reducing the term of consent.

## **APPENDIX 2: ADVICE NOTES**

### **Building Act**

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

### **Waste Management**

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

### **Right of Objection**

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

### **Monitoring of Conditions**

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