

**Before Independent Hearings Commissioners
Rotorua Lakes Council**

**In the matter of 13 applications for resource consent for
contracted emergency housing by Te Tūāpapa
Kura Kāinga Ministry of Housing and Urban
Development**

Statement of evidence by Alice Blackwell

5 October 2022



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Statement of evidence by Alice Blackwell

1 Executive Summary

- 1.1 I am providing planning evidence on behalf of Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (MHUD) in relation to the 13 resource consent applications for Contracted Emergency Housing ('the Applications') at 13 sites in Rotorua.
- 1.2 Contracted Emergency Housing (CEH) is emergency accommodation where an entire motel / hotel is contracted for the purpose of providing emergency housing.
- 1.3 My overall opinion is that all 13 applications can be granted, subject to the conditions.
- 1.4 In my opinion all 13 applications meet both limbs of s104D:
 - (a) The proposal can pass the effects test of s104D(1)(a) of the RMA that the adverse effects of the activity on the environment will be minor. This is also the position of Mr Batchelar (subject to the imposition of conditions) as outlined in his s42A Council overview report.
 - (b) The proposal will not be contrary to the objectives and policies of the relevant plan or relevant proposed plan and therefore passes the objectives and policies threshold in s104D(1)(b). This too was the position of Mr Batchelar.
- 1.5 I have included my comments on the recommended conditions in the s42A report in Section 13 of this evidence. I will provide an updated set of recommended conditions prior to the hearing.
- 1.6 I do not consider the strategic conditions recommended in the s42A overview report should be imposed on each resource consent application. In my opinion, many of these conditions are vague, would be difficult to enforce, are unnecessary, and do not relate to the specific effects on each site.
- 1.7 I consider scale and intensity (except in relation to an overall maximum occupancy) is best managed by allowing the Service Providers

reasonable discretion to apply their expertise and not through prescriptive conditions which may have unintended consequences.

- 1.8 While not necessarily problematic to the operation of CEH, in my opinion, conditions should not be imposed that replicate the permitted activity standards in the ODP (such as in relation to traffic management, noise, glare and light). I do not agree with Mr Batchelar that a bond condition is necessary.
- 1.9 I have relied on, and agree with, the evidence of other experts in informing my opinion as follows:
- (a) The evidence of Ms Healy, that the social impacts of CEH are negligible or at most minor and that these potential impacts can be managed through conditions of consent.
 - (b) The evidence of Ms Hampson and Mr Eaqub, that that the potential economic effects of CEH are acceptable.
- 1.10 Mr Batchelar notes that there remain some outstanding matters where further information, clarification or agreement is required and I address some of those matters in my evidence.
- 1.11 On balance, I consider that the Proposals provide an acceptable interim solution for people who do not have suitable alternative housing options. I consider the proposal meets s104 requirements and is consistent with Part 2 of the RMA.

2 Introduction

- 2.1 My name is Alice Jane Blackwell, and I am a Senior Planner at The Property Group Limited, based in Wellington.
- 2.2 I am providing planning evidence on behalf of Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (MHUD) in relation to the 13 resource consent applications for Contracted Emergency Housing at 13 sites in Rotorua.
- 2.3 In preparing this evidence I have read the evidence of MHUD's social and economic experts, the public submissions, the Council's s42A Officer's Report, and Rotorua Lakes Council's (RLC) expert economic, social and 'children's right to play' evidence.

3 Qualifications and Expertise

- 3.1 I hold the qualifications of a Bachelor of Arts in Geography and Economics and a Master of Regional and Resource Planning from the University of Otago. I am an Intermediate Member of the New Zealand Planning Institute.
- 3.2 I hold the position of Senior Planner at The Property Group Limited. I have held this position since November 2019. I have worked with MHUD on the preparation of 14¹ resource consent applications for CEH. I also prepared the resource consent (on behalf of Kāinga Ora) for transitional housing at 265 Fenton Street, Rotorua.
- 3.3 My previous work experience includes more than 12 years professional planning and resource management experience in both the public and private sector in New Zealand. In my role at The Property Group Limited I provide advice on land use and subdivision matters, including the preparation of resource consents and strategic policy advice. I also process resource consents for Wellington City Council and Horowhenua District Council.
- 3.4 As a Senior Analyst at the Ministry for the Environment, I was a member of various resource management teams, including, Planning Practice, Resource Management Tools and Urban and Infrastructure. I worked with local authorities to support their implementation of national direction under the RMA, including the implementation of the National Policy Statement on Urban Development Capacity 2016 (which was replaced by the National Policy Statement on Urban Development 2020).
- 3.5 Prior to this I held the position of Resource Consents Planner at the Wellington City Council (WCC) where I processed hundreds of land use and subdivision consents on behalf of WCC.
- 3.6 I am familiar with the Proposals, having been involved in the preparation of the consent applications under consideration. I have visited all of the motel sites at least twice² both at the time of helping to prepare the applications and in preparing this evidence. I have also attended meetings

¹ The application for CEH at 2 Monokia Sreet (Rotorua International Motor Inn) was withdrawn after MHUD cancelled the contract for CEH at this site.

² Except in relation to 284-286 Fenton Street (Emerald Spa Motel) where I have visited the site once in August 2022.

and been involved in various discussions with Motel Operators and Service Providers.

4 Code of Conduct

4.1 Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the hearing committee. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

5 Scope of Evidence

5.1 In preparing this statement of evidence I have considered the following documents:

(a) The Assessment of Environmental Effects ('**AEE**') and information provided with each of the 13 Applications ('**Applications**').

(b) The Social Impact Assessment (**SIA**) and responses to s92 further information requests;

(c) The submissions made on the Applications;

(d) The statements of evidence of MHUD's corporate and technical experts, including the social and economic evidence;

(e) The National Policy Statement on Urban Development 2020 (**NPS-UD**);

(f) The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**EHS Act**);

(g) The Bay of Plenty Regional Policy Statement (**BOPRPS**);

(h) Rotorua Lakes Council operative District Plan ('**ODP**') and proposed Plan Change 9 to the ODP (**Plan Change 9**);

- (i) RLC's s42A Overview Report prepared by RLC's Consultant Planner Craig Batchelar and site specific s42A reports prepared by RLC's Consultant Planners Charlotte MacDonald and Bethany Bennie;
 - (j) The statements of evidence of RLC's technical experts, including economic evidence (by Natalie Hampson), social impact evidence (by Rebecca Foy) and landscape architecture evidence focused on 'the right of the child to play' (by Sarah Collins);
- 5.2 I am familiar with the location of each site and its immediate surrounds and I have visited each site, most recently in August 2022.
- 5.3 I set out my evidence under the following headings:
- (a) Project Description (the Proposals)
 - (b) Consent Requirements and Activity Status
 - (c) Permitted Baseline and Existing Environment
 - (d) Assessment of Effects
 - (e) Relevant Statutory Framework
 - (f) Conditions of consent
 - (g) S104D Gateway Test
 - (h) Part 2 Analysis
- 5.4 Given the nature of the Proposals and the hearing structure adopted by the Independent Hearing Panel (the Panel), I have prepared my evidence at two levels. My Primary Evidence covers broad matters that are relevant to all Applications and at Annexure 1-13 I provide evidence on matters more relevant to each individual Application.
- 5.5 Motel Operators, Service Providers and MHUD will be providing additional statements of evidence prior to the hearing. The purpose of these statements is to provide the Panel with information on how CEH operates in practice. In places in my evidence below I rely on draft statements I have seen. I will provide the Panel with my updated opinion, should this change based on what is provided in these operational statements.

6 Project Description (the Proposals)

- 6.1 Resource consent is sought to operate Contracted Emergency Housing (CEH) from 13 existing motels / hotels in Rotorua. The Proposals have been comprehensively described in each respective Application and summarised in the Officer's Report. I generally agree with those descriptions and do not repeat them here.
- 6.2 In summary, the Proposals are to use existing motel / hotel accommodation to provide emergency accommodation. The entire motel / hotel is contracted for the exclusive use of those requiring emergency housing and is not available for other guests.
- 6.3 CEH is primarily for whānau with children or rangatahi (young people) and disabled people. Each motel / hotel has on-site support services and 24/7 security provided and managed by a dedicated Service Provider. Whānau are placed in CEH after a two-step triaging process by Te Pokapū.
- 6.4 The Proposals are to operate CEH at the following sites in Rotorua:

Table 1: List of Application sites and current Service Provider

No	Address	Name	Service Provider	ODP zone
1	16 Sala Street, Whakarewarewa	Alpin Motel & Conference Centre	Visions ³	COMZ 4
2	284-286 Fenton Street, Glenholme	Emerald Spa Motor Inn	Visions	COMZ 4
3	299 Fenton Street, Glenhome	Geneva Motor Lodge	Emerge	COMZ 4
4	321 Fenton Street, Glenhome	Malones Motel	Visions	COMZ 4
5	293 Fenton Street, Glenhome	Midway Motel	Emerge ⁴	COMZ 4
6	18 Ward Avenue, Fenton Park	New Castle Motor Lodge	Visions	COMZ 4
7	3 Meade Street, Whakarewarewa	Pohutu Lodge Motel	Visions	RESZ 2
8	131 Lake Road, Koutu	Lake Rotorua Hotel	Visions	COMZ 4 and RESZ1

³ Visions of a Helping Hand Charitable Trust

⁴ Emerge Aotearoa Trust

9	247 Fenton Street and 12 Toko Street, Victoria	Ascot on Fenton	WERA ⁵	COMZ 4 and RESZ 2
10	249 Fenton Street and 8-10 Toko Street, Victoria	RotoVegas Motel	WERA	COMZ 4 and RESZ 2
11	107 Malfroy Road, Victoria	Ann's Volcanic Rotorua Motel	Emerge	RESZ 2
12	26-28 Victoria Street, Victoria	Union Victoria	Visions	RESZ 2
13	7 Tryon Street, Whakarewarewa	Apollo Hotel	WERA	COMZ 3

- 6.5 In respect of all 13 Applications, resource consent is sought for a duration of five years from the date of the decision for each resource consent.
- 6.6 The Applications anticipate that motels / hotels will revert to their former traditional motel / hotel use at the conclusion of five years or at such time that the motels / hotels are no longer being contracted for emergency housing (whichever is sooner).
- 6.7 The 13 Applications are being considered at the same time; however, these are separate resource consents and there is no requirement for the Panel to make the same decision on all 13 applications.
- 6.8 There are some efficiencies in operating 13 CEH sites together, in terms of broader choice for room allocation and support needs, as well as shared services such as the school bus service. However, the sites themselves are operated by each motel operator independently of each other.

Two-Step Triaging Process for referrals to CEH

- 6.9 I understand that the process, from when whānau first present to Te Pokapū as requiring emergency housing, when they are placed in a particular CEH unit, will be outlined in the operational evidence from Lyall Wilson (from MHUD) and in evidence from the Service Providers. What I understand from Mr Wilson and the Service Providers is that the referral and final placement into a suitable CEH operates in the following way:

⁵ WERA Aotearoa Charitable Trust

- (a) **Te Pokapū role:** Those requiring emergency housing approach, or are referred to, Te Pokapū⁶ who assess the needs of that whānau and connect people to the appropriate support services to suit their needs. If whānau are considered best suited to CEH, Te Pokapū contacts a Service Provider to see if they can provide suitable accommodation. All whānau who are placed in CEH have to be triaged through Te Pokapū.
- (b) **Service Providers' role:** After receiving a referral from Te Pokapū, the relevant Service Provider assesses whānau and determines whether they have a suitable room. The Service Providers' assessment considers the obvious requirements in terms of room and bed configuration, but additionally, a broader and at times more complex social needs assessment is also undertaken. The needs assessment considers matters such as:
- The history of whānau and if they have been in a motel managed by the Service Provider before and whether there have been any incidents;
 - Whether the whānau have any gang affiliations or whether there is any history of any domestic violence;
 - The mental and medical needs of whānau;
 - The size of and make-up of whānau. For example, an elderly person or someone with a medical condition, would be considered for a ground floor room, or whānau with a family member who requires more intense supervision might be placed closer to the security / social service office.
 - Other social needs, such as work, schools, travel and social connections.
 - Whether the specific onsite staff at one CEH site may suit the needs of particular whānau.

6.10 I understand that the Service Provider meets face to face with whānau and shows them the room to ensure it can meet their needs. Families are

⁶ A community led housing hub based in the Rotorua CBD – see Appendix A for a diagram of relationships between CEH and Te Pokapū

only allocated a room that can hold the capacity of the family. If no suitable room is available, the whānau will be referred back to Te Pokapū.

- 6.11 I understand that the three Service Providers work together and provide mutually beneficial services, such as a shared school bus service that operates across all 13 CEH sites to pick up and drop off children to and from school each day.
- 6.12 The roles and responsibilities of the Service Providers are described in the Applications, the relevant Site Management Plans. The Service Providers also intend to provide statement of evidence before the hearing.

Motel / Hotel Operators

- 6.13 Motel Operators also have an important role in providing CEH. Each site has an onsite motel / hotel operator, who is responsible for servicing and maintaining the motel buildings and infrastructure. Together the Motel Operator and the Service Providers are responsible for implementing the Site Management Plan.
- 6.14 Aside from general maintenance, some modest fencing and landscaping, and in some cases the establishment of shared spaces such as children's play areas or additional clothes washing facilities, the Proposals do not involve physical works to the existing motel buildings.

7 Consent Requirements and Activity Status

Rotorua Lakes Operative District Plan (ODP)

- 7.1 The CEH resource consent proposals are for activities located in the following District Plan zones:
- Commercial 4 (Sites 1-7)
 - Commercial 4 and Residential 1 (Site 8)
 - Commercial 4 and Residential 2 (Sites 9 and 10)
 - Residential 2 (Sites 11 and 12)
 - Commercial 3 (Site 13)
- 7.2 Further details in terms of the site specific zoning and applicable activity status is provided in Annexures 1-13 of this evidence and are also covered in the Applications themselves and in the Council's s42A

overview report. I agree with the assessment of Mr Batchelar that the Proposals do not fall within the ODP definition of ‘tourist accommodation’ or ‘community housing’⁷. I note that community housing includes emergency housing, but the CEH Proposals all have more than eight people onsite.

Commercial 4 zone

7.3 As outlined in Mr Batchelar’s evidence, arguably for sites located in the Commercial 4 zone, CEH could be considered a restricted discretionary activity pursuant to Rule COMZ-R32 – Household Units, with the support and security services coming within permitted ‘ancillary offices’ (Rule COMZ-R11).

7.4 I agree with Mr Batchelar that the on-site accommodation aspect of CEH falls within the ODP definition of a household unit:

“any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence”

7.5 I consider that there is uncertainty about whether the security and support services can reasonably fall within ‘ancillary office’ provided for under Rule COMZ-R11. ‘Ancillary office’ is not defined in the ODP. ‘Office activity’ is defined as:

“in addition to the ordinary and customary meaning⁸ includes activities carried out in laboratories, computer bureaux, data processing facilities, finance houses, insurance agencies”.

7.6 I consider that security services would fall within the definition of ancillary office, but it is not clear-cut whether the broader services offered by the Servicer Providers, would also fall within ‘ancillary office’. The services are ancillary to the provision of accommodation, but go further than the kind of office function you would associate with motel accommodation.

⁷ See Appendix B for ODP definitions

⁸ Oxford Dictionary definition of ‘office’: *a room, set of rooms, or building used as a place for commercial, professional or bureaucratic work.*

- 7.7 So while I agree with Mr Batchelar that a case can be made that CEH in the Commercial 4 zone of the ODP could be considered as a restricted discretionary activity as household units with ancillary offices, in my opinion, when taking into account the nature of the wider onsite activities collectively, I consider that it is more appropriate that Proposals in the Commercial 4 zone are considered under the catch-all rule COMZ-R1 as non-complying activities.
- 7.8 I acknowledge that this is a more cautious approach. I consider the more cautious approach is appropriate because:
- (a) Each proposal should be considered as a whole. The support services and accommodation are inextricably linked and should be considered together;
 - (b) There is ambiguity over whether the support services would be considered 'ancillary office'. The support services provided are very broad and depend on the need of individual whānau, therefore it is difficult to confirm whether all activities would fall within the definition an ancillary 'office activity';
 - (c) 'Community housing', which includes emergency housing is provided for in the Commercial 4 zone (albeit with an eight person maximum) and therefore concluding that the proposal is 'household units' with 'ancillary office' is more difficult.
- 7.9 However, I do consider that the fact that household units and ancillary offices are both provided for in the Commercial 4 zone as a restricted discretionary activity is a relevant consideration in terms of what the ODP provides for.

Commercial 3 zone

- 7.10 There is one site in the Commercial 3 zone⁹. For the same reasons as outlined above in relation to the Commercial 4 zone, I consider that CEH is a non-complying activity. I note that there are no units located on the ground floor of the building¹⁰.

⁹ Site 13 – 7 Tryon Street, Whakarewarewa – Apollo Hotel

¹⁰ Appendix 2 of Mr Batchelar's evidence incorrectly states that several of the units are on the ground floor of the building. The ground floor contains the Service Provider office (former gym), security office, reception areas and vehicle loading and servicing areas.

Residential 1 and Residential 2 zones

- 7.11 For the reasons discussed in the Applications for Sites 11 and 12 (Ann's Volcanic Rotorua Motel and Union Victoria Motel) CEH is not otherwise provided for in the ODP. As such, in my view, CEH in the Residential 2 zone is a non-complying activity under Rule RESZ-R2 as 'an activity that is not expressly stated in this table'.

Split zoned sites (Residential and Commercial)

- 7.12 Three sites¹¹ have a split zoning with land in both residential and commercial zones. Sites 9 and 10 (Ascot on Fenton and RotoVegas Motel) are adjoining sites located in the Commercial 4 zone at their eastern end, and Residential 2 zone at their western end. RotoVegas also has four units on Toko Street. Three of these units (8a, 8b and 10b Toko Street) are located to the north of Ascot of Fenton CEH facility. A fourth unit (22C Toko Street) falls within the definition of 'community housing' and is therefore a permitted activity.
- 7.13 Site 13 (Lake Rotorua Hotel) has a vacant strip of land located in the Residential 1 zone. While there are no hotel buildings located within this strip of land, the area is used for parking and therefore forms part of the subject site. All of the existing motel buildings, including the outdoor spaces connected to the existing units, main entrance and carparking areas are located within the Commercial 4 zone of the ODP.
- 7.14 For sites located in both the Residential 2 or Residential 1 zone and the Commercial 4 zone resource consent is required under non-complying activity rules RESZ-R2 and COMZ-R1.

Activity Status - Proposed Plan Change 9 – Housing for Everyone

- 7.15 RLC, as a 'specified territorial authority' has prepared and notified an Intensification Planning Instrument¹²(IPI) to:
- (a) Give effect to Policy 5 of the NPS-UD; and
 - (b) Incorporate the MDRS set out in Schedule 3A of the RMA into some residential and some commercial zones.

¹¹ Site 8, 9 and 10.

¹² Required by the Resource Management (Territorial Authorities Required to Prepare and Notify Intensification Planning Instruments) Regulations 2022.

- 7.16 Plan Change 9 was publicly notified on 20 August 2022 (after the 13 resource consent applications for CEH were lodged with the Council). The section 32 report for Plan Change 9 acknowledges that:

“PC9 is not a full plan review, but a focussed suite of changes to enable additional housing capacity and choice through specific zoning, rule and policy changes and to enable more efficient use of urban land. A full review of all the commercial and residential zone provisions and zoning across Rotorua was not undertaken. PC9 is as focussed as possible, and the scope has been deliberately limited to those changes needed to implement the intensification policies of the NPS-UD and the Amendment Act, as required by sections 77G and 80E of the RMA.”

- 7.17 I agree with Mr Batchelar that Plan Change 9 is a relevant consideration under s104(1)(b)(vi) of the RMA, but that it does not change the activity status of the subject applications.
- 7.18 Plan change 9 does not change the provisions with respect to emergency housing, though it does incorporate the National Planning Standard definitions of ‘residential activity¹³’ and ‘residential unit’. In my opinion, CEH falls within both of these definitions. However, Plan Change 9 does not resolve the current gaps in the ODP with respect to emergency housing, particularly where this is provided for more than eight people.

8 Permitted Baseline and Existing Environment

- 8.1 Different experts have taken different approaches to assessing the Proposals against the ‘existing environment’, a ‘baseline’ environment and a ‘permitted baseline’. This is due to different approaches experts have used to isolate the effects of CEH.
- 8.2 In the s42A overview report, Mr Batchelar considers that at the aggregate level, the existing environment is not a reflection of permitted or consented activity, due to other emergency housing operations (which are not part of the subject Applications).
- 8.3 Mr Batchelar considers that effects from the permitted baseline can be disregarded in assessing effects of CEH activities. I agree with Mr

¹³ See Appendix B for relevant District Plan definitions

Batchelar in this respect. In my opinion, the permitted baseline is relevant and should be applied in respect of the subject applications, but this varies depending on the zoning of the particular site (discussed further below).

Existing Environment

- 8.4 In terms of the existing environment, I consider that the starting point for this assessment should be the environment as it currently *exists*. In my opinion, to ignore the wider social and economic conditions that are being experienced as a result of a shortage of appropriate and affordable housing in Rotorua, would be artificial.
- 8.5 At the same time, the wider adverse effects of emergency housing (outside of CEH) should not become the responsibility of the subject applications to mitigate. As is evidenced by the different approaches taken by different experts, there is no one way to assess the subject applications.
- 8.6 All the existing emergency housing operations form part of the environment as it currently exists. It is then a matter of implementing an appropriate methodology to isolate for assessment the effects of CEH from the effects of other activities.
- 8.7 It is not appropriate to attribute the adverse effects of other emergency housing operations to the subject applications. If there are emergency housing activities that do not have resource consents and are required to, this is an enforcement issue and not something that should compromise the consideration of the subject CEH Applications.
- 8.8 In order to assist in isolating the potential cumulative effects of CEH from other forms of emergency housing, I consider it appropriate to consider the counterfactual whereby CEH does not exist and what effect that has on the social and economic conditions in Rotorua.

Permitted Baseline

- 8.9 In forming the opinion for the purposes of s104(1)(a) of the RMA, adverse effects on the environment can be disregarded if the District Plan permits an activity with that effect. Where there is a relevant permitted baseline,

this has been discussed in the Applications and the s92 responses dated 11 May 2022.

8.10 I provide the following summary in terms of the relevant permitted baseline in each of the zones within which CEH is located:

- Commercial 4 zone relevant permitted baseline:
 - 'Community housing', noting that community housing requires some element of support.
 - 'Tourist accommodation', noting that there is no limit on occupancy or unit sizes and no requirements in relation to access to open space.
 - 'Household Units', acknowledging that the Proposals would likely not comply with the minimum density standards.
- Residential 2 zone relevant permitted baseline:
 - 'Community Housing' as a permitted activity in the Residential 2 Zone.
- Commercial 3 zone relevant permitted baseline:
 - 'Household units' as a permitted activity in the Commercial 3 zone above the first floor, subject to meeting performance standards (height of 12 metres, minimum net floor area of 70m² and household unit design). The existing buildings could be redeveloped to residential household units (with commercial businesses such as takeaway food premises, convenience retail or small supermarket on the ground floor) as a permitted activity. It is noted that there is no limit on the number of units that can be provided on the site as there is no density standard for the COMZ3 zone. The only control in this regard is in relation to the minimum net floor area of 70m².

8.11 The relevant permitted baseline for each site is explained in more detail in the Application for each site.

9 Assessment of Effects

- 9.1 The effects of the Applications on the environment have been assessed in the AEE of each Application, canvassed through submissions and considered in the Council's s42A reports and the statements of evidence from subject matter experts for the MHUD on behalf of the Applicant and the Council.
- 9.2 I have read the submissions in relation to the subject Applications. The RLC Submission Summary report has good coverage of the issues raised in submissions. Site specific submissions are discussed in Annexures 1-13 and also in the site specific s42A reports prepared for the Council.
- 9.3 The s42A overview report does not discuss the submissions in detail but does acknowledge that many of the issues raised by submitters relate to broader concerns with emergency housing in Rotorua in general.
- 9.4 I acknowledge that the Proposals will have some localised effects on the environments within which they are located. In terms of section 104(1)(a) of the RMA, it is therefore a matter of assessing the scale of such effects, given that the RMA does not require there to be no adverse effects from activities. In my view, with the proposed mitigation and effective onsite management, overall effects of the 13 CEH Applications, including cumulative economic and social effects will be no more than minor and are acceptable.
- 9.5 Based upon my review of the s42A reports, evidence and submissions, I consider the actual and potential effects of the CEH that are most relevant to considering these resource consent applications can be grouped into the following topics:
- (a) Positive effects;
 - (b) Social Effects;
 - (c) Economic Effects;
 - (d) Cumulative Effects;
 - (e) Character and amenity effects; and
 - (f) Cultural effects.

- 9.6 I provide my summary and analysis of the potential effects of CEH below. In doing so, I do not seek to repeat the evidence provided by other witnesses – but rather to consider the key conclusions and potential points of agreement / disagreement, and where possible considering these in the context of the relevant to the statutory planning framework.
- 9.7 Where the Applicants' experts have suggested changes to the draft conditions in the s42A Report, or new conditions, I provide comment in both my discussion of effects (below) and in Section 13 of my evidence where I discuss conditions. A full set of recommended track-changed conditions will be provided closer to the hearing.

Positive Effects

- 9.8 It is legitimate to consider the positive effects under the RMA. The definition of 'effect' includes positive effects, and I consider that the positive effects of the Proposals are noteworthy and should not be understated.
- 9.9 As outlined in the evidence of Mr McNabb, CEH was established as part of implementing recommendations of the Rotorua Housing Taskforce as a pilot model of providing emergency housing predominantly for whānau with tamariki, rangatahi and those with disabilities in specially contracted motels.
- 9.10 Mr McNabb identifies that a fundamental part of the CEH approach is to provide wraparound support services within each contracted motel. I expect that support services will be further described in the operational evidence of Mr Wilson from MHUD and in the evidence from Service Providers. As outlined by Mr McNabb, Ms Hampson and Mr Eaqub, CEH is needed to provide time for the housing market, including the government and private developers, to build more housing in Rotorua.
- 9.11 Ultimately, all 13 Applications have the same purpose, to provide those with an urgent housing need, an interim housing solution, until such time that a more permanent housing solution can be found. As outlined in the evidence of Mr McNabb, many CEH occupants - whānau, tamariki and rangatahi in particular – would otherwise be sleeping in their cars, staying in unsafe or overcrowded environments, sleeping on the street or staying in motels without wraparound support services, some of which also accommodate tourists.

- 9.12 As an alternative, the CEH model provides stability, safety and support for those families and children in emergency housing.
- 9.13 Providing temporary emergency housing and support for people who are homeless to transition whānau to a more permanent housing contributes to the ability of that whānau to provide for their social and economic well-being.
- 9.14 Contracted Emergency Housing (as opposed to other forms of emergency housing) connects whānau to wrap around support services to those living in CEH improve their quality of life and ultimately move into secure, more permanent housing.
- 9.15 I understand from the Service Providers that they tailor support services to the needs of whānau. I understand that Wera employs 'navigators' to support whānau and tamariki, utilising the "Ngā Pou e Rima" Māori framework to identify needs and mitigate gaps which have contributed to their current situation.
- 9.16 Visions advised me that they have a team of 25+ people who identify and provide services to whānau in need of support, support workers assess clients needs, situations, strengths and support networks to determine support.
- 9.17 Emerge has advised me that they use a comprehensive Matrix wellbeing assessment tool to gather evidence and compare changes over time during the course of client journeys.
- 9.18 While Service Providers have their own individual approaches to providing support to whānau, the role and purpose of the Service Provider is the same across the 13 sites and includes:
- (a) Carrying out an assessment of the immediate needs of the client or whānau and where possible arranging any necessary services to meet those needs.
 - (b) Meeting regularly and working with each client or whānau to identify and manage issues that arise in relation to their stay in CEH.
 - (c) Preparing an individualised action and transition plan in conjunction with each client or whānau to document actions proposed to address any health, social, employment and financial needs.

(d) Assisting in the transition to more permanent housing options where these are available.

- 9.19 Under the CEH emergency housing model, the entire motel / hotel is contracted exclusively for emergency housing. There is no mixing of traditional hotel / motel guests with CEH occupants.
- 9.20 Under this model, the entire site can be managed holistically. The model of contracting motels enables modifications to be made to units if they are not completely suitable for the whānau needing to be accommodated (for example, installing safety gates if whānau with children are placed into a second-floor unit with stairs) and Te Hau Ki Te Kāinga¹⁴ work with whānau to transfer them to a more appropriate unit when one becomes available.
- 9.21 The Applications all have a limited duration of five years. The Proposals do not restrict the use of the site as a motel or another appropriate land use in the future.
- 9.22 Given the similarity of CEH to tourist accommodation, as the demand for emergency housing subsides, CEH can be transitioned back to traditional tourist accommodation within a short space of time.

Social Effects

- 9.23 As a general observation, I note that the submissions were heavily focused on this specific issue. It is my opinion that social effects of the operation of the 13 CEH motels, individually and together, are a relevant issue that need to be appropriately considered and adequately mitigated, both for the ongoing benefit of residents of CEH, and the surrounding receiving environment. I have relied on, and agree with, the evidence of Ms Healy in informing my opinion on the scale and nature of effects in regard to the social impact of the operation of the 13 CEH sites.
- 9.24 The social impacts of the Proposals have been extensively canvassed in the evidence of Ms Healy and in the SIA submitted in response to a

¹⁴ The collective group of support service providers

request for further information from RLC¹⁵. Social impacts have also been considered in the evidence of Ms Foy.

- 9.25 Ms Healy has responded to critique from Ms Foy¹⁶ in relation to the methodological approach used in the Beca SIA. One of Ms Foy's concerns is in relation to Ms Healy's use of a 'baseline' which, in Ms Foy's opinion, is not the correct baseline to apply.
- 9.26 I note that Ms Healy's use of a 'baseline' is not a 'permitted baseline' as provided for by section 104(2) of the RMA, but a baseline which she has used to determine the social impacts of CEH. As noted above in relation to the permitted baseline and the existing environment, isolating the effects of CEH is difficult. This is further exacerbated by the fact that the application sites have been operating as CEH sites for some time. I accept the approach of Ms Healy, whereby she establishes the social environment as it existed before CEH was operational and assesses the impact of CEH against that baseline. I do not agree with Ms Foy that Ms Healy does this to artificially downplay the social effects of the CEH applications.
- 9.27 In my opinion, it is the planner's role to evaluate the social impact assessment in the context of the RMA and determine how to reconcile whether the social impacts are acceptable, including whether a credible permitted baseline may be applied.
- 9.28 Ms Foy suggests alternative options, such as providing uncontracted emergency housing in formats such as converting motels or campgrounds, working with iwi or through the provision of short term relocatable housing, could be explored. I do not understand these applications to be ones for which an assessment of alternatives need be considered. But as outlined in the evidence of Mr McNabb, alternatives have been considered. CEH is an alternative to other forms of emergency housing. CEH is operating amongst a number of other programmes in the emergency housing space, such as Housing First for the homeless with complex needs, transitional housing, and income support programmes

¹⁵ A s92 request was issued in respect of every application except Site 2 (Emerald Spa). Every s92 request had generic request in relation to RLC receiving over 100 written complaints in relation to Wylie Court resource consent application for Transitional Housing (not one of the subject applications).

¹⁶ Ms Foy's evidence – para 100

from MSD. Arguably any such alternatives would also have similar complexities and impact on the receiving environment, particularly at the scale required in Rotorua. As outlined in the evidence of Mr McNabb, the Government response to housing the homeless is far broader than this one policy response for CEH. As outlined in the evidence of Mr Eaquad, one alternative to CEH is homelessness.

- 9.29 I do not agree with Ms Foy's reference to relocatable housing as an option because the same issues would arise. There is nowhere in Rotorua where "emergency housing" is provided for in the District Plan. There would be significant challenges with finding a suitable site, any area large enough to locate such housing would likely require compliance with the ODP (which currently doesn't provide direction in relation to emergency housing) and would also take time to be source, construct and install. In my opinion, relocatable houses are not a realistic alternative to CEH.
- 9.30 The evidence of Mr McNabb and Mr Wilson confirms that a large majority of people in CEH motels come from Rotorua.
- 9.31 Ultimately both Ms Healy and Ms Foy agree that:
- (a) CEH is likely to result in more positive than negative effects for the wellbeing of those living in CEH, especially when compared to the alternatives. The positive effects for CEH occupants are increased because of the improved access to social and health support services and onsite security.
 - (b) The social impacts for immediate neighbours of CEH are more likely to be negative, but implementation of recommended conditions will reduce negative effects.
 - (c) It is difficult to isolate the broader social effects of CEH when emergency housing funded through EHSNGs forms part of the broader environment in which CEH is operating.
 - (d) Emergency housing is more readily absorbed into the community where there is a lower concentration of emergency housing.
- 9.32 Ms Healy outlines that in order to ascertain the social impact of CEH, it is relevant to consider whether there would be any improvement in the

social conditions if the CEH operations were to cease. Ms Healy¹⁷ states at para 7.8:

“I identified that the potential impacts of not allowing the CEH motels to operate would not improve the current social conditions / characteristics being experienced ... Furthermore, I concluded that the absence of the CEH activity may result in further negative social change, particularly for vulnerable members of the community (noting there would likely be negative impact for the local/wider community also).

9.33 I accept the opinion of Ms Healy, that in the absence of CEH the social conditions in Rotorua would likely worsen.

9.34 Ms Healy recommends a number of conditions of consent to help to reduce adverse effects of CEH. Many of these conditions have already been implemented. Ms Healy’s site specific conditions include:

- (a) Quality permanent fencing and gates (removal of cones and other temporary blockades) that is in keeping with the character of tourist accommodation environment;
- (b) Removal of CEH sites from all online booking websites and removal of ‘motel’ signage and ‘no vacancy’ signage;
- (c) Improvement of boundary fencing and landscaping to prevent CEH occupants entering into neighbouring sites;
- (d) Enhancement of landscaping to soften any security provisions (as per above) and to provide further privacy screening where practicable;
- (e) Improved management of onsite and offsite parking to prevent staff parking out the front of the site on the driveway or berm/footpath;
- (f) Onsite dedicated play areas for children or alternatively residents being orientated to local parks within close proximity and supported to access these;

¹⁷ Ms Healy’s evidence – para

- (g) A 24/7 0800 number to be provided to neighbours to contact the service operators/security on-site where concerns arise and a complaints/queries response process to be put in place;
- (h) A forum for the community to ask questions and share information for the overall service;
- (i) Scheduled visits (where visitors are allowed) and a maximum number of visitors onsite at any one time; and
- (j) Improved staffing (in addition to security) in the evening and weekends for onsite management;
- (k) A standardisation of house rules and complaints processes at all sites; and
- (l) Monitoring of site maintenance.

9.35 Similar conditions were also recommended by Ms Foy. Ms Foy also recommends a condition relating to:

- (a) Security staff presence highly visible
- (b) Ongoing SIA by MHUD on annual basis and 3 months prior to consents being removed. Including surveys –
 - i. Independent confidential survey of UEH and CEH occupants
 - ii. Survey the community to understand the range of impacts by immediate neighbours and the wider community.
 - iii. Contracting less motels

9.36 I note that Ms Healy and Ms Foy have opposing views in relation to having highly visible security staff. Ms Foy does not explain why security staff should be highly visible. I prefer the opinion of Ms Healy, that highly visible security staff has the potential to adversely impact the amenity of the environment both for residents and the local community.

9.37 Ms Healy has reviewed the recommendation of Ms Foy to undertake an on-going SIA and while Ms Healy is not opposed to the idea of an ongoing SIA she also does not consider that this is necessary as a condition of consent. I also do not consider that an ongoing SIA in relation to the

subject applications is necessary. I discuss this further in my conditions section below.

- 9.38 Having considered the evidence of Ms Foy and Ms Healy, I agree that conditions of consent are appropriate in relation to monitoring and mitigating the potential social effects of CEH. Many of these can be incorporated into the Site Management Plan. I discuss these conditions further in Section 13 of this evidence.
- 9.39 Informed by the evidence of Ms Healy and Ms Foy, I consider that social effects of the proposal are minor, and that proposed mitigation will effectively assist in reducing the potential adverse social effects of CEH to an acceptable level. I note Mr Batchelar also considers that subject to appropriate conditions being complied with, that the social effects are acceptable.

Economic Effects

- 9.40 In my view, economic effects are a relevant consideration, particularly in relation to the potential cumulative effects of the Proposals. I note that many submitters raised concerns about the negative impact of emergency housing on the tourism sector and the reputation of Rotorua, as well as in relation to crime, property values and the negative impact on surrounding businesses. In evaluating the economic effects of the Proposals, the effects of the 13 CEH motels should be isolated from the effects of other emergency housing in Rotorua.
- 9.41 Mr Eaquib considers the following in his evidence:
- (a) The causes of the increase in demand for emergency housing in Rotorua;
 - (b) Economic implications, including for tourism; and
 - (c) Whether 5 years for CEH is a reasonable timeframe.
- 9.42 Ms Hampson considers the regulatory and market demand factors that have contributed to the demand for emergency housing. Mr Batchelar also summarises Ms Hampson's evidence in his overview report and Mr McNabb provides some further context to the drivers of the housing crisis and the government policy response in Rotorua.

9.43 Ms Hampson assesses the economic effects of the Proposals in relation to the following areas:

- a) Crime and other antisocial behaviour
- b) Property values
- c) Tourist accommodation capacity
- d) Tourism reputation
- e) Total direct employment
- f) Household spend in the local economy

9.44 I agree with Ms Hampson's approach in terms of attributing the potential economic effects to the relevant cause¹⁸ and therefore acknowledging that not all effects of emergency housing in Rotorua can or should be attached to the 13 CEH Applications.

Crime

9.45 Figure 5 of Ms Hampson's evidence¹⁹ outlines the two data catchments she used when considering crime data. The southern catchment is called 'the Fenton Corridor' and includes 11 of the 12 CEH sites.

9.46 In relation to crime, Ms Hampson considers that emergency housing (all types) has not had a material effect on total district crime, but there has been an impact within the Fenton Corridor. Ms Hampson outlines that there is little evidence to suggest that this is as a result of emergency housing in the form of CEH. Mr Eaqub also identifies that it is important to clearly delineate the cost and benefits of contracted motels against EHSNG and homelessness. Mr Eaqub considers that CEH provides the best opportunity to reduce potential negative effects, which the other options (i.e. motels accepting EHSNG's or homelessness) do not.

9.47 Ms Hampson recommends that to assist in mitigating the potential economic effects CEH should not be identifiable as tourist accommodation (in person or online). I agree with this recommendation

¹⁸ Evidence of Ms Hampson – para 44

¹⁹ Evidence of Ms Hampson – page 29

which was also recommended by other Council and MHUD experts and is a condition recommended in the s42A reports.

- 9.48 Mr Batchelar indicates²⁰ that it would be helpful for the applicant to produce site specific evidence at the hearing that addresses the application of the Ministry of Justice's National Guidelines for Crime Prevention through Environmental Design (CPTED) in New Zealand. Mr Batchelar has not identified specific issues that require a CPTED assessment. Every site has 24/7 security onsite who are available to respond to any crime or safety incidents. Security monitor the site using CCTV. In my view, no further CPTED analysis is required.
- 9.49 However, if the Panel consider further analysis is required, a CPTED audit could be undertaken at each site and where practicable (noting that physical changes to the sites building fabric are not proposed) recommendations could be implemented as part of the Site Management Plan.
- 9.50 Ms Hampson also makes the following strategic recommendations in relation to exiting CEH motels:
- a) As the highest priority, CEH in close proximity to tourist attractions should be exited first.
 - b) As the second priority, the concentration of CEH should be reduced.
 - c) As the third priority, CEH sites should be exited rather than reducing occupancy levels across CEH.
- 9.51 These recommendations have been carried through to the 'strategic conditions' recommended by Mr Batchelar in the s42A overview report. In my view the strategic conditions are at odds with the position taken by Ms Hampson and Ms Foy that effects of CEH are less significant than other forms of emergency housing. A potential perverse outcome of the strategic conditions could be a slower reduction in emergency housing funded through EHSNGs, because exiting CEH sites has to be prioritised as it is a requirement of a consent condition. I discuss Mr Batchelar's

²⁰ Mr Batchelar's s42A overview report – para 136

s42A recommended strategic conditions further in Section 13 of this evidence.

- 9.52 The higher concentration of emergency housing in the 'Fenton Corridor' may have contributed to increased incidents of crime, however, crime rates in the Fenton Corridor cannot reasonably be attributed to CEH sites. The counterfactual I proposed above is also relevant. If these sites were not operated as CEH, the motel operators would likely allow uncontracted emergency housing funded through EHSNG's or people would likely move into a worse form of homelessness. Given the lack of wrap-around support, this could exacerbate the crime issue. Proposals with site rules, visitor policies and onsite security all help to mitigate potential effects with respect to crime. I consider effects in relation to crime and CEH are appropriately mitigated and are acceptable.

Property values

- 9.53 I accept the advice of Ms Hampson that there may be an impact on property values but that this will be mitigated by consent conditions particularly in relation to maintaining the appearance of the subject sites and in relation to the fixed duration of consent.

Tourism accommodation capacity

- 9.54 Ms Hampson acknowledges that tourist accommodation capacity in the absence of emergency housing (generally) and CEH would unlikely result in the continuation of the status quo due to the significant impacts of Covid-19 and that the 13 CEH applications will not have a material impact on tourism capacity. Mr Eaquib identifies that the main potential effect in terms of tourism is on budget accommodation supply.
- 9.55 Mr Eaquib identifies that before the Covid-19 pandemic, Rotorua's tourism revenue was 60% domestic and 40% international. Mr Eaquib considers that removing CEH units from supply is unlikely to cause severe shortages of tourism accommodation. Mr Eaquib is of the opinion that the outlook for international tourism will be a slow to return to pre-pandemic levels and identifies China's zero Covid policy resulting in little travel out of China as a factor in this.

Tourism reputation

- 9.56 Ms Hampson identifies that emergency housing, particularly where traditional tourist accommodation guests and emergency housing occupants are on the same site is likely to have an adverse effect on the reputation of Rotorua as a tourist destination, but that media coverage is likely to be causing the most damage to New Zealanders' perceptions of Rotorua.
- 9.57 Similarly, Mr Eaquib identifies the CEH will provide a "...superior reputational effect compared to mixed use accommodation in motels or homelessness"²¹.
- 9.58 Ms Hampson identifies that one cause of the decline in reputation in Rotorua is the tired and run-down state of many older tourist accommodation establishments, particularly along Fenton Street. I note that this sentiment is reinforced in the Rotorua Spatial Plan (discussed in Section 17 below). Mr Eaquib identifies that as well as allocation and tenant management, the design and the surrounding environment can be associated with the negative effects on a site.
- 9.59 Better site management and fewer CEH sites (compared to other forms of emergency housing) are identified by Ms Hampson as mitigating factors in terms of the impact of CEH on Rotorua's tourism reputation.
- 9.60 I agree with recommended conditions of consent in the s42A overview report in relation to fencing, landscaping and removal of motel signage. The onsite Service Provider and implementation of the Site Management Plan, help to mitigate potential effects from the in terms of tourism reputation.

Employment

- 9.61 Ms Hampson identifies a positive economic effect of CEH is that it is likely to have helped sustain employment in the tourist accommodation industry. This is reinforced by motel operators themselves, many of whom have advised that their operations may not have survived without income from emergency housing.

²¹ Mr Eaquib's evidence – para 8.8

- 9.62 Although I do not agree with the recommended strategic conditions, (discussed further in Section 13 of this evidence) I otherwise generally agree with the assessment by Mr Batchelar of the economic evidence.
- 9.63 Economic effects of the Proposals are considered to be acceptable and no more than minor.

Cumulative effects

- 9.64 It is acknowledged that the original Applications did not consider cumulative effects to be a primary matter for consideration. Following the commissioning of the Social Impact Assessment, and having reviewed submissions and the s42a reports, I note that I can confirm that I agree that these are a relevant, and indeed, primary effect for consideration.
- 9.65 Individually, the impact of CEH on the surrounding environment may be relatively insignificant. However, 13 Applications for CEH are being applied for concurrently and it is important to consider whether this will result in an unacceptable cumulative effect.
- 9.66 I agree with the evidence of Mr Batchelar²² that at an aggregate level, the environment within which these resource consent applications are being considered is broader than just permitted or consented activities. In reality, the environment includes a number of other motels accepting payment for motel rooms from guests paying using Emergency Housing Special Needs Grants (EHSNGs).
- 9.67 I also agree with Mr Batchelar that the wider emergency housing situation in Rotorua adds complexity when assessing the effects of CEH on the environment as it is difficult to isolate and identify effects of CEH as opposed to other forms of emergency housing. The environment includes the demand for emergency housing in whatever form.
- 9.68 In my opinion it is important to be cognisant of the environment within which consent is sought. However, if resource consents are required for other emergency housing activities, it would be unreasonable to attribute the effects of those emergency housing activities to the subject CEH Applications. This is particularly relevant to the assessment of cumulative effects, noting that these Proposals specifically seek to legitimise onsite

²² Mr Batchelar's evidence – paras 198-200

activities, which includes appropriate mitigation to minimise attributable effects.

- 9.69 Adverse social effects of CEH have been appropriately canvassed in the evidence of Ms Healy. I accept the advice of Ms Healy and consider her recommended conditions²³ will help to mitigate the potential social effects of CEH to an acceptable level.
- 9.70 In relation to the potential economic effects of the Proposals, these have been considered by Ms Hampson and Mr Eaqub and are discussed above.
- 9.71 I agree with Ms Hampson that motel signage and online advertising should be removed in respect of the application sites.
- 9.72 While I also accept that a strategic lens should be applied when exiting CEH in terms of which of the 13 contracts should be exited first²⁴, I do not agree that this is something that can easily be the subject of a condition of resource consent without, at least, risking unintended consequences and inadvertently increasing effects. As outlined in the evidence of Mr McNabb, there is work underway to address the housing crisis in Rotorua. Many factors will influence when and in what order in which MHUD exits from contracted sites for emergency housing, including the rate at which additional housing is delivered.

Clustering of motels

- 9.73 Separate resource consent applications have been applied for in respect of each CEH motel / hotel. Mr Batchelar's s42A report refers to the concentration of 11 of the 13 motels being within the 'Fenton Street Corridor'. Evidence of Ms Hampson and Ms Healy also discusses the concentration of motels and that reducing the concentration in and around Fenton Street would reduce the cumulative effects of CEH.
- 9.74 I note that 6 of the 13 applications are located on Fenton Street and the remaining five sites identified by Mr Batchelar as being within the 'Fenton Street Corridor' are located on streets that are perpendicular to Fenton Street. I assume that Mr Batchelar has excluded 107 Malfroy Road (Ann's

²³ Ms Healy's conditions related to in relation to fencing, landscaping, online advertising, signage, an 0800 number, parking, a community forum, staffing, house rules and monitoring of the site.

²⁴ Such as in relation to concentration on Fenton Street and proximity to tourist attractions.

Volcanic Motel) and 131 Lake Road (Lake Rotorua Hotel) from being within the 'Fenton Street Corridor'. As five of the 11 CEH sites identified by Mr Batchelar as being within the 'Fenton Street Corridor' are not actually on or directly adjacent to Fenton Street, and in my opinion this helps to reduce the visual and amenity effects for those travelling along Fenton Street itself.

- 9.75 The site management conditions and other conditions that reduce the visibility and impact of CEH on the surrounding environment help to mitigate the effects of the Proposals being located in close proximity to one another.
- 9.76 I agree with Mr Batchelar²⁵ that, in terms of the concentration of emergency housing on Fenton Street (including motels accepting EHSNG payments), a much broader public policy response, outside of the resource consent process, centred on providing suitable alternative housing supply would help the overall emergency housing response in Rotorua. The evidence of Mr McNabb identifies that work is underway to review the emergency housing system, with the first steps focused on:
- (a) Improving the wellbeing of people in emergency housing.
 - (b) Improving access to suitable accommodation and other support for people in urgent housing need.
 - (c) Enabling Māori-led solutions to address urgent housing need.
- 9.77 As the evidence of Mr McNabb says, fundamentally what will reduce the current demand for emergency housing in Rotorua is to build substantially more houses in Rotorua.
- 9.78 In addition, the fixed resource consent term of five years reinforces that CEH is a short to medium term solution to the current housing crisis.
- 9.79 Overall, cumulative effects of the CEH Proposals are, in my opinion, no more than minor and acceptable.

Character and amenity effects

External amenity

²⁵ Mr Batchelar's evidence – para 214

- 9.80 The external appearance of the CEH sites (and visual effects of the onsite activities) on the surrounding environment was a matter of concern raised in a number of submissions.
- 9.81 In considering the potential external amenity effects, it is relevant to consider whether any physical changes to the buildings and structures on the subject sites is proposed. Due to the limited duration, except in relation to general maintenance, no external physical alterations to buildings are proposed within the CEH Application sites.
- 9.82 There is a high degree of overlap between staying in a motel as a visitor and staying in CEH. However, the nature of CEH is such that, depending on the site configuration, it can present differently to the street and the surrounding neighbourhood than traditional 'tourist accommodation'. Each site has a dedicated space for security and Service Provider support staff to meet with whānau. It is understood that Service Providers may physically signal they are onsite and available by displaying a flag or sign outside the unit or meeting room they are working from.
- 9.83 As part of implementing the recommendations in the SIA and ongoing site management, a number of improvements to CEH sites have been implemented since the Applications were lodged with the Council. These improvements help to mitigate the potential external amenity effects of CEH and improve the interface with the public realm, including:

- (a) **Fencing and Gates** - Six²⁶ of the 13 CEH sites have installed new gates / pool style fencing since being contracted for emergency housing. The new gates and fencing improve the visual appearance of the sites and to help with on-site management. A further six hotels / motels already had suitable existing fencing.

I have reviewed the fencing and streetscape amenity associated with CEH sites. In my view the existing fence / gate on the Sumner Street frontage of 321 Fenton Street – Malones Motel) should be improved. In Annexure 4 of my evidence, I agree with the recommendation in the s42A report that a condition requiring a new or upgraded fence is

²⁶ Sites 3, 5, 9, 10, 11, 12 have had or are currently having new pool style fencing and gates installed.

constructed to improve the visual appearance of this site from Sumner Street.

- (b) **Road cones** – To improve the interface with the public realm, Service Providers no longer use road cones to manage vehicle entry / exit from CEH sites.
- (c) **No parking on the berm** – Service Providers have improved management practices to ensure no staff, visitors or occupants are allowed to park on the road berm directly in front of CEH sites.
- (d) **Signage** – Motel operators have either removed or reduced the number of signs on the CEH sites. Including removing ‘no vacancy’ signage and motel specific signs.
- (e) **Property checks and removal of rubbish** – Service Providers undertake regular property checks and motel operators remove rubbish from the sites on a regular basis. If shopping trolleys are brought to the CEH sites they are stored out of public view and returned to the supermarket as soon as possible.
- (f) **Graffiti removal team** – a building maintenance and graffiti removal team have been employed to ensure that any minor building works (such as painting or fence repairs) or graffiti can be removed with priority.

9.84 It is understood that the Motel Operators intend to revert back to their previous use as tourist accommodation once they are no longer used for CEH. Taking into account the above onsite improvements in the time since CEH activities have commenced, the sites generally present similar to the street and the surrounding environment as when they operated as a motel / hotel.

9.85 In my opinion, the external amenity effects of the CEH sites are considered to be no more than minor and acceptable. In forming this opinion, I note that conditions of consent will continue to manage the motel signage, landscaping, and general streetscape treatment. I agree with the placement of these conditions.

Character and amenity effects – Noise

- 9.86 As outlined in the Applications, resource consent is not being sought to breach the noise rules of the District Plan. Implementation of the Site Management Plan will adequately manage noise onsite, including through policies in relation to visitors, hours of use for play equipment and having 24/7 security onsite.
- 9.87 I note that the Submission Summary report identifies that 13 submitters commented on the adverse noise effects from emergency housing, but it is not clear whether these submissions identified the CEH sites as being of concern (as distinct from other emergency housing sites or noise generally, such as in relation to emergency vehicle sirens). Noise was not an issue that featured in the Council's Submission Summary report's 'top fifteen themes'.
- 9.88 I consider that good site management is the most effective way of ensuring potential noise effects from CEH are minimised. In my opinion, noise related effects are considered to be no more than minor and are acceptable.

Character and amenity effects – Internal amenity

- 9.89 Internal amenity is specific to each site and as such has been addressed in more detail in Annexures 1-13. Some of the CEH sites are better than others in terms of onsite amenity, both in relation to private open space and in relation to room configuration and layout.
- 9.90 Mitigating internal amenity effects is restricted by the physical layout and structures unique to each site. Some units have quality private outdoor open spaces, while others do not. Where shared open spaces are available, my observation from my site visit on 15 August 2022 was that these spaces were maintained, tidy and clear of rubbish. This observation is consistent with the site specific s42A reports of the Council.
- 9.91 CEH sites are all relatively central and within walking distance of many local amenities, such as parks, playgrounds and Lake Rotorua itself. Furthermore, the Service Providers are innovative and I understand many have implemented programmes to improve the wellbeing of those living in CEH. Service Providers advise whānau about nearby amenities suitable for CEH occupants, and provide different information depending on the age and stage of whānau members.

Occupancy levels

- 9.92 Annexures 1-13 include details of the occupancy levels within CEH since December 2021. The Applications were lodged on the basis that every bed in every unit would be filled to maximum possible capacity²⁷ based on the bed configuration that existed when the sites were being operated as traditional motels / hotels. This was a maximum capacity of 1107 people across 296²⁸ units²⁹.
- 9.93 In practice, the CEH motels / hotels have not operated at any stage at the maximum occupancy numbers provided in the Applications. Similar to the operation of a motel, there are times where rooms are undergoing maintenance or awaiting referrals. In addition, I understand from MHUD there are times when MHUD has directed the upgrade of units if they were not of an acceptable standard. This effectively takes those units being upgraded temporarily out of operation.
- 9.94 On some sites, Service Providers occupy one of the units and in other instances rooms may be set aside as 'Emergency Placement' rooms for urgent referrals should a safe space required, such as to move away from a risk of domestic violence.
- 9.95 On 9 September 2022 I emailed RLC Consultant Planners Ms Bennie and Mr Batchelar with an updated occupancy table with possible reduced maximum occupancy numbers for each site. MHUD calculated the revised maximum based on the configuration of beds in each unit and that only one double bed per unit could have two people sleeping in it.
- 9.96 The revised maximum occupancy numbers are higher than the actual occupancy numbers and this allows for peaks in occupancy.
- 9.97 The S42A reports use the Canadian National Occupancy Standard (CNOS), to undertake an assessment of occupancy and suggest an even further reduced maximum occupancy for each CEH site. The s42A overview report states that the reduced maximum occupancy is to mitigate

²⁷ Noting that 284-286 Fenton Street – Emerald Spa motel has only been supplying CEH since 1 July 2022.

²⁸ RotoVegas has four offsite units. One of these units (22C Toko Street) is considered to be a permitted activity as it falls within the definition of 'community housing'. As such the number of contracted units for the purposes of these applications is 296 units.

²⁹ 10 units are used by Service Providers and not available for CEH occupants.

potential effects of crowding and spill over effects in the surrounding community.

9.98 I have reviewed CNOS. I understand the CNOS was developed by the Canada Mortgage and Housing Corporation (CMHC) through consultations with provincial housing agencies in the 1980s. It is used as a guide supporting the design and evaluation of housing policies and programs. It also contributes to an understanding of housing needs and conditions at the community, regional and national levels.

9.99 The CMRC website³⁰ specifically states:

The National Occupancy Standard should not be used to restrict access to housing

The Standard is not meant to an enforceable standard for private landlords or community housing providers to use to decide whether to rent, or continue to rent, a given dwelling unit to a given household.

While the Standard can help inform spatial needs based on household size, relationships, age and gender, landlords and housing providers are encouraged to consider other important factors like:

- urgency of need
- affordability
- cultural conventions
- household stability
- safety
- the household's own perception of what is suitable for them when matching households to units

The National Occupancy Standard must not be used as a reason to discriminate against prospective tenants.

9.100 I am concerned that by proposing to impose conditions as to the maximum occupancy based on this standard it is being used precisely in the way that the developers of the standard say it should not be used.

³⁰ Canada Mortgage and Housing Corporation: <https://www.cmhc-schl.gc.ca/en>

- 9.101 Based on my understanding of the two stage triaging process and the expertise at both Te Pokapū and of Service Providers, I am of the opinion that further reducing the maximum occupancy as suggested in the s42A reports is not necessary. While I accept that the reduced numbers recommended in the s42A reports for each site are well intended, there is a possibility that the reduced levels will result in unintended and perverse outcomes in successfully placing whānau in CEH and those whānau will instead have to resort to alternative forms of accommodation that are less suited to their needs. It may result in whānau falling back on Emergency Housing Special Needs Grants because they cannot lawfully be placed in a CEH unit.
- 9.102 Notwithstanding this, if the Panel considers a further reduction in maximum occupancy is necessary, I consider a balance could be struck, whereby occupation levels are limited to those recommended in the s42A reports 90% of the time, but flexibility is provided within the condition framework to enable the occasional placement of additional people in order to accommodate the needs of specific whānau.

Play Space

- 9.103 Ms Collins has prepared evidence for the Council in relation to 'the right of the child to play'. Ms Collins rates the appropriateness of each site for children by establishing the suitability for play by different age groups and their needs. The s42A site specific reports rely on the evidence of Ms Collins to inform the Council's recommended conditions, including restrictions on children of different ages from staying at 7 of the 13 CEH sites.
- 9.104 I understand from MHUD that restricting the ages of children on certain sites is likely to be problematic and compromises the ability for whānau to be placed in an available CEH unit that best suit their needs. As explained in section 6.9 above a comprehensive room allocation and triaging process is undertaken by Te Pokapū and the relevant Service Provider. Allocating whānau to sites and rooms requires specialist skills and understanding of each site and each whānau. Play space is one of the matters taken into consideration. Again, the outcome of a restriction limiting children of certain ages or the number of people per unit could be that no suitable unit is available and whānau and they end up in a worse housing position than is necessary.

9.105 For CEH to be effective at providing accommodation to whānau and rangitahi, I understand the management of room allocation requires a degree of flexibility. For example, Mr Wilson from MHUD has provided me with the following overview snapshot for 27 September 2022:

“As of 27 September 2022, there are 210 occupied units. Six whānau occupy more than 1 unit (i.e. adjoining units) due to the whānau make up, versus unit sizes. A total of 44 units are undergoing some form of remediation work, while 32 units awaiting referral from Te Pokapū, and 11 units are being used for operational purposes.”

9.106 As noted above, on 27 September 2022, six whānau occupied more than one unit. This is an example of how Service Providers use their skill to assess the needs of whānau to determine that more than one unit was required. Whānau have children that span different age brackets. Children can also have different abilities in terms of play.

9.107 Based on my understanding of room allocation, site management and the role of Te Pokapū, I consider that conditions limiting children of certain ages from residing on particular sites is unnecessary. I accept that consideration of children and their right to play should be, and is, a key factor that influence site and unit allocation, but I also consider that Service Providers are best placed to make decisions about unit allocation.

9.108 In my opinion, the internal amenity effects, including in relation to crowding and play space are no more than minor and are acceptable. In forming this opinion, I note that where sites have existing play spaces, they will be retained.

Cultural effects

9.109 The s42A Overview Report identifies that, in relation to two of the sites located within proximity to Whakarewarewa village and Te Puia that it is unclear whether the proposal will result in cultural effects on these tourist attractions. I discuss the potential cultural effects in relation to these specific sites in Annexure 13 (7 Tryon Street – Apollo Hotel) and Annexure 7 (3 Meade Street – Pohutu Lodge). As cultural effects are raised as a matter for which clarification is required in the s42A overview report, I also discuss cultural effects here.

7 Tyron Street – Apollo Hotel

9.110 In relation to 7 Tyron Street, I understand that Wera, as the responsible onsite Service Provider, undertakes the following with respect to the Whakarewarea Village and potential cultural effects:

- a) Wera's triaging process includes identifying affiliation to Tuhourangi Iwi and places priority on whānau that whakapapa to Tuhourangi Iwi.
- b) The Lead Support Worker (Wera) whakapapa to Tuhourangi, and was raised in Whakarewarewa village;
- c) 10% of occupants at Apollo Hotel whānau affiliate to Tuhourangi. Te Arawa and neighbouring Iwi are also given priority in terms of living at Apollo Hotel (this is part of the triaging process);
- d) Wera maintains a risk register that has demonstrated a significant reduction in the number of incidents³¹ around the Whakarewarewa Village;
- e) Whakarewarewa Village members are invited to, and have attended, the regular Apollo Hotel Village hui and Whakarewarewa villagers have attended barbeques at the Apollo Hotel village;
- f) Wera have had several visits, including tours, to Whakarewarewa to educate whānau on the dangers, risks, safety and kaua (rules including respect) in Whakarewarewa. This is a regular training programme provided by Wera and other Apollo Hotel villagers;
- g) The Apollo Hotel has posters promoting Whakarewarewa Village, its mana, history and kaua;
- h) Wera staff and whānau support the Whakarewarewa village café; and
- i) Apollo Hotel villagers are regularly invited to participate in Whakarewarewa village's concert group, providing employment opportunities for those that are willing and capable.

³¹ I understand from MHUD that there were 2 whānau that caused issues in the past, they have moved out, and there have been no recorded incidents since then.

9.111 Using their skills and experience, the onsite Service Provider has already implemented a number of measures (as outlined above) to promote awareness and build respect and knowledge in relation to the Whakarewarewa Village. In addition to this, I recommend that the Site Management Plan require the Service Provider (Wera) to seek feedback from the residents and operators of Wakarewarewa Village and Te Puia, and consider any recommendations relevant to mitigating potential cultural effects of the proposal into the Site Management Plan.

3 Meade Street – Pohutu Lodge

9.112 Pohutu Lodge is located adjacent to land on the same site as Te Puia, the New Zealand Māori Arts and Crafts Institute, the home of the national schools of carving (including pounamu and bone) and weaving. The Te Puia site spans 70 hectares within the Te Whakarewarewa Geothermal Valley, on the edge of Rotorua. Te Puia offers Māori cultural experiences, guided tours, function venue hire options and has an onsite restaurant. A submission from Mr Cossar (CEO of Te Puia), was received in opposition to the application at 3 Meade Street in relation to *“the economic, social and cultural impact on the Te Puia business as a nationally and internationally recognised tourism operator based in Rotorua”*. Submissions have been received from parties identifying themselves as being associated with the Whakarewarewa Village and Te Puia.

9.113 In terms of onsite operations, I understand that the Service Provider, Visions, employs a Cultural Advisor, who provides CEH residents opportunity to develop and strengthen their tikanga, including Te Reo, Karakia, and Waiata. The Service Provider also runs ‘Tane Tu - Tane Ora’, which is a mentoring programme to support vulnerable tama who are accommodated in CEH. I further understand that the Service Provider provides a holiday programme that includes visiting the Te Puia site and uses this as an opportunity to educate tamariki about their local history. The Service Provider is committed to providing panui to all Pohutu residents to ensure residents are aware of the importance of the Te Puia site and ensure respect is shown to the site and surrounds.

9.114 I recommend that the Site Management Plan require the Service Provider at 3 Meade Street (Visions) to seek feedback from the residents and operators of Wakarewarewa Village and Te Puia, and consider any

recommendations relevant to mitigating potential cultural effects of the proposal into the Site Management Plan.

10 Relevant Statutory Framework

- 10.1 In considering the relevant objectives and policies of the ODP and PC9 it is important to acknowledge the place of these planning documents in the evolving planning and policy landscape, including under the strategic direction posed by the NPS-UD, the recent amendments to the RMA, and Plan Change 6 to the BOPRPS.
- 10.2 Both the NPS-UD and recent amendments to the RMA direct the Council (as a Tier 2 Council with an acute housing need) to provide for more housing and for businesses to be built in places close to jobs, community services, public transport and to respond to market demand. Considering the ODP in isolation of these higher order documents would not present an appropriately balanced or considered view of the planning framework in which the Applications are being considered. The ODP does not give effect to the NPD-UD or the requirements introduced through the Enabling Housing Supply and Other Matters Amendment Act 2021.

Enabling Housing Supply and Other Matters Amendment Act 2021 (EHS Act)

- 10.3 The EHS Act required Tier 1 local authorities to amend their planning rules to adopt Medium Density Residential Standards (MDRS) in all residential zones by August 2022.
- 10.4 As a Tier 2 local authority, RLC was not automatically required to adopt MDRS unless the Minister for the Environment directed it to do so. In December 2021, a joint letter from Te Arawa Lakes Trust, Te Tatau o Te Arawa and RLC³² outlined the joint view that the district was experiencing an acute housing need and that it is disproportionately impacting Māori. Together the three entities requested that RLC be directed to implement the MDRS as soon as possible to help remedy this situation. A separate letter from the Rotorua Business Chamber³³ was sent to Minister Woods and Mayor Chadwick on 10 December 2021 expressing the organisation's support for implementation of the MDRS in Rotorua.

³² Letter dated 16 December 2021 to Hon David Parker, Minister for the Environment with the subject "Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

³³ Submitter No. 69

National Policy Statement on Urban Development 2020

- 10.5 The NPS-UD³⁴ is relevant to decision making on the subject applications. The NPS-UD aims to remove the barriers to the supply of land and infrastructure and make room for growth. It applies to all planning decisions that affect an urban environment. All of the motel / hotel sites are within an existing 'urban environment'.
- 10.6 The BOPRPS and ODP are required to give effect to the NPS-UD³⁵. Mr Batchelar's s42A Overview Report, outlines that Objective 1 and Policy 1 of the NPS-UD are relevant to the subject applications, and I agree with this.
- 10.7 The HBA prepared for RLC shows a shortfall of between 1500 and 1750 dwellings in the short term, the request from RLC to be a 'specified local authority' due to its 'housing crisis' and RLC's notification of Plan Change 9 demonstrates that the ODP is not currently adequately providing for the housing needs of the Rotorua community.
- 10.8 There is no quick fix to the housing crisis and the policy approach will need to be multi-faceted.
- 10.9 I consider Objective 4 of the NPS-UD is also relevant to the Proposals: *'amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations'*³⁶.
- 10.10 Objective 4 acknowledges that amenity values can change, particularly if the needs of the community change. In the context of housing in Rotorua, clearly there is a community need for more housing, and the HBA prepared for RLC indicates that this will continue into the future. CEH is an interim solution to provide for an immediate community need, while more permanent housing solutions can be found. Some of these future solutions (as demonstrated by the MDRS in residential zones and high density residential in the Commercial 4 zone) will likely see a different urban form of the area surrounding the CEH sites (and potentially on the CEH sites themselves).

³⁴ See Appendix C for NPS-UD objectives and policies

³⁵ See Appendix C for a full copy of the NPS-UD objectives and policies

³⁶ NPS-UD – Objective 4

- 10.11 Policy 1 of the NPS-UD requires planning decisions to contribute to well-functioning urban environments that at a minimum “have or enable a have or enable a variety of homes that meet the needs, in terms of type, price, and location, of different households; and enable Māori to express their cultural traditions and norms...”.
- 10.12 Policy 2 requires, that at all times, RLC provide at least sufficient development capacity³⁷ to meet expected demand for housing and for business land over the short term, medium term, and long term.
- 10.13 The planning framework in Rotorua is not currently giving effect to Policy 1 or Policy 2 of the NPS-UD.
- 10.14 In my opinion, CEH helps to improve the housing situation in Rotorua, by getting those with an urgent housing need on the housing continuum³⁸. The proposed five year duration supports the notion that CEH is not a long term solution, but buys time while more permanent solutions can be implemented. This includes realising the provisions in PC9 which will significantly increase plan enabled housing capacity³⁹.
- 10.15 Policy 6 of the NPS-UD acknowledges that in giving effect to the NPS-UD (such as through Plan Change 9) the planned urban built form will change. While the proposals are not changing the buildings or structures on the CEH sites, the activity within the urban environment (emergency housing) is responding to a deficient planning framework that is at the early stages of responding to a significant housing deficiency. To some degree, the planned urban built form has already changed considerably with the notification of the Plan Change 9 and the immediate effect of MDRS in residential zones.
- 10.16 I consider that the Proposals are part of the broader policy response to the acute housing crisis in Rotorua. In my opinion, the Proposals are consistent with the objectives and policies of the NPS-UD.

Bay of Plenty Regional Policy Statement (RPS)

³⁷ Housing demand and capacity is discussed in detail in the evidence of Ms Hampson – paras 45 – 78.

³⁸ See Rotorua Housing Strategy – page 11 for a copy of the housing continuum.

³⁹ Evidence of Ms Hampson outlines that Plan Change 9 will enable sufficient housing capacity.

10.17 I generally agree with the assessment of Mr Batchelar that there are no policies in the RPS that are specifically relevant to the CEH applications. The RPS includes the following housing bottom lines (i.e. the amount of housing that should be enabled through the district plan) for Rotorua:

- 6,240 (short term 2020-2030)
- 3,500 (long term 2030-2050)
- 9,740 (30 year total 2020-2050 additional).

10.18 Change 6 to the RPS aims to implement the requirements of the NPS-UD by being more responsive to urban development proposals and provide support to intensification of urban areas. Submissions on Change 6 closed on 6 September 2022. Change 6 to the RPS includes policy support for greater intensification of development in urban environments. This is relevant to the wider solution for emergency housing (in terms of delivering more housing), but not to the consideration of the subject resource consent applications.

11 Operative District Plan (ODP)

11.1 The strategic objectives and policies are discussed next in my evidence. In addition, an assessment against the objectives and policies of the ODP was provided in each resource consent application. Appendix D of this evidence contains a more detailed assessment of the strategic and district wide objectives and policies as well as the residential and commercial objectives and policies. An assessment of the objectives and policies in the context of each site is addressed in in Annexures 1-13.

11.2 My conclusions in relation to the objectives and policies of the ODP are in the context of having read and considered the S42A reports, the submissions and the expert evidence that has been provided to date.

Appropriateness of the activity in the ODP zone

11.3 The majority of application sites (10 sites) are located (at least in part⁴⁰) in the Commercial 4 - City Entranceway Accommodation zone. The

⁴⁰ Sites 1-7 are entirely located in the Commercial 4 zone, Sites 8 – 10 are partly located in the commercial 4 zone.

remaining sites are located in a combination of other commercial or residential zones (see Table 1 above).

- 11.4 As outlined in the Applications, in considering the appropriateness of the site for the proposed CEH activity, there are distinguishing factors that are applicable to all of the Applications:
- (a) CEH is fundamentally similar to the existing and long-standing motel operation – whereby temporary accommodation will continue to be provided (albeit for people without permanent accommodation). The motel activity (providing short-stay accommodation) is well established on the site.
 - (b) CEH will occur in a supervised environment, using existing buildings and site features that require no physical modification to enable the activity to occur.
 - (c) The Commercial 4 zone and Residential 2 zone anticipate a more intensive style of built form and living environment, than in other zones in the city, thus recognising that there will be less onsite amenity available for occupants than might otherwise be required and acceptable in a traditional residential context.
 - (d) One CEH site is located in the Commercial 3 zone (neighbourhood centres zone) which aims to provide a level of convenience to residents within the immediate vicinity. This site is surrounded to the north, east and west by properties located in the Commercial 4 zone. Operation of CEH from the site which has long been used for the operation of a hotel (consent was granted in 1973 for a 30 unit hotel) and the proposed operation of CEH does not compromise the intended purpose of the zone.
 - (e) The Applications are for a temporary period of a 5 years while there is an ongoing demand for emergency housing. At the end of this period the site will revert to providing tourist accommodation. A new resource consent application would be required to extend the timeframe for CEH beyond five years.
- 11.5 While none of the zones provide for emergency housing (beyond eight people), this is a gap the ODP which was written at a time when population growth was anticipated to be low and there was not the

significant shortage of housing as there is today. I have not identified any area of conflict between the operation of CEH and the intended purpose of the zones within which CEH is located.

Strategic Direction – Economic Development (SDED-O1 and SDED P1 – SDED-P5)

- 11.6 Broadly, the economic development strategic objectives aim to provide for the wellbeing and prosperity of the community. Policy SDED-P4 is relevant to the subject application given the potential effects on tourism. CEH will take tourist accommodation facilities offline and submissions have also raised concerns with the potential for CEH and emergency housing more generally to impact on Rotorua's tourism reputation.
- 11.7 In my view, in assessing the Proposals against SDED-P4, the impact of broader social issues and wider emergency housing operations (outside of the subject applications) should not be lumped into the subject applications. SDED-P4 requires the environment to be 'managed', which is what is proposed in the applications through the onsite support, security and other conditions offered with the Applications and recommended in my primary evidence.
- 11.8 I consider the proposal achieves the intent of SDED-P4. The proposal is not contrary to SDED-O1 or SDED-P1 – SDED-P5).

Strategic Direction – Vibrant, Compact City Centre (SDVD-O1, SDVD-O2 and SDVD-P1-SDVD-P7)

- 11.9 SDVD-O1 aims to enable commercial activities within a safe and attractive environment. Broadly, measures to improve the visual appearance of sites and having an onsite Service Provider and Operator helps to ensure the visual appearance of the site is maintained. Site management practices such as removing rubbish, keeping sites tidy, removing shopping trolleys and cones from the sites have been implemented across all sites. The visual amenity at a site by site level is considered in my evidence in Annexures 1-13. No physical buildings are being constructed and with good site management, there is nothing to suggest CEH will have adverse effects on the 'attractive environment'.
- 11.10 Safety is a concern raised by a number of submitters and this was assessed in the SIA and is considered in the evidence of all expert

(except Ms Collins). I consider that with the proposed security and site management and mitigation proposed, the proposal is not in conflict with SDVD in respect of safety.

- 11.11 I understand that one of the drivers behind establishing CEH was to provide a safer option for whānau and rangatahi who require emergency housing. In some instances, those residing in CEH are moving away from overcrowded housing or situations of domestic violence where safety was a concern. In these instances CEH is having a positive effect with respect to safety.
- 11.12 SDVC-P1 identifies that the needs of the community change over time, this is currently true in the case of housing in Rotorua.
- 11.13 In my opinion, with the proposed mitigation, CEH will not compromise the safe and attractive urban environment and is therefore not in conflict with SDVC-01 or the supporting policies.
- 11.14 In terms of SDVC-02 and Policies SDVS-P6 and SDVC-07, the proposal will not compete with retail in the city centre. The close proximity of the sites to commercial areas and the city centre provides occupants of emergency housing access to many amenities within walking distance of where occupants are staying.
- 11.15 SDVC-P6 specifically aims to 'project the amenity of residential neighbourhoods'. In the context of Objective SDVC-02 this relates to providing for a compact city centre and not having commercial activities that would be better placed in the city centre impact on residential amenity.
- 11.16 I consider that there are appropriate mitigation and management solutions proposed to mitigate potential effects of the Proposals on surrounding neighbourhoods with respect to residential amenity.
- 11.17 The proposals do not include any retail activities. As discussed above, two of the sites are located entirely within the Residential 2 zone, but operating CEH from these existing motel sites will not compromise the Rotorua CBD to be the 'pre-eminent retail and commercial centre'.

Summary in relation to Strategic Direction Objectives and Policies

- 11.18 The provisions in the ODP provide limited guidance on when and where emergency housing may be appropriate. The only place emergency housing is referenced in the entire ODP is in relation to the definition of 'community housing'. There is no direction in the objectives and policies in relation to community housing. However, given that 'community housing' is provided for in the Commercial 4 and Residential 2 zone as a permitted activity, at some level emergency housing was contemplated when the ODP provisions were drafted.
- 11.19 Even without specific direction in the ODP, the provisions are broad enough that the proposed CEH activity can be considered in the context of providing for the 'wellbeing and prosperity of the community' in Objective-SDED-O1 and enabling the 'ongoing growth of tourism and recreational activities' in Policy SDED-P4.
- 11.20 I consider that the Applications are generally consistent and not contrary to any of the objectives of policies in the ODP.
- 11.21 I agree with the statement in Mr Batchelar's s42A report that *'there are no coherent policies designed to achieve clear environmental outcomes for large scale community housing'*⁴¹. I also agree with Mr Batchelar that in this context, consideration under Part 2 of the RMA is appropriate in evaluating the Applications. I assess the applications in the context of Part 2 below.
- 11.22 I address the commercial and residential objectives and policies in Annexures 1-13 where and in Appendix D of this evidence. The Proposals are not contrary to any of these objectives and policies in the ODP.

Proposed Plan Change 9 – Housing for Everyone

- 11.23 RLC notified 'Housing for Everyone - Plan Change 9' on 20 August 2022. The focus of Plan Change 9 being on to encourage greater development and housing choice by supporting intensification through 'enabling medium density living across most of our urban area, and high density living close to and in the city centre and in our commercial areas'⁴².

⁴¹ Mr Batchelar's evidence – para 99

⁴² [Housing for Everyone - Plan Change 9 | Let's talk | Kōrero mai \(rotorualakescouncil.nz\)](https://www.rotorualakescouncil.nz/letstalk/plan-change-9)

- 11.24 Plan Change 9 renames the 'Residential 2' zone to 'High Density Residential' encouraging more people to live in areas that are near amenities and employment. It also increases the building heights in the Commercial 4 zone from 12m to 24m.
- 11.25 Plan Change 9 is not a comprehensive review of the residential and commercial provisions in the ODP, but rather has a narrow focus on increasing plan enabled housing capacity. As a result Plan Change 9 does not resolve the lack of direction in the ODP rules, objectives and policies with respect to emergency housing, however, it does significantly increase the housing capacity in Rotorua. Ms Hampson outlines in her evidence that plan enabled housing capacity in the short to medium term will ensure that the ODP provides sufficient housing capacity (from 21,100 to 129,500 additional dwellings).
- 11.26 Plan Change 9 replaces the zone description for the Residential 2 zone (renamed 'High density residential living') and the Commercial 4 zone⁴³ as outlined below.

Residential 2 zone:

"Areas with good accessibility to commercial activities, public open space and community services, used predominantly for high density residential activities such as apartments, and other compatible activities. A high density residential built character is expected, comprising residential buildings generally up to six storeys.

~~*Medium density residential areas located close to the city centre. There is 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."*~~

Commercial 4 zone:

"Tourism accommodation and high density residential concentrated along city entranceways and arterial routes such as Fenton Street and Lake

⁴³ Plan change 9 also amends the zone description in the Commercial 3 zone, providing for residential above the ground floor.

Road. Activities within the Commercial 4 zone consist of motels or large apartment style buildings commonly two storeys in height, with signage that maintains surrounding amenity. The buildings are designed to cover the majority of the land area and have minimal yards that are landscaped where they adjoin the road. The Commercial 4 zone provides for the continued operation and development of tourist accommodation and supporting commercial activities, as well as all forms of residential, at high densities.”

- 11.27 If the Plan Change 9 provisions remain as currently drafted, in my opinion, there would be a significant change to the planned urban form for land located in the Residential 2 and Commercial 4 zones of the District Plan. Notably, Plan Change 9 proposes to increase building heights to 19.5m in the Residential 2 zone (up from 7.5m in the ODP) and 24m in the Commercial 4 zone (up from 12m in the ODP).
- 11.28 The Plan Change is in its early stages, but with the immediate legal effect of the MDRS provisions in residential zones, as well as some objectives and policies, Plan Change 9 will, at a minimum, change planned urban form to the level anticipated by the MDRS. Provisions in Plan Change 9 that go beyond the MDRS and additional qualifying matters will need to be considered through Intensification Streamlined Planning Process.
- 11.29 Plan Change 9 is relevant when considering the duration within which CEH will be required. The impact of Plan Change 9 in terms of housing delivery will take some time and will not be available in the short term. In the short term (up to five years), CEH offers a solution to provide housing to those that need it immediately. The impact of Plan Change 9 in terms of housing delivery should be considered alongside other policy responses⁴⁴.
- 11.30 I have assessed the relevant objectives and policies as proposed under Plan Change 9 in Appendix D. I agree with the assessment of Mr Batchelar that Plan Change 9 does not change the activity status of the Applications, but the MDRS provisions that have immediate legal (i.e. in the residential zones) change the permitted baseline.

⁴⁴ Including the Infrastructure Acceleration Funding for stormwater improvements in Rotorua, public housing projects and Future Development Strategy that is currently being prepared.

11.31 I have not identified any areas of conflict with the provisions of Plan Change 9 and the subject Applications.

12 S104(1)(c) Other Matters

Rotorua Lakes Council Spatial Plan 2018 (Spatial Plan)

- 12.1 The RLC Spatial Plan is relevant for consideration as an 'other matter'. The RLC Spatial Plan directs growth and change in the Rotorua district and identifies key issues facing the district and the priorities that need to be advanced to address these⁴⁵.
- 12.2 Objective One and Objective Five are relevant to the wider housing context in Rotorua in that they signal a move of tourism accommodation off Fenton Street, into the Rotorua CBD.
- 12.3 Objective One of the Spatial Plan is to "build homes to match needs". The Spatial Plan identifies that an increase in population has put pressure on Rotorua's housing market and that there are not enough homes being built for the number of additional people living in the district.
- 12.4 The Spatial Plan identifies that Fenton Street has 'a number of older tourist accommodation properties that could be converted or redeveloped with townhouses or terrace style homes'⁴⁶.
- 12.5 The Spatial Plan directs that district plan changes will be undertaken for the purpose of "consolidating tourism accommodation in the CBD and allowing existing accommodation to change to land for homes".
- 12.6 The Spatial Plan states that the Rotorua CBD is identified as having more commercial space than the current and future population requires. Objective Five of the Spatial Plan identifies that 'tourism accommodation' should be repurposed as an area for homes and that these businesses should transition into the central city.
- 12.7 In my opinion, the Spatial Plan signals that the strategic direction for Fenton Street is not for it to remain as a key provider of tourist accommodation, but for this type of accommodation to transition to the CBD. The long term vision in the Spatial Plan signals that Fenton Street is

⁴⁵ RLC Spatial Plan 2018 – page 11

⁴⁶ RLC Spatial Plan – page 18

rundown and will be redeveloped into housing. In my view, the area of Fenton Street is due to undergo substantial change to provide for the housing needs required by the Rotorua community. I note that Plan Change 9 (discussed above) is the first step in this change, where the Commercial 4 zone provides for housing of a maximum height of 24 metres.

13 Conditions of Consent

13.1 The requirements for conditions of resource consent are set out in s108AA(1) of the RMA. In summary, s108AA(1) outlines that a consent authority must not include a condition of consent unless the applicant agrees to the condition, the condition is directly related to an adverse effect or the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.

13.2 The s42A overview report includes both site specific conditions and recommended strategic conditions.

13.3 What is relevant in terms of conditions, is, what is required to mitigate effects from the subject applications, including in relation to any administrative matters. Some of the conditions⁴⁷ provided with the s42A overview report are more suited as advice notes rather than conditions.

13.4 I will provide an updated set of consent conditions before the commencement of the hearing. I anticipate that these will develop over the course of the hearing. In the interim, I provide the following overall comments on the recommended consent conditions attached to the Council's s42A overview report. I have also provided comment on site specific conditions in Annexures 1-13.

S42A Recommended Strategic Conditions

13.5 In my opinion the strategic conditions are problematic. I assume the intention behind these conditions is to mitigate the potential cumulative effects of the operation of emergency housing (including motels funded through EHSNGs). I note that the s42A overview report by Mr Batchelar considers the cumulative effects of the Proposals to be acceptable.

⁴⁷ Strategic conditions 1, 2 and 7 and site specific conditions 11, 19 and 27.

13.6 I will now discuss the detail of the strategic conditions.

Reducing CEH

13.7 **Strategic Conditions 1 and 2** relate to the strategy behind reducing the total number of CEH motels. In my opinion, these conditions aim to influence government policy decisions, rather than mitigating a specific effect related to one of the application sites and would be better suited as advice notes or left to be discussed between MHUD and the Council through the Taskforce.

13.8 In addition, Conditions 1 and 2 are ambiguous, for example, what constitutes 'considering' terminating the contracts? How would MHUD demonstrate to RLC that it has given 'due consideration' to the proximity for CEH to tourist attractions, limiting the geographical concentration and avoiding sites that have a lower quality environment for longer term use? It is also not clear to me how these conditions would operate in practice or be enforced.

0800 Telephone Number

13.9 **Strategic Condition 3** requires MHUD to establish, operate and maintain an 0800 telephone number for the community to address any noise or other complaints. I accept that providing the public with a telephone line to raise concerns or ask questions about CEH could assist in mitigating the potential social effects of the Proposals. I do not agree that MHUD would be best placed to implement such a condition, and that this instead could be part of the Service Provider's role. The 0800 number could be incorporated into the Site Management Plan for each site (acknowledging that there may be a shared number across the 13 CEH sites).

13.10 **Strategic Condition 4** requires MHUD to develop a policy demonstrating how complaints received via the 0800-telephone number will be managed and how the number will be distributed in the community. Again I consider this could fall within the role of the Service Provider.

13.11 I accept that an 0800 number may be useful as an avenue for the community to ask questions or complain, but I do not agree that MHUD is best placed to manage and implement this phone number.

Ongoing SIA

- 13.12 **Strategic Condition 5** requires an ongoing SIA to be undertaken by MHUD, with Council input. It appears to relate to CEH and emergency housing more generally and requires confidential independent interviews with both CEH and emergency housing occupants as well as surveying the community to understand the range of impacts being experienced by both immediate neighbours and the wider community.
- 13.13 **Strategic Condition 6** requires a Social Impacts Management Plan be implemented by MHUD, with Council input to establish a baseline, followed by annual monitoring to evaluate the effectiveness of the social impact mitigation measures against this baseline.
- 13.14 As discussed in relation to social effects above, Ms Healy does not consider an ongoing SIA is necessary nor that it should be a requirement of consent. I accept the advice of Ms Healy and also do not understand why an ongoing SIA is necessary or what it would achieve. As currently drafted it is not clear what MHUD is supposed to include in an ongoing SIA and what mitigations the Council would consider acceptable in terms of complying with these conditions.

Costs of implementing strategic conditions

- 13.15 **Strategic Condition 7** requires all costs in relation to these conditions (i.e. the strategic conditions) be met by MHUD. I do not consider it necessary to require by condition of consent that MHUD is responsible for all costs associated with these conditions. My understanding of contracting motels for emergency housing is that it was a result of a Rotorua Housing Taskforce response to an immediate housing need. There are many organisations involved in this response, including the Council itself and therefore there may be any number of ways that costs associated with compliance with conditions of consent would be achieved.

S42A Recommended Site Conditions

- 13.16 I agree with many of the site specific conditions outlined in the s42A overview report. Where I have concerns or comments on the conditions as recommended in the s42A report I discuss these below.

Consent Holder

- 13.17 **Site Conditions 2 and 3** require that the consent is issued personally to the Operator and MHUD and that it cannot be transferred to and held by any other person. I do not agree with these restrictions, noting that it is possible that during the five year consent period, the Operator may change and this condition unduly limits this from occurring.
- 13.18 Such conditions are unusual in my experience in their application to a land use consent, and the Council has not explained its rationale for such a limiting condition. In my opinion, such restrictions are not necessary to ensure conditions of consent are enforceable or otherwise certain. I recommend these conditions are deleted.
- 13.19 I also note that the way these conditions are currently drafted do not allow the Service Provider to be a consent holder. The Service Provider is onsite and is critical to the effective implementation of the Site Management Plan. I recommended Conditions 2 and 3 are deleted, that the 'consent holder' is not specified and the land use consent is attached to the land and applies to any person implementing the consent.

Scale and Intensity

- 13.20 **Site Condition 7** outlines a maximum number of residents onsite (excluding children under six months of age). For the reasons outlined in my evidence (above) it is my opinion that the maximum occupancy offered by the Applicant and outlined in Annexures 1-13 is appropriate. In my opinion, the Service Provider is best placed to determine which rooms are most suitable for occupants, and in doing so, they consider a variety of factors including overcrowding.
- 13.21 **Site Conditions 8-10** unnecessarily restrict the allocation of units to whānau in need of emergency housing. In my opinion, based on my understanding of how people are allocated to CEH sites and to specific units, Service Providers are best placed to allocate whānau to units based on their specific needs. I anticipate the matter of how whānau are allocated to units will be addressed in the evidence from the Service Providers and in the operational evidence from Mr Wilson from MHUD.
- 13.22 In some cases, the most important need of whānau may relate to access to 'play space' but in other situations it may be more important that they

have ongoing support from a particular Service Provider or are located near people they have an existing positive relationship with.

Noise, Glare and Light

- 13.23 **Site Conditions 25, 26, 27 and 29** relate to noise, glare and light are conditions requiring compliance with the permitted activity standards in the ODP. In my opinion, it is unnecessary to condition permitted activity standards, I note that consent is not being sought to breach these standards and the Council has enforcement powers to require compliance with such District Plan standards.
- 13.24 **Site Condition 28** relates to meeting an internal road traffic design sound level of 40dB LAeq inside all habitable rooms. This standard in the district plan relates to noise sensitive activities within proximity of a state highway. The s42A reports have not identified any issues with respect to reverse sensitivity effects and proximity to the State Highway (noting that there is only one site (16 Sala Street) on a State Highway).
- 13.25 The s42A site specific report for 16 Sala Street states, in relation to reverse sensitivity, that “it would be unreasonable to require the operator to install this glazing and ventilation system⁴⁸”. I consider it is unreasonable to require an internal design sound level inside all habitable rooms, particularly where the consent is for a fixed five year duration and to use an existing building.
- 13.26 I consider conditions 25-28 should be deleted.

Site Management Plan

- 13.27 **Condition 31** requires a final Site Management Plan be submitted for certification within one month of the commencement of the consent.
- 13.28 I consider that effective implementation of the Site Management Plan is critical to mitigating adverse effects of the Proposals. I support the inclusion of such a condition, but recommend some changes to ensure the requirements of the SMP are clear. In addition, I agree with the recommendations in Ms Healy’s evidence that there should be standardisation of ‘house rules’ and complaints procedures across the 13 CEH sites.

⁴⁸ Site Specific s42A report for 16 Sala Street – para 103

- 13.29 I note that Ms Healy has recommendation that there is improved staffing (in addition to security) in the evening and weekends for onsite management.
- 13.30 I understand from MHUD that the Service Providers already respond to incidents on the weekends and in the evenings. In addition, I note that there will be an 0800 number that the community can use if they need to report an incident urgently. I also consider that the existence of the review condition can provide some certainty that if through the monitoring of the consent it is identified that additional support staff is necessary, this can be imposed as a condition in relation to the site that requires additional staffing. A blanket requirement for more support staff across all sites may be unreasonable in terms of resourcing and cost.

Bonds

- 13.31 **Site Conditions 32-36** require the operator enter into an enforceable written agreement that provides for a bond in favour of the Council for a prescribed amount of \$100,000 for each CEH site.
- 13.32 The purpose of the bond is outlined in the conditions as being to secure the performance of the conditions in the event of a failure by the Operator to achieve compliance to Council's satisfaction.
- 13.33 Mr Batchelar notes that this bond will enable the Council to enter the site and arrange for any necessary remedial actions to be taken.
- 13.34 It is unclear how the \$100,000 sum was arrived at. It is also unclear what remedial actions required by Council may warrant the taking of such a bond.
- 13.35 I agree that bonds can be an appropriate tool in cases where a consent holder may be unable to undertake site mitigation works; with the financial bond being available for the council to use to undertake those specific works. Typical examples for this situation might typically include extensive biodiversity planting and works. Bonds are also appropriate in cases where the effects of an activity may occur beyond the period of consent (for example, because of ongoing leachate problems). In my opinion, neither situation is relevant to the consents under consideration.

- 13.36 In my opinion, the proposed site specific conditions are not of a nature that would warrant the taking of a bond, and certainly not at the value prescribed within the Council's recommended conditions. In regard to the latter point, I note that there is no evaluation within the Council's s42A reports to inform the value of the bond (noting that the value of a bond should typically be based on the estimated cost of undertaking works subject to the bond + 25%).
- 13.37 Overall, it is my opinion that the requirement to take a bond has not been adequately demonstrated by the Council and the proposed conditions are neither necessary, or appropriate.

Review condition

- 13.38 I agree with including a review condition in the decision of the consent, and one was offered by the applicant as part of each application.
- 13.39 I do not agree that the review condition should be able to reduce the term of the consent. In my view the effects of the Proposals are known (given that CEH has been operating for some time) and any unanticipated effects that arise from the CEH activity can likely be mitigated through further conditions as the review condition would allow.

14 Section 104D Gateway Test

- 14.1 As discussed above, a cautious approach has been taken with respect to the activity status of the Proposals, and the resource consents have been applied for on the basis that the activity of CEH is a non-complying activity. Analysis of the activity status is discussed in each resource consent application and in section 6 of my evidence (above) and in Mr Batchelar's s42A Report⁴⁹.
- 14.2 Under section 104D of the RMA, a non-complying activity cannot be granted unless it is considered to pass one of the two 'threshold tests' or 'gateways'.
- 14.3 Having considered the Council's s42A Reports, expert evidence and submissions, and for the reasons outlined in this evidence, it is my opinion that the effects of the proposal are minor, and that the Proposals are not

⁴⁹ Mr Batchelar's s42A Overview Report – Paras 49-78

contrary to the objectives and policies of the Rotorua District Plan or Plan Change 9.

15 Part 2 Analysis

- 15.1 I have had regard to matters under Part 2 of the RMA when preparing this evidence.
- 15.2 I understand that a consent authority is not required to consider Part 2 of the RMA beyond its expression in the relevant statutory planning documents, unless those documents have not been prepared in a manner that appropriately reflects Part 2 (including if there is invalidity, incomplete coverage or uncertainty of meaning within the statutory planning documents). Where a statutory plan has been competently prepared under the RMA, reference to Part 2 of the Act will generally not add to the evaluative exercise that is required.
- 15.3 In this instance, the ODP objectives and policies do not provide direction in the objectives and policies about where and at what scale emergency housing may be appropriate. In terms of housing generally the ODP is out of date and does not provide sufficient housing capacity in the short, medium or long term. Based on the evidence of Mr McNabb, the 'housing crisis' in Rotorua is a result of many factors, one of which is that the ODP does not provide for housing at the scale required. Plan Change 9 is part of the response, but as noted in the s32 report for Plan Change 9, it is not a full plan review. I understand RLC is in the process of preparing its Future Development Strategy and following this work a more comprehensive review of ODP provisions will be undertaken.

Section 5 of the RMA

- 15.4 The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management is defined as:

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 15.5 The 13 CEH Proposals provide those with high housing need an opportunity to access an interim housing solution that, in my opinion, will improve their wellbeing. Beyond the benefits of providing short term secure accommodation for whānau and rangitahi, the wrap around support services located on each site help to improve the wellbeing of whānau and can be tailored to the specific needs of the individual or group.
- 15.6 Effects of CEH on the environment have been considered above, including careful consideration of the cumulative social and economic effects. The potential effects can be mitigated through good site management and the implementation of the conditions in Appendix E of this evidence.
- 15.7 Service Providers are skilled and experienced with managing emergency housing and in my view are best placed to manage the onsite details, particularly in relation to room allocation.
- Section 6, 7 and 8 of the RMA*
- 15.8 Section 6 of the RMA contains matters of national importance that are to be recognised and provided for, while section 7 details other matters to be given particular regard. In this instance I consider s6(e), 7(a), 7(c) and 7(f) are relevant to the Proposals for CEH.
- 15.9 Section 6(e) recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga and Section 7(a) requires particular regard to be had to kaitiakitanga.
- 15.10 I have discussed the cultural effects in the main body of my evidence above. In my view, it is unclear what the alleged adverse cultural effects of

operating CEH are for two of the CEH sites⁵⁰. Council's s42A report identified these sites as having potential cultural effects due to their proximity to Whakarewarewa and Te Puia. The issues raised in the relevant submissions⁵¹ relate to the impact on the economic, social and cultural impact on the tourism business, safety, anti-social behaviour and sites not being suitable for children. The submitters have not elaborated on cultural effects and do not suggest any mitigation other than to decline consent.

- 15.11 The Act requires particular regard to be had to the maintenance and enhancement of amenity values (Section 7(c)) and the maintenance and enhancement of the quality of the environment (Section 7(f)). Amenity values and the quality of the environment have been discussed in detail in this evidence. Conditions of consent are recommended in Appendix E to this evidence to ensure amenity values and the quality of the environment are maintained.
- 15.12 Section 8 of the RMA requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- 15.13 From the evidence of Mr McNabb, I understand that CEH has been developed by a Taskforce of central government officials working in partnership with Te Arawa Iwi, the Council, and other community stakeholders, building on a relationship that has formally existed between Te Arawa and central government agencies since 2019. It is focused on improving outcomes for people in emergency housing, amongst whom Māori are significantly overrepresented.
- 15.14 This initiative enables Iwi to exercise rangatiratanga; Te Taumata o Ngāti Whakaue Iho Ake Trust (a leadership organisation established by Ngāti Whakaue to achieve the aspirations of the Iwi) leads the operation of Te Pokapū - the Rotorua Housing Hub and oversees the collective of support service providers. Within Te Pokapū, a cultural framework (Ngā Pou e Rima) is used to assess whānau need and a plan for achieving whānau housing aspirations is established. This further seeks to enable Māori to

⁵⁰ Site 7 – 3 Meade Street (Pohutu Lodge Motel) and Site 13 7 Tryon Street (Apollo Hotel)

⁵¹ Submission no's 362, 169, 210, 174.

exercise rangatiratanga, and to achieve equal provision of housing support.

15.15 The Applications align with Part 2 of the Act.

16 Conclusion

16.1 The Proposals pass through both limbs of the 104D gateway for non-complying activities and therefore the Panel is able to consider whether or not to grant consent to the applications.

16.2 My conclusion in relation to the potential adverse effects on the environment are that effects will be minor and acceptable, subject to the compliance with the conditions. I will provide an updated copy of recommended conditions prior to the hearing.

16.3 My conclusion in relation to the objectives and policies of the ODP and Plan Change 9 is that neither provides direction in relation to emergency housing and where it might be appropriate, however, I have identified no areas of conflict with the ODP provisions.

16.4 I consider a Part 2 assessment is relevant and appropriate and that the Proposals are consistent with Part 2 of the RMA.

16.5 In my opinion, consent can be granted for all 13 CEH applications, for a duration of 5 years.

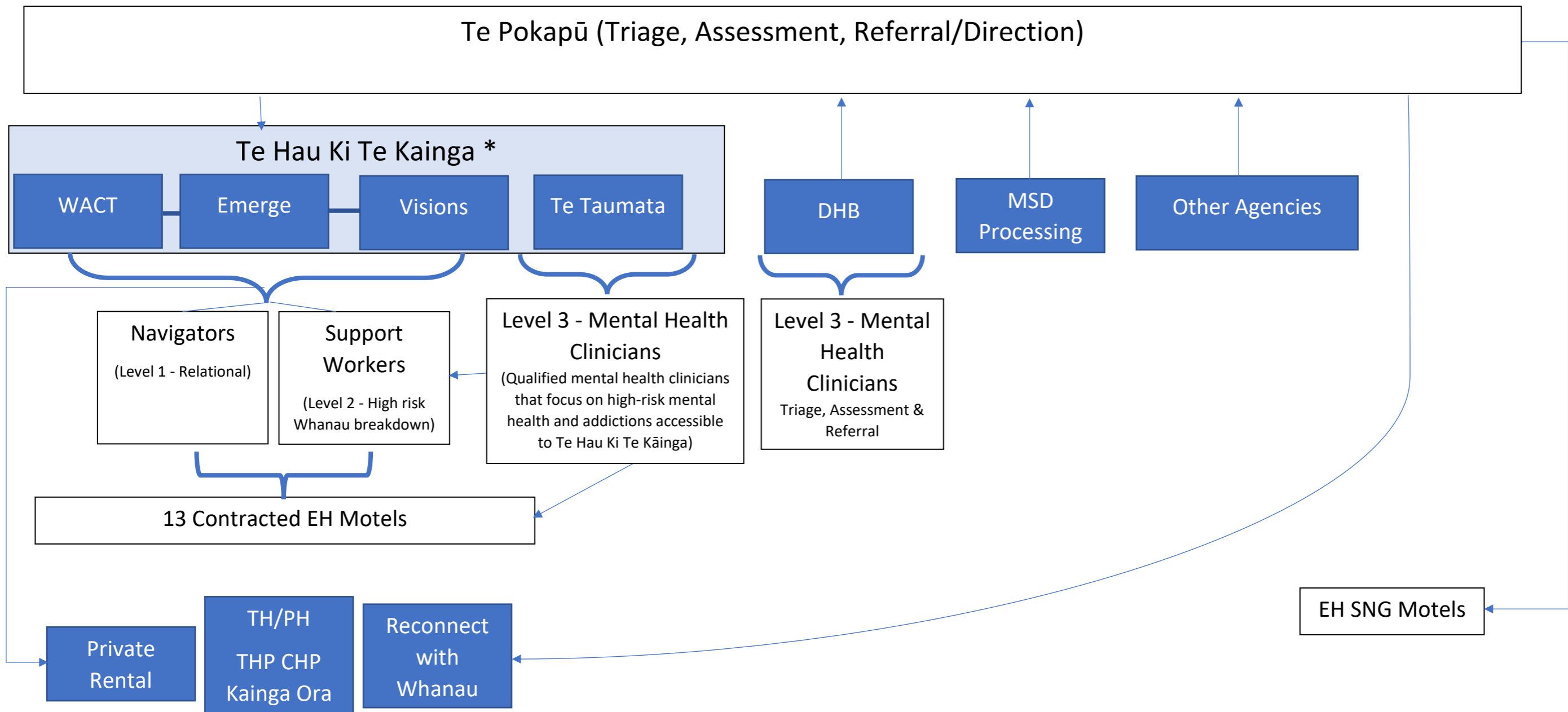
Date: 5 October 2022



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Alice Blackwell

Appendix A: Te Pokapū Flow Diagram



* Te Hau Ki Te Kainga's role with whanau in CEH

- Planning
- Mentoring
- Evaluation

Appendix B: Relevant District Plan Definitions

Appendix B: Rotorua Lakes Council Relevant Definitions

1 Operative District Plan

Term	Definition
Amenity values	means 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.
City entranceways	the principal approaches through the urban area by road to the city centre, the character and appearance of which are important in creating a positive perception of the city by visitors
Community facility	land or buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation, or social entertainment or similar purposes and includes such buildings used for clubrooms, arts, museum and cultural community premises, community theatres, conference rooms, churches, and meeting rooms, not for profit social support and services but does not include a chartered club or building designed specifically for indoor recreation.
Community housing	a place of residence for a maximum of eight persons (i.e. all residents including resident staff) where some element of care or support is provided for residents. The definition includes emergency housing (including temporary overnight accommodation) and rehabilitation centres, but excludes facilities where the movement of residents is legally restricted.
Development	change involving new buildings, alteration of buildings, or a new or altered use of land or buildings.
Holiday rental accommodation	the use of a residential building, including temporary use of an established household unit, by paying guests, for short term holiday accommodation where the owner or manager is not resident on the site.
Household unit	any building, part of a building or vehicle, whether temporary or permanent, that is occupied as a residence, including any structure or outdoor living area that is accessory to and used wholly or principally for the purposes of the residence.
Minor household unit	a household unit that does not exceed 72m ² excluding garaging.
Office Activity	in addition to the ordinary and customary meaning includes activities carried out in laboratories, computer bureaux, data processing facilities, finance houses, insurance agencies.
Sensitive activities	activities with an expectation of human occupancy of buildings which would by reason of the period of occupancy or vulnerability would be sensitive to the risks

	from adverse effects on health, safety, amenity and peace of mind from existing activities. Such activity includes schools, residential buildings and hospitals.
Tourist accommodation	land and buildings for use as temporary accommodation by paying guests, where the accommodation is not their normal place of residence and includes motels, hotels, boarding houses, private hotels, tourist house licensed premises, guest houses, backpacker lodges, youth hostels and similar accommodation, and includes accessory facilities such as visitor, service and recreation facilities, conference facilities and restaurants. Tourist Accommodation does not include Bed and Breakfast or Holiday Rental Accommodation.

2 Plan Change 9

Term	Definition
Amenity values	means 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.
Community facility	land or buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation, or social entertainment or similar purposes and includes such buildings used for clubrooms, arts, museum and cultural community premises, community theatres, conference rooms, churches, and meeting rooms, not for profit social support and services but does not include a chartered club or building designed specifically for indoor recreation.
Community housing	a place of residence for a maximum of eight persons (i.e. all residents including resident staff) where some element of care or support is provided for residents. The definition includes emergency housing (including temporary overnight accommodation) and rehabilitation centres, but excludes facilities where the movement of residents is legally restricted.
Development	change involving new buildings, alteration of buildings, or a new or altered use of land or buildings.
Holiday rental accommodation	the use of a residential building, including temporary use of an established residential unit, by paying guests, for short term holiday accommodation where the owner or manager is not resident on the site.
Minor residential unit	a residential unit that does not exceed 72m ² excluding garaging.
Residential activity	means the use of land and building(s) for people's living accommodation.
Residential unit	means a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.

Sensitive activities	activities with an expectation of human occupancy of buildings which would by reason of the period of occupancy or vulnerability would be sensitive to the risks from adverse effects on health, safety, amenity and peace of mind from existing activities. Such activity includes schools, residential buildings and hospitals.
Tourist accommodation	land and buildings for use as temporary accommodation by paying guests, where the accommodation is not their normal place of residence and includes motels, hotels, boarding houses, private hotels, tourist house licensed premises, guest houses, backpacker lodges, youth hostels and similar accommodation, and includes accessory facilities such as visitor, service and recreation facilities, conference facilities and restaurants. Tourist Accommodation does not include Bed and Breakfast or Holiday Rental Accommodation.

Appendix C: NPS-UD Objectives and Policies

Appendix C: National Policy Statement on Urban Development

1 Objectives

Objective 1	<i>New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</i>
Objective 2	<i>Planning decisions improve housing affordability by supporting competitive land and development markets.</i>
Objective 3	<i>Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:</i> <i>(a) the area is in or near a centre zone or other area with many employment opportunities</i> <i>(b) the area is well-serviced by existing or planned public transport</i> <i>(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.</i>
Objective 4	<i>New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</i>
Objective 5	<i>Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</i>
Objective 6	<i>Local authority decisions on urban development that affect urban environments are:</i> <i>(a) integrated with infrastructure planning and funding decisions; and</i> <i>(b) strategic over the medium term and long term; and</i> <i>(c) responsive, particularly in relation to proposals that would supply significant development capacity.</i>
Objective 7	<i>Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.</i>
Objective 8	<i>New Zealand's urban environments:</i> <i>(a) support reductions in greenhouse gas emissions; and</i> <i>(b) are resilient to the current and future effects of climate change.</i>

2 Policies

<p><i>Policy 1</i></p>	<p><i>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</i></p> <ul style="list-style-type: none"> <i>(a) have or enable a variety of homes that:</i> <ul style="list-style-type: none"> <i>(i) meet the needs, in terms of type, price, and location, of different households; and</i> <i>(ii) enable Māori to express their cultural traditions and norms; and</i> <i>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</i> <i>(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</i> <i>(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</i> <i>(e) support reductions in greenhouse gas emissions; and</i> <i>(f) are resilient to the likely current and future effects of climate change.</i>
<p><i>Policy 2</i></p>	<p><i>Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</i></p>
<p><i>Policy 3</i></p>	<p><i>In relation to tier 1 urban environments, regional policy statements and district plans enable:</i></p> <ul style="list-style-type: none"> <i>(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and</i> <i>(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and</i> <i>(c) building heights of at least 6 storeys within at least a walkable catchment of the following:</i> <ul style="list-style-type: none"> <i>(i) existing and planned rapid transit stops</i> <i>(ii) the edge of city centre zones</i> <i>(iii) the edge of metropolitan centre zones; and</i> <i>(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.</i>
<p><i>Policy 4</i></p>	<p><i>Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.</i></p>
<p><i>Policy 5</i></p>	<p><i>Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:</i></p> <ul style="list-style-type: none"> <i>(a) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or</i>

	<i>(b) relative demand for housing and business use in that location.</i>
<i>Policy 6</i>	<p><i>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</i></p> <p><i>(a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement</i></p> <p><i>(b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</i></p> <p style="padding-left: 40px;"><i>(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and</i></p> <p style="padding-left: 40px;"><i>(ii) are not, of themselves, an adverse effect</i></p> <p><i>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</i></p> <p><i>(d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity</i></p> <p><i>(e) the likely current and future effects of climate change.</i></p>
<i>Policy 7</i>	<i>Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.</i>
<i>Policy 8</i>	<p><i>Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</i></p> <p><i>(a) unanticipated by RMA planning documents; or</i></p> <p><i>(b) out-of-sequence with planned land release.</i></p>
<i>Policy 9</i>	<p><i>Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</i></p> <p><i>(a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and</i></p> <p><i>(b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and</i></p> <p><i>(c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and</i></p> <p><i>(d) operate in a way that is consistent with iwi participation legislation.</i></p>
<i>Policy 10</i>	<p><i>Tier 1, 2, and 3 local authorities:</i></p> <p><i>(a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and</i></p> <p><i>(b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and</i></p> <p><i>(c) engage with the development sector to identify significant opportunities for urban development.</i></p>

Policy 11

In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*
- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

**Appendix D: District Plan and Plan Change 9 Objectives and Policies
Assessment**

Appendix D: Operative District Plan & Plan Change 9 Relevant Objectives and Policies

Operative District Plan

1.1 District Wide Matters, Strategic Direction

a) SDED – Economic Development

Objective		Policy	
SDED-O1	<i>Sustainable Rural, Residential, Industrial and Business Innovation Zones where activities contribute to the economic, social, cultural and environmental wellbeing and prosperity of the community.</i>	<i>SDED-P1</i>	<i>The positive effects of business and industry on economic, social and environmental wellbeing are encouraged and promoted by enabling existing activities to continue to operate and develop.</i>
		<i>SDED-P2</i>	<i>Recognise the key contribution that sustainable rural and forestry activities make to the economy and the need for innovation and diversification with environmentally sound practises.</i>
		<i>SDED-P3</i>	<i>Enable the operation of rural production and industrial activities, having regard to access to and use of resources, transportation and infrastructure requirements and the future need for innovation and diversification with environmentally sound practices.</i>
		<i>SDED-P4</i>	<i>Manage the environment to enable ongoing growth of tourism and recreational activities that support the social, cultural and environmental attributes that are valued by the community and contribute to the identity of Rotorua.</i>
		<i>SDED-P5</i>	<i>Commercial and industrial activities, exclusive of resource based activities, establish within land zoned and provided with onsite services for commercial and industrial purposes.</i>
<i>Assessment:</i>	CEH provides for the social and cultural wellbeing of those in CEH, by providing an interim solution to an acute housing need while more permanent housing can be found.		

The evidence of Mr Eaquad and Ms Hampson the housing shortage is caused by rapid population growth and insufficient housing supply, resulting in an increase in demand for emergency housing. Furthermore, as identified in the evidence of Ms Healy¹ declining the resource consents would not likely improve the wider social conditions attributed to emergency housing and could, in fact, exacerbate social impacts on the community.

The Proposals support social wellbeing in particular, as CEH provides those who do not otherwise have housing with somewhere to stay while a more permanent housing solution is found. I understand from Service Providers that in the event that CEH is not provided, whānau would return to housing situations that do not provide basic human needs

Strategic Direction Policy SDED-P4 aims to grow the tourism sector and support social, cultural and environmental attributes that are valued by the community. While CEH is operating, the subject motel / hotel will not be available for tourists to use, but this does not necessarily mean tourism sector is stymied or contracts because of the operation of CEH. As outlined in the evidence of Mr Eaquad, the use of motels will not result in a shortfall of the supply of tourist accommodation, and tourism demand recovery will be slow. Further, as I understand from motel operators, operating CEH from each site is a business decision, and without this opportunity many of the accommodation businesses may have closed down, removing the tourism operator from the market altogether.

The subject applications have a limited duration, whereby after five years the sites will revert back to their previous use. Essentially, providing longevity to 'tourist accommodation' in the medium to long term.

While the ODP encourages 'tourist accommodation' in the Commercial 4 zone where it is a permitted activity, the ODP does not *require* 'tourist accommodation' to be operated from the subject sites. Using the sites for 'household units' is a realistic alternative to providing 'tourist accommodation', and if the sites were to be converted to household units, the 'tourist accommodation' would be removed from the market permanently.

As outlined in by Ms Healy, the model where tourists are separated from those in emergency housing is preferred (over mixing emergency housing and traditional motel guests). Furthermore, if this preferred model were to be rolled out more broadly (i.e. beyond contracted motels) it could, in Ms Healy's opinion, help to address some of the reputational issues with emergency housing in Rotorua.

Based on the evidence of Ms Healy and Mr Eaquad, I consider that removing 13 motels / hotels from the accommodation market, rather than having motel guests and CEH occupants sharing accommodation, supports the objective of growing tourism, particularly given the current broader social and housing issues in Rotorua and the current tourism climate. Furthermore, the evidence of Mr Eaquad identifies that there is an oversupply of budget accommodation in the city, and many of the motels / hotels used for CEH fall into this category. Equally, Mr Eaquad states there is a shortage of high-end hotel units.

As discussed in my Primary Evidence I agree with and accept the conditions relating to manage potential effects in relation to landscaping, motel signage, advertising online and no parking on the road berm in front of the subject sites. As well as having an 0800 number the community can use to discuss or report incidents related to CEH.

In my view, the Proposals need to be considered carefully against SDED-P4. The impact of broader social issues and wider emergency housing operations (outside of the subject applications) should not be lumped into the subject applications. SDED-P4 requires the environment to be 'managed', which is what is proposed in the applications through the onsite support, security and other conditions offered with the Applications and recommended in my primary evidence. I consider the Proposals sufficiently achieve the intent of SDED-P4.

¹ Paragraph 8.15 of Ms Healy's Statement of Evidence

b) SDUD – Urban Form and Development

Objective		Policy	
Economic and social well-being of the district			
SDUD-O1	Sufficient land area suited for future urban and economic development that provides the residents of Rotorua with a range of lifestyle and development choices.	<i>SDUD-P1</i>	<i>Identify areas within the district to meet future demand for residential development.</i>
		<i>SDUD-P2</i>	<i>Ensure that development in the areas identified for new growth is carried out in a manner that meets the community’s needs and avoids, remedies or mitigates adverse environmental effects.</i>
<i>Assessment:</i>	<p>RLC has notified Plan Change 9 (discussed below) to increase the development capacity for housing. Currently there is not sufficient housing capacity in Rotorua (see RLC’s HBA²). The subject Applications align with SDUD-O1 as they provide an interim solution to provide accommodation to those with an immediate housing need while longer term solutions, such as the construction of more housing coming on-stream following Plan Change 9 (as part of a broader suite of housing solutions) have an impact on the ground.</p> <p>The Proposals are for a change in the activity on the subject sites i.e. CEH, not for the redevelopment of buildings or structures on the site. The 13 resource consents are sought for a duration of 5 years, after which time the sites can revert back to the previous motel use or be redeveloped in accordance with the provisions of the District Plan.</p> <p>The current lack of sufficient land suitably zoned for higher density development is one of the reasons the subject resource consents are required. There are not enough houses in Rotorua to meet demand for housing in the short, medium or long term³.</p>		
Development of the future growth areas and infrastructure			
SDUD-O2	A relevant residential zone provides for a variety of housing types and sizes that respond to— i. housing needs and demand; and	<i>SDUD-P3</i>	<i>Subdivision and development within growth areas completed in a structured and integrated pattern, with the environmental qualities of the land fully identified and sustainably managed.</i>
		<i>SDUD-P4</i>	<i>Ensure that the activities carried out in the future urban area do not generate adverse environmental effects and or compromise future land use</i>

² Rotorua Housing and Business Development Capacity Assessment 2021, dated 3 February 2022.

³ Rotorua Housing and Business Development Capacity Assessment 2021, dated 3 February 2022 – page 120.

	ii. the neighbourhood's planned urban built character, including three storey buildings within the Residential 1 Zone and up to six storeys in the Residential 2 Zone.	<i>SDUD-P5</i>	<i>Avoid fragmented development that results in inefficiencies in the provision of infrastructure.</i>
<i>Assessment:</i>	The Proposals are not within a growth area and no subdivision or development is proposed.		
The provision of infrastructure			
SDUD-O3	Serviced development that safely connects to the existing road network, utility reticulation, provides a potable drinking water supply and sufficiently caters for the future development potential of the site.	<i>SDUD-P6</i>	<i>Manage urban subdivision and land development to connect with the existing infrastructure and transportation network, according to the capacity limitations of that network where available and the potential requirements for upgrading its capacity.</i>
		<i>SDUD-P7</i>	<i>Require all subdivision and development to be coordinated with the planned provision of infrastructure, integrated with the transport network and the district's road hierarchy</i>
		<i>SDUD-P8</i>	<i>Provide for urban expansion where such growth does not adversely affect the safe and efficient use and development of land, roads and infrastructure.</i>
		<i>SDUD-P9</i>	<i>Ensure a reasonable share of additional cost of infrastructure arising from subdivision and development is met by the applicant.</i>
<i>Assessment:</i>	<p>The Proposals do not involve any changes to the existing buildings on any of the sites or servicing. No subdivisions are proposed. In relation to the connection to the road network, secondary entrances to sites (except the 7 Tryon Street – Apollo Hotel) have gates to help manage vehicles entering and exiting the site.</p> <p>The site specific s42A reports confirm that Council's development engineering team have considered potential effects on the infrastructure network and have raised no concerns.</p>		
Subdivision and development			
SDUD-O4	The amenity values associated with the Rotorua caldera landscape and adjacent zones is maintained when subdivision and development occurs.	<i>SDUD-P10</i>	<i>Ensure that any development in the future development areas does not have an adverse impact on the caldera landscape.</i>
		<i>SDUD-P11</i>	<i>Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to adverse effects on the amenity of the caldera.</i>

		<i>SDUD-P12</i>	<i>Ensure subdivision and development is designed in a manner that is cognisant of the amenity values associated with the Rotorua caldera and differences in amenity values within adjacent zones.</i>
<i>Assessment:</i>	<p>Objective SDUD-O4 and its supporting policies relate to the ‘caldera landscape’ and are essentially about managing the tension between urban expansion and the amenity values associated with the caldera rim which provides “sought after views of the lake and semi-rural environment”.</p> <p>The Proposals are to use already developed sites and established buildings and will not impact amenity values associated with the caldera landscape. The Proposals do not involve a subdivision or physical development of any of the sites. There is no proposed expansion or encroachment into the caldera landscape.</p>		
The development of rural land			
SDUD-O5	Efficient and safe operation of the transport network and adjoining rural activities when development in future growth areas occurs.	<i>SDUD-P13</i>	<i>Restrict subdivision and development that compromise the safe, efficient and effective functioning of regionally significant infrastructure, including the transportation network.</i>
		<i>SDUD-P14</i>	<i>Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to adverse environmental effects.</i>
<i>Assessment:</i>	None of the subject sites are on rural land or in future growth areas.		
Provision of safe and attractive residential spaces			
SDUD-O6	Subdivision, use and development consistent with the anticipated settlement pattern that maximises the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost effective infrastructure.	<i>SDUD-P15</i>	<i>Ensure that subdivision, use and development is directed to areas with existing or planned service connections and/or to land that is zoned for future growth</i>
		<i>SDUD-P16</i>	<i>Identify and zone appropriate areas of land for urban purposes to guide the future provision of infrastructure within the Rotorua District.</i>
		<i>SDUD-P17</i>	<i>Avoid subdivision, use and development which results in the inefficient and/or uneconomic expansion of existing infrastructure and fragmented residential development.</i>
		<i>SDUD-P18</i>	<i>Manage the demand on infrastructure by requiring subdivision, use and development to be adequately serviced by existing and/or planned provision of infrastructure including the transport network.</i>

⁴ ODP NFL-13, Part 2 District Wide Matters, Natural Environment Values, page 30.

<p><i>Assessment:</i></p>	<p>SDUD-O6 and the related policies relate more to physical re-development of the land and expansion in the context of infrastructure, rather than ‘development⁵’ in the context of providing for a different activity on a site (as is proposed in the subject applications).</p> <p>The Proposals are not for new building and involves the efficient use of existing sites that have existing infrastructure. The Proposals will not place undue pressure on existing infrastructure, as confirmed in the site specific s42A reports. From an infrastructure perspective, the sites operate in the same way as the previous use of the sites as motels / hotels.</p> <p>The Proposals are is for a limited duration being only five years and will not place inefficient pressure on existing infrastructure.</p>		
<p>SDUD-07</p>	<p>Sufficient and suitable land zoned for future urban development that provides the residents of Rotorua with a range of lifestyle and development choices.</p>	<p><i>SDUD-P19</i></p>	<p><i>Ensure that development in the areas identified for new growth is carried out in a manner that meets the community’s needs and avoids, remedies or mitigates adverse environmental effects.</i></p>
		<p><i>SDUD-P20</i></p>	<p><i>Manage development to ensure it will not unduly conflict with existing activities on adjoining properties, compromise future urban development potential or give rise to reverse sensitivity effects</i></p>
		<p><i>SDUD-P21</i></p>	<p><i>Identify the key infrastructural, community, cultural and environmental opportunities and constraints for each future growth zone and ensure that these are planned for in the development of each area.</i></p>
		<p><i>SDUD-P22</i></p>	<p><i>Ensure that the activities carried out in the future urban area prior to residential development do not generate adverse environmental effects and or compromise future land use.</i></p>
<p><i>Assessment:</i></p>	<p>None of the subject sites are located in an area of new growth.</p> <p>The operation of CEH does not give rise to reverse sensitivity effects or compromise the ability for any of the sites to be returned to a traditional motel use or redeveloped for another appropriate use in the future. The finite duration of five years confirms this.</p> <p>The role of the Service Provider is critical to ensuring CEH is well managed and will not unduly conflict with existing activities on adjoining properties.</p> <p>Service Providers employ skilled professionals who are able to provide wrap around support services that can be moulded to support the needs of the particular whānau.</p> <p>The combination of support services and security managed by the Service Provider ensures that if there are incidents on site, or particular needs for those living in CEH, that these can be responded to in an appropriate timeframe and the appropriate course of action can be implemented and monitored over time.</p> <p>The Proposals do not conflict with SDUD-07 or policies SDUD-P19-SDUD-P22.</p>		

⁵ Development is defined in the ODP as: “change involving new buildings, alteration of buildings, or a new or altered use of land or buildings” (pg 11 Part 1 of ODP).

SDUD-O8	A compact city centre that is the primary commercial centre within the district for shopping, employment, city-living, entertainment, recreation and community events, (with this role not being compromised by commercial development in other locations).	<i>SDUD-P23</i>	<i>Maintain strong boundaries to the city centre to consolidate and intensify retail, commercial and office activities within the city centre and protect the amenity of residential neighbourhoods.</i>
		<i>SDUD-P24</i>	<i>Restrict the location of retail and commercial activities within other non-commercial areas of the district to ensure that the city centre continues to be the districts preeminent retail and commercial centre.</i>
<i>Assessment:</i>	<p>CEH does not compete with commercial business in centre of Rotorua. Moreover, having CEH close to the CBD means that those living in CEH have access to community services and amenities available within the Rotorua CBD.</p> <p>Operating CEH from the 13 sites will not compromise the boundaries of the city centre and appropriate mitigation is proposed to help to protect the amenity of residential neighbourhoods.</p> <p>I do not consider that operating CEH compromises a compact city centre or competes with the commercial activities of the city centre.</p> <p>All of the sites have operated as traditional motels / hotels prior to the use of the site for CEH and will revert back to that use at the completion of their use as CEH which is for a maximum of five years.</p> <p>The Proposals are not for a retail activity. The operation of CEH is a commercial activity⁶, the majority of the sites are located within a commercial zone in the ODP. Two sites⁷ are entirely located within the Residential 2 zone of the ODP and have previous planning approvals to operate as motels. Providing for CEH for a maximum of five years will not compete or compromise the operation of the CBD as the primary retail and commercial centre.</p>		

c) SDVD – Vibrant, Compact City Centre

Objective		Policy	
SDVC-O1	A city centre that provides residents and visitors with recreation, outdoor dining, retailing and entertainment, offices and commercial activities within a safe, attractive environment.	<i>SDVC-P1</i>	<i>Recognise the importance of the city centre as a built resource and social centre with strong links to the lakefront and the need for it to continue to develop to accommodate changing needs and demands of the community.</i>
		<i>SDVC-P2</i>	<i>Maintain a hierarchy of viable and vibrant commercial centres for retail, commercial and entertainment activities that complement and are subservient to the city centre.</i>

⁶ National Planning Standards defines a ‘commercial activity’ as: means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

⁷ RC17673 107 Malfroy Road (Ann’s Volcanic Motel) and RC17673 26-28 Victoria Street / 5 Union Street (Union Victoria Motel).

		SDVC-P3	<i>Manage the location and establishment of Large Format Retail to ensure these complement the city centre as a social and business hub.</i>
		SDVC-P4	<i>Maintain strong boundaries to the city centre to consolidate and intensify activities and protect residential neighbourhoods located in close proximity to the city centre.</i>
		SDVC-P5	<i>Provide diverse commercial centres that offer services and convenient retail activities that complement rather than compete with the city centre.</i>
<i>Assessment:</i>	<p>The Proposals are largely located within or in very close proximity to the Commercial 4 zone of the ODP. Following the lodgement of 12 of the 13 Applications the MHUD, on behalf of the applicant, commissioned a SIA. The SIA made recommendations that have either been implemented or are recommended to be implemented through conditions of consent, and some of these recommendations related to safety and attractiveness of the environment.</p> <p>Motel / hotel operators have upgraded fencing on 6 of the 13 applications sites, and some have now removed motel signage. Most experts have recommended the removal of motel signage and advertising online in relation to the motel operation. I agree with other experts in this regard and also agree with the recommendation of the s42A reporting officers that this be included as a condition of consent.</p> <p>One of the drivers behind establishing CEH was to provide a safer option for whānau and rangatahi who require emergency housing. In some instances, those residing in CEH are moving away from overcrowded housing or situations of domestic violence where safety was a concern.</p> <p>In my opinion, with the proposed mitigation, CEH will not compromise the safe and attractive urban environment and is therefore not in conflict with SDVC-01.</p> <p>SDVC-P1 identifies that the needs of the community change over time, this is currently true in the case of housing in Rotorua. The HBA completed in February this year for RLC identifies that the CBD is currently experiencing high levels of vacancies and that the CBD has redevelopment potential. The Spatial Plan for Rotorua indicates that the long term plan is for tourist accommodation to move from Fenton Street into the CBD and Plan Change 9 aims to increase housing density and this is discussed more in my primary evidence.</p> <p>The Proposals will not compromise the hierarchy of commercial centres or the subservient nature of commercial sites relative to the CBD.</p> <p>The Proposals are not for large format retail.</p> <p>The Proposals are for a limited duration of 5 years and will not impact the consolidation of the city centre. No building work is proposed except to improve fencing on some sites and resource consent is essentially only required in relation to the change in the operation of the activity on each of the sites.</p> <p>All of the sites are centrally located and are either in a commercial zone, or a medium density residential zone, where more intensive activities are anticipated by the District Plan (including the very similar tourism accommodation activity which is either permitted on each of the sites or consented by a previous planning permission).</p> <p>The Proposals will not compete with the city centre.</p>		

SDVC-02	A compact city centre that is the primary commercial centre within the district for shopping, employment, city-living, entertainment, recreation and community events, (with this role not being compromised by commercial development in other locations).	<i>SDVC-P6</i>	<i>Maintain strong boundaries to the city centre to consolidate and intensify retail, commercial and office activities within the city centre and protect the amenity of residential neighbourhoods.</i>
		<i>SDVC-P7</i>	<i>Restrict the location of retail and commercial activities within other non-commercial areas of the district to ensure that the city centre continues to be the districts pre-eminent retail and commercial centre.</i>
<i>Assessment:</i>	<p>The Proposals will not compete with retail in the city centre. The close proximity of the sites to commercial areas and the city centre provides occupants of emergency housing access to many amenities within walking distance of where occupants are staying.</p> <p>SDVC-P6 specifically aims to 'project the amenity of residential neighbourhoods', I consider this in the context of Objective SDVC-02 which relates to providing for a compact city centre and no having commercial activities that would be better placed in the city centre impact on residential amenity.</p> <p>In any case, I consider that there are appropriate mitigation and management solutions in place to mitigate potential effects on surrounding neighbours from activities on the subject sites that may give rise to different adverse effects to a tourism accommodation business operating from each of the sites.</p> <p>The Proposals do not include any retail activities. As discussed above, two of the sites are located entirely within the Residential 2 zone, but operating CEH from these existing motel sites will not compromise the Rotorua CBD to be the pre-eminent retail and commercial centre.</p>		

1.2 District Wide Matters, General

a) Noise

Objective		Policy	
NOISE-01	A noise environment consistent with the character and amenity expected for the zone.	<i>NOISE-P1</i>	<i>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.</i>
		<i>NOISE-P2</i>	<i>Avoid the potential adverse effects of noise on noise sensitive activities by ensuring at time of zoning the potential for noise reverse sensitivity is taken into account.</i>
		<i>NOISE-P3</i>	<i>Control the potential adverse effects of noise generated in one zone and received in another.</i>

		<i>NOISE-P4</i>	<i>Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.</i>
		<i>NOISE-P5</i>	<i>Exempt from the maximum permitted noise level requirements those activities which are an integral part of accepted management practices of activities associated with production land in rural areas (well drilling, audible bird scaring devices, frost fans) as well as other activities (in any zone) clearly of a temporary nature (e.g. Construction works, emergency back-up generators).</i>
		<i>NOISE-P6</i>	<i>Encourage the provision of high amenity residential accommodation within the City Centre 1 zones above ground level. This will be achieved by ensuring residential units provide, amongst other things, appropriate noise insulation.</i>
<i>Assessment.</i>	<p>The Applications all include, as part of the proposal, an on-site security officer who will be on-site 24/7. Each Service Provider also has a site specific Site Management Plan with provisions in relation to the management of noise. Adherence to the Site Management Plan is offered as a condition of consent.</p> <p>The Proposals are intended to be operated within the noise limits in the ODP and is expected to be commiserate with a tourism accommodation activity operating on each of the sites.</p>		
NOISE-O2	Existing and permitted activities in the Central City, Rural and Industrial Zones are protected from noise reverse sensitivity.	<i>NOISE-P7</i>	<i>Encourage activities to locate in areas where the noise generated from existing activities, or noise anticipated by the zone rules, is compatible with the proposed activity.</i>
		<i>NOISE-P8</i>	<i>Avoid, remedy or mitigate adverse effects generated by central city, industrial, infrastructural and rural activities through appropriate zone buffering, landscaped buffers, building location and/or noise control boundaries to maintain the amenity of adjacent residential zones or marae and habitable buildings.</i>
		<i>NOISE-P9</i>	<i>Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to major infrastructure are appropriately insulated</i>
		<i>NOISE-P10</i>	<i>Limit the location of new residential activities sensitive to disturbance from lawfully established urban and rural industries, recreation and infrastructure activities and network utilities to avoid reverse sensitivity effects</i>
		<i>NOISE-P11</i>	<i>Require noise mitigation measures for residential units that adjoin strategic roads to avoid reverse sensitivity effects.</i>

<i>Assessment:</i>	<p>The Proposals are not anticipated to result in noise reverse sensitivity whereby the operation of CEH compromises the continued operation of a Central City activity because of the noise generated by the Central City activity.</p> <p>All of the Applications are to operate on sites where an existing motel / hotel previously operated. Apart from site management and the length of stay of guests, the operation of CEH is very similar to operating a tourist accommodation business.</p> <p>Although it does not explicitly fall within the definition of ‘noise sensitive activity’ in the ODP, given the similarity of CEH to ‘tourist accommodation’ arguably the Proposals could also be considered a noise sensitive activity. No new building work is proposed as part of the subject applications. All the sites have operated as providing tourism accommodation for many years and no issues have been brought to my attention in relation to noise reverse sensitivity.</p> <p>Fenton Street and Sala Street are both located on Urban Primary Arterial Roads. The Proposals are to use the existing motel / hotel buildings and no changes to the existing buildings are proposed in this respect.</p>
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1.3 Area Specific Matters, Residential Zones

a) Residential Zone Descriptions

RESZ1 – Residential 1 Low Density Living
Low density residential areas, such as Ngongotahā, Kāwaha Point, Western Heights, Hillcrest, Springfield and Lynmore. There is a mix of single storey and two-storey houses of various styles and materials. There is a balance between the built and natural elements of the environment in this zone. There is a sense of space around buildings, which is enhanced by the landscaping on site and trees within the road reserve. Other characteristics include generally low levels of noise and low traffic levels.
RESZ2 – Residential 2 Medium Density living
Medium density residential areas located close to the city centre. There is 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.

b) Residential Zone Objectives and Polices

Objective	Policy
Activities in a Residential Zone	

RESZ-O1	A 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.	<i>RESZ-P1</i>	<i>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.</i>
		<i>RESZ-P2</i>	<i>Manage the siting of household units on adjoining land to protect the privacy, outlook and amenity of residents.</i>
		<i>RESZ-P3</i>	<i>Require on-site outdoor space for each household unit.</i>
		<i>RESZ-P4</i>	<i>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.</i>
		<i>RESZ-P5</i>	<i>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.</i>
		<i>RESZ-P6</i>	<i>Encourage implementation of principles of sustainable building practice through provision of advice and information.</i>
<i>Assessment:</i>	<p>The consideration against these provisions is best framed in the context of considering the amenity outcomes through a change in onsite activities, as there are no physical changes to the existing buildings or revisions in the site design and placement of open space areas.</p> <p>The Proposals do not involve the construction of any buildings or structures (except in some cases improvements to boundary fences and landscaping). As such, there are limitations around the ability for the existing site and features to accord with a framework that is more specifically targeted to new development.</p> <p>Notwithstanding this, the sites located in the Residential 2 zone are generally consistent with character and amenity standards typically anticipated – with hard surfacing prevailing and limited onsite landscaping and open space provided.</p> <p>While some units do not have access to private open space, the sites are all well located for offsite amenity. Many CEH operators have improved the onsite landscaping since the sites have been contracted for emergency housing, through landscaping maintenance and installation of planter boxes.</p> <p>Effective implementation of the Site Management Plan will manage potential noise effects and help maintain amenity for both tenants and neighbouring properties.</p> <p>Existing carparking and manoeuvring areas across all sites provide adequate onsite parking.</p> <p>While the Applications do not necessarily meet every criterion, the Proposals are generally consistent with this objective and the related policies.</p>		
RESZ-O2	The character and amenity values of the residential zones are maintained and enhanced	<i>RESZ-P7</i>	<i>Maintain the following qualities and characteristics of the Residential 1 zone:</i> <i>1. Low density residential areas</i>

			<ul style="list-style-type: none"> 2. A mix of single and two storey buildings 3. A variety of building design and materials 4. Balance between the built and natural elements of the environment 5. A sense of space around buildings 6. Space enhanced by on-site landscaping and trees within the road reserve 7. Low levels of noise 8. Low traffic levels.
		RESZ-P8	<p>Maintain the following qualities and characteristics of the Residential 2 zone:</p> <ul style="list-style-type: none"> 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.
Assessment:	<p>No changes are proposed to the existing buildings or the layout of any of the sites and as such character and amenity values associated with zone will be maintained.</p> <p>The site at 131 Lake Road (Lake Rotorua Hotel) has land located in the Residential 1 zone, but none of the motel buildings are located in this part of the site. The Residential 1 zoned land is essentially a vacant site and no changes are proposed to this land. The vacant part of the site helps to provide a useful buffer between the motel and the residential properties to the north east of the subject site.</p> <p>Two of the Applications are entirely located in the Residential 2 zone and a further two sites have a split Commercial 4 / Residential 2 zoning. A site specific assessment against this policy is provided in corresponding Annexure.</p> <p>No changes are proposed to the existing buildings on these site and any existing outdoor amenity spaces will be retained. I have not identified any area areas of conflict with the subject applications and RESZ-P8.</p>		
RESZ-O3	Non-residential activities in residential zones that are domestic in scale and character and do not have an adverse	RESZ-P12	<p>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.</p>

	impact on the amenity values and character of the residential zones, or the vitality and viability of the City Centre or Commercial zones.	<i>RESZ-P13</i>	<i>Prevent the establishment of non-residential activities where they would be more appropriately located in a commercial, industrial or city centre zone and would have an adverse effect on the vitality and viability of those zones.</i>
		<i>RESZ-P14</i>	<i>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.</i>
		<i>RESZ-P15</i>	<i>Ensure the location of community activities avoids, remedies, or mitigates adverse effects on the quality of residential amenity in the residential zones.</i>
		<i>RESZ-P16</i>	<i>Avoid, remedy or mitigate the potential adverse effects of non-residential activities, including community activities, through the provision of:</i> <i>1. Sufficient on-site parking, loading and turning</i> <i>2. Landscaping to maintain and enhance the quality of residential amenity, primarily the streetscape</i> <i>3. Noise mitigation measures.</i>
<i>Assessment:</i>	<p>The District Plan does not specifically provide for emergency housing, but it gets very close by providing for ‘community housing’. However, due to the potential number of people living on the site, the Proposals do not fit within the 8-person limit provided for in the definition of ‘community housing’.</p> <p>There is no definition of residential activity (or non-residential activity) in the ODP Plan, however, the National Planning Standards define a residential activity as “the use of land and buildings for people’s living accommodation”, and I note this definition is being incorporated into the District Plan through Plan Change 9.</p> <p>In my view, the Proposals fall somewhere between a residential activity, with support services attached and a community activity.</p> <p>As such it is appropriate for emergency housing to be located in a Residential Zone of the District Plan. The onsite support services are not an obvious feature of the activities from an external perspective, being largely operated out of the site office of a unit within the subject site. The support services are an integral component of CEH and enhance the onsite operation and wellbeing of residents within the site. Moreover, the support-services provide the framework and social scaffolding to enable residents to live in a supported and safe environment. The onsite support services contribute positively to both the residents, and the wider site operations, and assist in minimising the effects on the surrounding environment.</p> <p>No change is proposed in terms of parking and landscaping. Parking will remain as currently exists on the site, which provides for a minimum of one carpark per unit.</p> <p>Maintenance of the property, including landscaping, will fall within the responsibilities of the motel operator.</p> <p>In my opinion, CEH as proposed is consistent with this objective and related policies.</p>		

RESZ-04	<p>Maintain the following qualities and characteristics that contribute to the cultural significance of the Te Arawa villages of Ōhinemutu and Whakarewarewa:</p> <ol style="list-style-type: none"> 1. Single storey housing grouped in clusters 2. Narrow lanes and limited space around buildings 3. Pedestrian focussed 4. Geothermal features 5. Home based businesses 6. Community established around Marae. 	RESZ-P17	<p><i>Activities within Ōhinemutu and Whakarewarewa are in keeping with the unique character of the villages and include:</i></p> <ol style="list-style-type: none"> <i>1. Sufficient on-site parking and safe access that does not adversely affect the transport network</i> <i>2. Buildings and structures located in a manner that respects the tikanga of the Marae</i> <i>3. Traditional, home-based cultural activities.</i>
Assessment:	<p>RESZ-04 relates to the villages of Ōhinemutu and Whakarewarewa and both are classified as culturally significant. While the subject sites are not within these villages, two sites (Apollo and Pohutu) are in proximity to Whakarewarewa. As such, they contribute to the wider community of Whakarewarewa.</p> <p>Cultural effects are considered as part of my primary and site specific evidence.</p>		
The design, layout and appearance of residential units			
RESZ-06	<p>Residential site design and development in a sustainable manner that promotes and maintains the character of the zone, residential amenity and community safety.</p>	RESZ-P20	<p><i>Encourage and promote buildings on residential sites that:</i></p> <ol style="list-style-type: none"> <i>1. Have sufficient space to provide private, useable outdoor open areas for garden and amenity space</i> <i>2. Do not intrude into side, rear, or front yards</i> <i>3. Maximise access to sunlight and daylight to north facing living rooms</i> <i>4. Provide car parking and turning areas that are separate from outdoor garden and amenity space and do not dominate in the streetscape.</i>
		RESZ-P21	<p><i>Encourage site and building design that provides:</i></p> <ol style="list-style-type: none"> <i>1. Passive surveillance of public space</i> <i>2. Front yards that are free of buildings and not screened by high fencing.</i>
		RESZ-P22	<p><i>Provide for residential development to occur in a manner that:</i></p>

			<ol style="list-style-type: none"> 1. Does not detract from the surrounding residential amenity 2. Provides for a range of residential opportunities 3. Provides for access by a range of modes of transport 4. Provides recreation and amenity areas.
<i>Assessment:</i>	<p>RESZ-O6 relates to the design, layout, and appearance of residential sites. The outcome sought is the promotion and maintenance of the character of the zone, onsite residential amenity, and community safety. This objective is supported by RESZ-P20, which guides development and site design to achieve positive onsite amenity outcomes and RESZ-P21, which seeks to ensure the interface between the site and the street is well considered to enable passive surveillance.</p> <p>The Proposals are to use the existing building as they currently present within the residential zone. Where there have been opportunities to enhance open space or provide play areas this has either already been implemented or I have recommended this as a condition of consent.</p> <p>Residential amenity (both internal and external) has been extensively covered in my Primary Evidence, my site specific evidence for each site and by the s42A reporting officers and Ms Collins (in relation to play space).</p> <p>The sites are all well located for public transport and are within walkable distances to nearby urban amenities, services, and public recreation opportunities. While not meeting every criterion, the Proposals are generally consistent with this objective and related policies</p>		
Reverse sensitivity			
RESZ-O9	Subdivision, use and development that enables the continued efficient operation of existing development and activities.	<i>COMZ-P10</i>	<i>Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.</i>
<i>Assessment:</i>	RESZ-O9 considers potential reverse sensitivity effects on existing activities. As identified by the site specific s42A reports, the use of the sites for CEH is effectively replacing one sensitive activity with another, therefore reverse sensitivity effects are not expected to increase.		

1.4 Area Specific Matters, Commercial Zones

a) Commercial Zone Descriptions

COMZ3 – Commercial Zone 3 Neighbourhood Centres
Small clusters of convenience stores such as dairies, chemists, hairdressers and takeaway outlets that provide day to day services to residential areas located within the immediate vicinity. These centres are dispersed throughout the residential zones and are normally located on corner sites. Buildings are no more than

300m² in ground floor area and are usually no more than one storey in height. These areas have lower pedestrian and traffic movement compared to other commercial centres, however they provide an active environment, with higher levels of lighting and traffic movement in comparison to the surrounding residential environment.

RESZ2 – COMZ4 – Commercial Zone 4 City Entranceway Accommodation

Tourism accommodation concentrated along city entranceways and arterial routes such as Fenton Street and Lake Road. Activities within the Commercial 4 zone consist of motels or large apartment style buildings commonly two storeys in height, with signage that maintains surrounding amenity. The buildings are designed to cover the majority of the land area and have minimal yards that are landscaped where they adjoin the road.

b) Commercial Zone Objectives and Policies

Commercial Centres			
COMZ-O1	A hierarchy of vibrant compact commercial and tourism centres that efficiently service and support the needs of the surrounding community and nationally significant tourism sector.	COMZ-P3	<p><i>Neighbourhood Centres</i></p> <p><i>Provide for small neighbourhood centres within easy walking distance that support the day to day needs of the surrounding residential area.</i></p>
		COMZ-P4	<p><i>Entranceway Accommodation and Tourism</i></p> <p><i>Provide for the development of tourism enterprises and Māori cultural experiences that maintains or enhances the amenity and vibrancy along the northern and southern city entranceways to the inner city, as shown on Planning Map 206.</i></p>
Assessment:	<p>COMZ-O1 aims to retain the hierarchy of the commercial zones. Policy COMZ-P3 specifically provides a framework for neighbourhood centres that provide for the day to day needs of the surrounding residential area, while COMZ-P4 O1 aims to keep commercial centres compact and have commercial and tourism centres that effectively service and support the needs of the surrounding community.</p> <p>While the CEH activity does not provide a commercial service to the community, the Proposals provide an alternative form of service to the community – by providing temporary supported accommodation for members of the community during a period in which there is an acute need for housing. The tourism and housing context has clearly changed in the last 5-10 years and as a result “housing is one of the biggest issues facing the Rotorua community”. Coupled with an acute housing need, Rotorua’s tourism sector is recovering from the impact of COVID-19.</p> <p>While the Proposals cannot be said to clearly support the ‘nationally significant tourism sector’, it does nevertheless support the needs of the community by providing a supported living environment to vulnerable individuals and whānau. Any conflict with COMZ-O1 and COMZ-P4 can be</p>		

	reconciled with the positive impacts the Proposals have in terms of meeting the needs of the surrounding community by providing a short-term housing solution to those without suitable alternative accommodation, in a manner whereby effects of the activity are largely contained.		
Design and appearance of buildings			
COMZ-O2	Commercial activities that do not adversely affect the character, safety and efficiency of commercial areas	<i>COMZ-P6</i>	<i>Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.</i>
<i>Assessment:</i>	<p>The Proposals do not alter the existing built form on any site, with the exception of boundary fencing and the removal of motel signage. As identified in the site specific s42A reports, the Proposals do not alter the character as anticipated within the zone or provided for through previously obtained resource consents.</p> <p>The use of SMPs and onsite security manage public of activities within the site, and this extends to parking for activities within the site. Council's development team have raised no concerns with the traffic infrastructure as a result of the proposal.</p>		
COMZ-O3	Commercial buildings and activities designed and operated in a manner that avoids adverse effects on the amenity of residential zones.	<i>COMZ-P7</i>	<i>Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.</i>
<i>Assessment:</i>	No changes are proposed to the buildings within any of the CEH sites. Improvements are being undertaken in the form of new or updated fencing and landscaping, as well as the removal of motel signage. These changes will result in improved amenity of the surrounding residential properties, including increasing privacy streetscape appearance.		
COMZ-O4	Efficient use and development of commercial centres by the establishment of activities consistent with the intended purpose of each zone.	<i>COMZ-P8</i>	<i>Restrict the location of retail and commercial activities in other zones of the district to maintain and enhance the vibrancy and amenity of the commercial zones.</i>
		<i>COMZ-P9</i>	<i>Provide diverse commercial centres that offer services and convenient retail activities that complement rather than compete with the city centre.</i>
<i>Assessment:</i>	The hierarchy of the commercial areas identify Commercial zones 1 and 2 as those forming the commercial centres. None of the CEH facilities are within these zones.		
Reverse sensitivity			
COMZ-O5	Subdivision, use and development that enables the continued efficient operation of existing development and activities.	<i>COMZ-P10</i>	<i>Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities</i>

Assessment:	COMZ-O5 considers potential reverse sensitivity effects on existing activities. As identified by the site specific s42A reports, the use of the sites for CEH is effectively replacing one sensitive activity with another, therefore reverse sensitivity effects are not expected to increase.
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Plan Change 9 – Housing for Everyone

Plan Change 9 is not a comprehensive review of the existing provisions in the Operative District Plan, but rather focuses on enabling housing capacity through zoning, rule and policy changes. Its purpose is to enable medium density housing to be built across most residential areas in urban Rotorua, as well as enabling residential development in the commercial zones due to their accessibility relative to amenity.

The below assessment considers the objectives and policies of Plan Change 9 only where they differ from the Operative District Plan. Where there are no changes, other than consequential numbering, the assessment above in relation to the Operative District Plan remains. Green text below identifies the objectives and policies required in the District Plan under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. Red text identifies changes proposed by Council through the plan change process. Black text identifies where no changes have been made from the Operative District Plan.

2.1 District Wide Matters, Strategic Direction

a) SDUD – Urban Form and Development

Objective		Policy	
<i>Economic and social well-being of the District Well-Functioning Urban Environment</i>			
SDUD-O1	A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future	<i>SDUD-P1</i>	<i>Enable a variety of housing types and a mix of densities.</i>
		<i>SDUD-P2</i>	<i>Provide for papakāinga, marae, Māori customary activities and commercial activities across urban and rural Rotorua to support Māori economic, social and cultural well-being.</i>

		<i>SDUD-P3</i>	<p><i>Within the urban environment, limit heights and densities where it is necessary to recognise and provide for matters of national importance, or other matters of significance to Rotorua, including:</i></p> <ol style="list-style-type: none"> <i>1. Nationally significant infrastructure;</i> <i>2. Historic heritage;</i> <i>3. Sites of significance to Maori and identified cultural values;</i> <i>4. Outstanding natural features and landscapes;</i> <i>5. Significant indigenous vegetation and significant habitats of indigenous fauna;</i> <i>6. Maintenance and enhancement of public access along lakes and rivers;</i> <i>7. Management of significant risks from natural hazards, including flooding and geothermal hazards.</i>
<i>Assessment:</i>	<p>SDUD-O1 provides for urban environments that meet the diverse needs of people based on individual circumstances. The Proposals directly align with this objective by providing housing to those with limited to no other accommodation options. Service Providers offer additional services that directly meet the needs of these specific communities to improve wellbeing, safety and health, both in the short and long term.</p> <p>CEH is typically of a different type and higher density than traditional residential accommodation, however this does not mean it is not suitable for the intended purpose. As discussed in the site specific reports, internal amenity provided on CEH sites is suitable for the nature of accommodation provided. The Proposals align with SDUD-P1.</p> <p>The Service Providers consider all matters when placing families, including which location best provides for cultural wellbeing. This is discussed in detail in my Primary Evidence, as informed by the Service Providers.</p> <p>CEH utilises established sites, therefore no development is required. Both Apollo and Pohutu are in proximity to Whakarewarea Village, a culturally significant site. Cultural effects are discussed in detail in each site specific report.</p>		
SDUD-O2	<p>A relevant residential zone provides for a variety of housing types and sizes that respond to—</p> <ol style="list-style-type: none"> i. housing needs and demand; and ii. the neighbourhood’s planned urban built character, including three storey buildings within the Residential 1 Zone and up to six storeys in the Residential 2 Zone. 	<i>SDUD-P4</i>	<p><i>Apply the MDRS across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).</i></p>

Assessment:	The Proposals are for a change in the activity on the subject sites i.e. CEH, not for the redevelopment of buildings or structures on the site. The 13 resource consents are sought for a duration of 5 years, after which time the sites can revert back to the previous motel use or be redeveloped in accordance with the provisions of the District Plan.		
SDUD-O3	<p>There is at all times at least sufficient development capacity and land supply to meet expected demand for housing and business land over the short term, medium term and long term. area suited for future urban and economic development that provides the residents of Rotorua with a range of lifestyle and development choices.</p>	SDUD-P5	<i>Identify areas within the district to meet future demand for residential development.</i>
		SDUD-P6	<p><i>Within the urban environment enable:</i></p> <ol style="list-style-type: none"> <i>1. The highest density of development within and adjoining the City Centre, recognising that this location has access to the greatest range of commercial activities and community services in Rotorua;</i> <i>2. A high density of development within the suburban centres of Ngongatahā and Owhata;</i> <i>3. A medium density of development elsewhere in residential areas.</i>
		SDUD-P7	<i>Ensure that development in the areas identified for new growth is carried out in a manner that meets the community's needs and avoids, remedies or mitigates adverse environmental effects.</i>
Assessment:	<p>As identified above, the Proposals are for a change of activity and not for the redevelopment of buildings or structures.</p> <p>The RLC Spatial Plan identifies that tourism accommodation could be repurposed as an area of homes. It signals that Fenton Street specifically is likely to go undergo a substantial change to residential accommodation to meet the needs of the Rotorua community. Arguably, the use of the existing motels for CEH is an appropriate interim use of sites while the wider area undergoes this change.</p>		
SDUD-O4	<p>The primary focus for higher residential intensification and additional business or community services include areas:</p> <p>a) within and adjacent to centres or employment opportunities;</p> <p>b) well-serviced by existing or planned public or active transport;</p>	SDUD-P5	<i>Identify areas within the district to meet future demand for residential development.</i>
		SDUD-P6	<p><i>Within the urban environment enable:</i></p> <ol style="list-style-type: none"> <i>1. The highest density of development within and adjoining the City Centre, recognising that this location has access to the greatest range of commercial activities and community services in Rotorua;</i> <i>2. A high density of development within the suburban centres of Ngongatahā and Owhata;</i> <i>3. A medium density of development elsewhere in residential areas.</i>

	c) where there is high demand for housing or for business land in the area, relative to other areas within the urban environment.	<i>SDUD-P7</i>	<i>Ensure that development in the areas identified for new growth is carried out in a manner that meets the community's needs and avoids, remedies or mitigates adverse environmental effects.</i>
<i>Assessment:</i>	<p>CEH results in a more intensive form of residential housing. The CEH sites are well placed for this intensification due to their location in proximity to centres and existing public transport services.</p> <p>SDUD-P6 focuses on providing high density urban environments where access to commercial activities and community services is easily achieved. As demonstrated in the applications and site specific s42A reports, CEH sites are well located because of the amenity provided around them. Where amenities are not located in close proximity, the Service Providers undertake initiatives to ensure all occupants are able to access both commercial and community services.</p> <p>No physical works or redevelopment is proposed as part of the proposal.</p>		
Provision of safe and attractive residential spaces Quality Environments			
SDUD-09	Urban development results in attractive, safe and healthy environments.	<i>SDUD-P20</i>	<i>Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities.</i>
		<i>SDUD-P21</i>	<i>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</i>
<i>Assessment:</i>	<p>The Proposals repurpose existing motel buildings for a CEH. As such, it is unlikely that most achieve the permitted activity standards under Plan Change 9. However, non-compliance is mitigated by the length of stay in CEH, other onsite services, and the proximity of sites to community services.</p>		

2.2 Area Specific Matters, Residential Zones

a) Residential Zone Descriptions

<i>RESZ1 – Residential 1-Low-Density Living Medium-density residential zone</i>
Low density residential areas, such as Ngongotahā, Kāwaha Point, Western Heights, Hillcrest, Springfield and Lynmore. There is a mix of single-storey and two-storey houses of various styles and materials. There is a balance between the built and natural elements of the environment in this zone. There is a sense of space around buildings, which is enhanced by the landscaping on-site and trees within the road reserve. Other characteristics include generally low levels of noise and low traffic levels.

Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.

A medium density residential built character is expected, comprising residential buildings generally up to three storeys, surrounded by open space.

RESZ2 – Residential 2-Medium-Density living High density residential zone

~~Medium density residential areas located close to the city centre. There is 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.~~

Areas with good accessibility to commercial activities, public open space and community services, used predominantly for high density residential activities such as apartments, and other compatible activities.

A high density residential built character is expected, comprising residential buildings generally up to six storeys.

b) Residential Zone Objectives and Policies

Objective		Policy	
<i>Activities in a Residential Zone Activities in the Residential 1 Zone - Medium Density Residential Zone</i>			
RESZ-O1	Land is used efficiently for medium density residential living that increases housing supply and choice.	<i>RESZ-P1</i>	<i>Enable a variety of housing typologies with a mix of densities within the zone, including 3-storey attached and detached dwellings, and low-rise apartments.</i>
<i>Assessment:</i>	<p>CEH provides housing to those with limited to no other accommodation options. Although temporary in nature, it increases housing supply for a specific portion of the Rotorua community. As identified in the evidence of Mr Equb, the need for CEH is in direct response to the inadequate supply of accommodation within the Rotorua community. The 5 year timeframe is required to enable the accumulated housing shortage to be cleared.</p> <p>RESZ-P1 provides for mixed housing typologies. The CEH sites are primarily akin to attached dwellings or low-rise apartments. The Proposals are consistent with this policy.</p>		
RESZ-O2	Development contributes to the creation of neighbourhoods with a medium density residential built character comprising residential buildings generally up to three storeys, surrounded by open space.	<i>RESZ-P2</i>	<p><i>Achieve the planned medium density residential built character by:</i></p> <ol style="list-style-type: none"> <i>1. Enabling buildings of generally up to three storeys; and</i> <i>2. Encouraging development to provide a quality edge to the street through building orientation, setbacks, low or visually permeable fencing, and landscaping; and</i>

			<i>3. Providing opportunities for space around buildings and on-site landscaping.</i>
<i>Assessment:</i>	The Proposals repurpose existing motel buildings for a CEH, rather than redevelopment of any of the sites. Regardless, the living environments are medium density and typically one to two storeys. The recommended conditions require ongoing maintenance of the site, aligning with Policy RESZ-P2.		
RESZ-O3	Development contributes to attractive and safe streets and open spaces.	<i>RESZ-P3</i>	<i>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance</i>
<i>Assessment:</i>	No development is required to enable CEH to operate from the sites. By repurposing the existing motel buildings for residential activities, passive surveillance will be achieved. Safety of the streets and surrounding areas is further improved by the 24/7 presence of on-site security. The establishment of an 0800 number for use by the community further increases the safety of the surrounding area.		
RESZ-O4	Development provides healthy, safe and quality living environments for residents, within the context of a medium density residential environment.	<i>RESZ-P4</i>	<i>Enable housing to be designed to meet the day-to-day needs of residents.</i>
		<i>RESZ-P5</i>	<i>Require development to achieve quality living environments for residents on site by providing:</i> <i>1. private open space that has access to sunlight;</i> <i>2. a reasonable level of visual privacy and outlook;</i> <i>3. opportunities for on-site landscaping; and</i> <i>4. safe and convenient pedestrian access to residential units from the street.</i>
		<i>RESZ-P6</i>	<i>Mitigate the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned medium density residential built character, including by:</i> <i>1. Setting buildings back from side and rear boundaries;</i> <i>2. Limiting the length of buildings along side and rear boundaries;</i> <i>3. Providing opportunities for sunlight access to adjoining sites;</i> <i>4. For 4+ residential unit developments, encouraging the use of other design techniques such as building recesses, varied architectural treatment and landscaping along side and rear boundaries.</i>
<i>Assessment:</i>	The onsite living environments in CEH typically provide a lower level of amenity than that of permanent residential accommodation. This is mitigated by the length of stay and location of the sites in proximity to community facilities. Where possible, sites are provided with private or shared open space and on-site landscaping.		

	All buildings on CEH sites are existing. Buildings were either established in accordance with the planning requirements at the time, or as provided for through the resource consent process.		
RESZ-05	Development is supported by adequate infrastructure and services.	<i>RESZ-P7</i>	<i>Require proposals for four or more residential units to demonstrate that there is adequate capacity in the infrastructure networks to support the development</i>
<i>Assessment:</i>	No additional development is proposed on any CEH sites, and all existing infrastructure and servicing is to be retained. Council's development engineers have raised no concerns in the capacity of Council's networks in this regard.		
RESZ-06	Development supports the use of public and active transport.	<i>RESZ-P8</i>	<i>Require proposals for four or more residential units to provide adequate storage for cycle parking on site.</i>
<i>Assessment:</i>	Each CEH site has enough space to provide storage for bikes, if required. The sites are all well located in proximity to public transport networks.		
<i>Activities in the Residential 2 Zone - High Density Residential Zone</i>			
RESZ-08	Land that has good accessibility by existing or planned active or public transport to a range of commercial activities, public open space and community services, is efficiently used for high density urban living that increases housing supply and choice.	<i>RESZ-P10</i>	<i>Enable a variety of housing typologies with a mix of densities within the zone, including attached and detached dwellings and apartments.</i>
<i>Assessment:</i>	<p>CEH provides housing to those with limited to no other accommodation options. Although temporary in nature, it increases housing supply for a specific portion of the Rotorua community. As identified in the evidence of Mr Eaqub, the need for CEH is in direct response to the inadequate supply of accommodation within the Rotorua community. The 5 year time frame is required to enable the accumulated housing shortage to be cleared.</p> <p>CEH sites are primarily akin to attached dwellings or low-rise apartments. They are well serviced by public transport, and are typically in proximity to commercial activities, public open space and community services. The Proposals are consistent with RESZ-08.</p>		
RESZ-09	Development contributes to the creation of neighbourhoods with a high density residential built character, comprising residential buildings generally up to six storeys, integrated with on-site landscaped areas.	<i>RESZ-P11</i>	<p><i>Achieve the planned high density residential built character by:</i></p> <ol style="list-style-type: none"> <i>1. Enabling buildings of generally up to six storeys;</i> <i>2. Encouraging development to provide a quality edge to the street through building orientation, setbacks, low or visually permeable fencing, and landscaping; and</i> <i>3. Providing opportunities for space around buildings and on-site landscaping.</i>

Assessment:	The Proposals repurpose existing motel buildings for a CEH, rather than redevelopment of any of the sites. Conditions of consent are recommended to improve streetscape character through landscaping, fencing, and the provision of onsite open space and/or playgrounds, and I agree that these are appropriate in mitigating concerns.		
RESZ-O10	Development contributes to attractive and safe streets and open spaces.	<i>RESZ-P12</i>	<i>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</i>
Assessment:			
RESZ-O11	Development provides healthy, safe, and quality living environments for residents, within the context of a high density residential environment.	<i>RESZ-P13</i>	<i>Enable housing to be designed to meet the day-to-day needs of residents.</i>
		<i>RESZ-P14</i>	<i>Require development to achieve quality living environments for residents by providing:</i> <i>1. private open space that has access to sunlight;</i> <i>2. a reasonable level of visual privacy and outlook;</i> <i>3. opportunities for on-site landscaping;</i> <i>4. safe and convenient pedestrian access to residential units from the street.</i>
		<i>RESZ-P15</i>	<i>Mitigate the potential adverse effects of development on adjoining sites, without limiting the ability to achieve the planned high density residential built character, including by:</i> <i>1. Setting buildings back from site and rear boundaries;</i> <i>2. Limiting the length of buildings along side and rear boundaries;</i> <i>3. Providing opportunities for sunlight access to neighbouring sites.</i> <i>4. For 4+ residential unit development, encouraging the use of other design techniques such as building recesses, varied architectural treatment and landscaping along side and rear boundaries</i>

Assessment:	The Proposals repurpose existing motel buildings for a CEH, rather than redevelopment of any of the sites. Conditions of consent are recommended to improve streetscape character through landscaping, fencing, and the provision of on site open space and/or playgrounds, and I agree that these are appropriate in mitigating concerns.		
RESZ-012	Development is supported by adequate infrastructure and services.	<i>RESZ-P16</i>	<i>Require proposals for four or more residential units to demonstrate that there is adequate capacity in the infrastructure networks to support the development.</i>
Assessment:	No additional development is proposed on any CEH sites, and all existing infrastructure and servicing is to be retained. Council's development engineers have raised no concerns in the capacity of Council's networks in this regard.		
RESZ-013	Development supports the use of public and active transport.	<i>RESZ-P17</i>	<i>Require proposal for four or more residential units to provide adequate storage for cycle parking on site.</i>
Assessment:	Each CEH site has enough space to provide storage for bikes, if required. The sites are all well located in proximity to public transport networks.		

2.3 Area Specific Matters, Commercial Zones

a) Commercial Zone Descriptions

COMZ3 – Commercial Zone 3 Neighbourhood Centres
Small clusters of convenience stores such as dairies, chemists, hairdressers and takeaway outlets that provide day to day services to residential areas located within the immediate vicinity. These centres are dispersed throughout the residential zones and are normally located on corner sites. Buildings are no more than 300m² in ground floor area and are usually no more than one storey in height. These areas have lower pedestrian and traffic movement compared to other commercial centres, however they provide an active environment, with higher levels of lighting and traffic movement in comparison to the surrounding residential environment. Opportunities for residential above ground floor are provided.
RESZ2 – COMZ4 – Commercial Zone 4 City Entranceway Accommodation
Tourism accommodation and high density residential concentrated along city entranceways and arterial routes such as Fenton Street and Lake Road. Activities within the Commercial 4 zone consist of motels or large apartment style buildings commonly two storeys in height, with signage that maintains surrounding amenity. The buildings are designed to cover the majority of the land area and have minimal yards that are landscaped where they adjoin the road. The Commercial 4 zone provides for the continued operation and development of tourist accommodation and supporting commercial activities, as well as all forms of residential, at high densities.

b) Commercial Zone Objectives and Policies

Commercial Centres			
COMZ-01	A hierarchy of vibrant compact commercial and tourism centres that efficiently service and support the needs of the surrounding community and nationally significant tourism sector.	COMZ-P1	<i>Enable an increase in the density and scale of development in commercial areas to support the creation of focal points for the community and maximise the benefits of accessibility.</i>
		COMZ-P4	Neighbourhood Centres <i>Provide for small neighbourhood centres within easy walking distance that support the day to day needs of the surrounding residential area.</i>
		COMZ-P5	<i>Entranceway Accommodation and Tourism</i> <i>Provide for the development of tourism enterprises and Māori cultural experiences that maintains or enhances the amenity and vibrancy along the northern and southern city entranceways to the inner city, as shown on Planning Map 206.</i> City Entranceway Accommodation <i>Enable a mix of high density residential uses, accommodation activities, including visitor accommodation, and supporting commercial activities.</i>
		COMZ-P6	<i>Entranceway Accommodation and Tourism</i> <i>Provide for the development of tourism enterprises and Māori cultural experiences that maintains or enhances the amenity and vibrancy along the northern and southern city entranceways to the inner city, as shown on Planning Map 206.</i>
		COMZ-P7	Southern Edge Commercial Centre <i>Provide for the establishment of a mix of light industrial, residential and commercial activities that are appropriate to the location and amenity of the southern edge commercial centre, and the character and amenity values of other commercial centres.</i>
Assessment:	Changes to COMZ-P5 identifies a shift in the planning framework for the Fenton Street area (being the Entranceway Accommodation area). In particular, a shift from only tourist accommodation to both accommodation and tourism. The Commercial 4 zone specifically aims to provide an enabling framework for all forms of residential, including permanent and short stay/non-permanent accommodation.		

	No changes are proposed to the Neighbourhood Centres under COMZ-O1.		
<i>Design and appearance of buildings</i>			
COMZ-O2	Commercial buildings and activities that do not adversely affect positively contribute to the mixed use character, safety and efficiency, and attractiveness of commercial areas-centres and entranceways to Rotorua	COMZ-P8	<i>Enable and encourage high quality development that positively contributes to the safety and attractiveness of streets and public open spaces.</i>
		COMZ-P9	<i>Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.</i>
Assessment:	COMZ-P8 focuses on creating high quality developments. The Proposals reutilise existing motel buildings for CEH, with changes limited to boundary fencing and signage. Essentially, CEH facilities will appear similar to terrace housing as provided for in the zone.		
COMZ-O3	Commercial buildings and activities designed and operated in a manner that avoids mitigates adverse effects on the amenity of residential zones.	COMZ-P10	<i>Enable an increase in the density, diversity and quality of housing in identified zones, while maintaining their commercial function and managing potential reverse sensitivity effects.</i>
		COMZ-P11	<i>Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.</i>
Assessment:	As identified elsewhere, CEH is effectively replacing one sensitive activity with another, therefore reverse sensitivity effects are not expected to increase. No development or change to building form is proposed, other than improvements to fencing and removal of signage. The Proposals are consistent with COMZ-O3.		
COMZ-O3A	Residential development provides healthy, safe, and quality living environments for residents.	COMZ-P12	<i>a) Require the design of all buildings to positively contribute to the safety and attractiveness of the street by: i) Within commercial centres, require development to maximise street activation, building continuity along the street, pedestrian amenity and safety; ii) Within other commercial areas, require buildings to orientate to front the street, locate active uses on the street edge, including building entrances, lobbies, and commercial activities where proposed.</i>
		COMZ-P13	<i>b) Require the design of residential buildings to achieve quality on site living environments for people by providing: i) Private open space that is functional and accessible; ii) A reasonable level of visual privacy and outlook; iii) Safe and convenient pedestrian access to residential units from the street; and</i>

			<p><i>iv) Where located outside of commercial centres:</i></p> <p><i>i) Opportunities for on-site landscaping; and</i></p> <p><i>ii) Opportunities for passive surveillance of the street, while allowing privacy for residents.</i></p>
<p><i>Assessment:</i></p>	<p>It is acknowledged that CEH does not necessarily provide a perfect living environment. Fundamentally, CEH is a warm, safe and stable accommodation option for the short term. COMZ-P12 and COMZ-P13 are relevant to new development, rather than repurposing existing buildings for a slightly different purpose. Essentially, the Proposals align with COMZ-O3A as it provides accommodation to those with limited to no other options.</p>		