

Annexure 4: 321 Fenton Street (Malones Motel) – RC17662



Figure 1: 321 Fenton Street (as viewed from Fenton Street)

1 Introduction

1.1 Resource consent to use 321 Fenton Street for Contracted Emergency Housing (CEH) was lodged with Rotorua Lakes Council (RLC) on 13 August 2021. CEH is described in detail in the Application and in my Primary Evidence. To summarise, the Proposal is to:

- (a) Use all 20 existing motel units for CEH, primarily for whānau with children and vulnerable individuals (such as elderly);
- (b) Provide on-site support services for CEH occupants by a dedicated Service Provider. The Service Provider is currently Visions of a Helping Hand Charitable Trust, but the Applicant would like to retain flexibility so that an alternative Service Provider could provide the necessary Support Services if required;
- (c) 24/7 security on-site and an on-call Senior Security Officer;

- (d) Operate CEH from the site for a maximum of five years (from the date of the decision of the consent);
- (e) Revert back to a motel activity once the site is no longer being used for CEH.

2 Changes to the Application since lodgement

Maximum Occupancy

- 2.1 Since the notification of the Application, the Applicant has revised the total maximum occupancy onsite, reducing this from 66 occupants to **42 occupants**.
- 2.2 CEH has been operating from the 321 Fenton Street since 1 July 2021. On 11 May 2022, Ministry of Housing and Urban Development (MHUD) provided to RLC (in response to a s92 request) updated information about the actual number of occupants on the site. This information demonstrated that the number of occupants is far lower than the theoretical capacity (of 66 people) if every bed in every unit was occupied. Updated actual occupancy is provided in Table 1 below.

Table 1: 321 Fenton Street - Actual Occupancy Units (U) and People (P) December 2021 – August 2022

| Date | 15/12/21 | | 7/02/22 | | 30/03/22 | | 27/04/22 | | 23/05/22 | | 30/06/22 | | 1/08/22 | | 30/08/22 | |
|------|----------|----|---------|----|----------|----|----------|----|----------|----|----------|----|---------|----|----------|----|
| | U | P | U | P | U | P | U | P | U | P | U | P | U | P | U | P |
| No. | 18 | 44 | 13 | 29 | 17 | 37 | 17 | 35 | 14 | 30 | 16 | 30 | 14 | 29 | 19 | 39 |

NB: All 20 units are contracted for CEH and 321 Fenton Street has a maximum theoretical capacity of 66 CEH occupants.

- 2.3 The reality of CEH is that units are allocated to whānau based on their specific needs, and this does not necessarily mean every bed in every unit is occupied. As demonstrated in Table 1 above, the actual number of people onsite has varied between 29 and 44 people. It is my understanding that there are various reasons why occupation levels fluctuate – for example, on occasion, rooms are decommissioned for maintenance and repairs between whānau stays, and some rooms are set aside for emergency placements.

- 2.4 It is accepted that those staying in CEH are generally onsite longer than typical motel guests. As such, in terms of the potential intensity of use I consider that a reduced maximum occupancy is appropriate and helps to mitigate the potential effects that could result from overcrowding.

3 Activity Status

Operative Rotorua District Plan

- 3.1 The subject site is located entirely within the Commercial 4 zone, as are the properties to the north, west and south. Adjoining the site to the west is the Residential 1 zone.
- 3.2 As discussed in my Primary Evidence, the activity has been assessed as a Non-Complying Activity pursuant to Rule COMZ-R1.

4 Site Specific Matters raised in Submissions

- 4.1 The site specific s42A report by Ms MacDonald provides an overview of the notification process and submissions raised. I note that many submitters made 'blanket' submissions which related to all Applications. As such, where the issues raised in submissions are relevant to all Applications, I have considered these issues in my Primary Evidence.
- 4.2 There were 315 submissions in relation to the resource consent at 321 Fenton Street for CEH (including 16 submissions that were provided to the Independent Hearing Panel prior to notification of the application). Four submissions are not considered blanket submissions and were more specific to 321 Fenton Street. One submitter is the owner of a tourism and hospitality business, two are residents or owners of properties in the surrounding area, and one is a resident and venue manager of the adjoining Arawa Bowling Club. All four oppose the application.
- 4.3 The issues raised by the eight non-blanket submissions are reasonably generic, and can be broadly categorised as follows:
- (a) Social Effects
 - (b) Tourism Effects
 - (c) Cumulative Effects

- (d) External Amenity Effects
 - (e) Internal Amenity Effects
 - (f) Economic Effects
- 4.4 Submissions relating to social effects, tourism effects, economic effects, and infrastructure have been addressed in my Primary Evidence and that of MHUD's experts. No further discussion will be undertaken regarding these issues here. Further, changes to the application since lodgement (discussed in Section 2 above) together with conditions of consent will effectively mitigate submitters' concerns at the site-based level.
- 4.5 Cumulative effects have also been considered in my Primary Evidence; however, I provide additional comments specific to the site at 321 Fenton Street in my effects assessment below.
- 4.6 External and internal effects are not addressed in my Primary Evidence and is considered in my effects assessment below.
- 4.7 Where submitters discuss effects upon local business, this is in relation to wider issues of crime and safety. This has been addressed in my Primary Evidence, and no further discussion will be undertaken here.
- 4.8 One submitter has commented only in relation to a property that does not form part of the application site. It does not appear that any of their concerns are directly related to CEH.
- 4.9 Overall, I agree with the analysis and conclusions within Ms MacDonald's s42A report with regard to submissions received on this property.

5 **Assessment of Effects**

- 5.1 My Primary Evidence discusses effects as they relate to all Applications. The following discusses effects specifically relevant to this site:
- (a) Positive effects
 - (b) Character and amenity effects
 - (i) External amenity
 - (ii) Internal amenity

- (c) Transportation Effects
 - (i) Parking and access
 - (ii) Traffic generation
- (d) Noise Effects
- (e) Infrastructure
- (f) Financial contributions

Positive effects

5.2 The positive effects of the Proposal are outlined in the Application and in my Primary Evidence. At a site specific level, it is my understanding that the use of the site for CEH has resulted in the commencement of general repair and maintenance works at the site – including regular removal of graffiti, construction of a new rear fence, painting of the front (Fenton Street) fence, and placement of landscaping planters at the front of the site. It is acknowledged that further works can and should be undertaken in this regard.

Character and amenity effects

External Amenity - Streetscape / neighbourhood character

- 5.3 No changes are proposed in relation to the buildings and the AEE in the Application for 321 Fenton Street remains valid in this regard. As identified by Ms MacDonald in the s42A report, the surrounding environment is characterised by motel buildings, which the site also reflects.
- 5.4 The site specific s42A report states that the site appears rundown and unkept. This is reflected in submissions relevant to the site. Ms MacDonald recommends a condition of consent requiring the Site Management Plan (SMP) be updated to include requirements for site maintenance. I consider this will assist with mitigating streetscape and neighbourhood character effects and agree with the condition as proposed.
- 5.5 It is stated in the evidence of a number of experts that signage identifying the site as a motel should be removed to mitigate external amenity effects. Ms MacDonald has recommended a condition requiring the removal of the signage. I agree that imposition of such a condition is appropriate.

- 5.6 In addition to the above, a number of experts of the Council and MHUD have recommended that all online advertising and websites that promote tourist accommodation and other services should be removed. I agree that such measures are generally appropriate.
- 5.7 Ms MacDonald has recommended conditions of consent that existing landscaping be maintained and replaced where necessary. I consider this will aid in mitigating external amenity effects and consider it appropriate to be imposed as a condition of consent.
- 5.8 Quality permanent fencing was identified in the Social Impact Assessment (SIA) as a mitigation measure to assist with maintaining the surrounding character. A corrugated iron fence has been installed along its Sumner Street frontage; however a submitter has raised that the fence provides poor visual amenity. This is also reflected in the site specific s42A report, and a condition of consent is recommended to replace this fence with permanent pool style fencing. I agree that replacing the fence will improve the visual amenity effects to Sumner Street and support the condition proposed by Ms MacDonald.
- 5.9 Ms MacDonald has recommended additional planting along the western boundary with Arawa Bowls Club and fencing off the accessway in this location. I consider this will improve both internal and external amenity and agree with the condition as proposed.
- 5.10 Overall, it is my opinion that the external amenity effects arising from the use of the site for CEH purposes are acceptable, subject to the above conditions of consent being placed.

External Amenity – Cumulative effects

- 5.11 Cumulative effects of 13 resource consents being considered concurrently is discussed in my Primary Evidence. This was also addressed in the s92 response, the SIA, and in the Evidence of Ms Healy and Mr Eaquib.
- 5.12 Specific to the 321 Fenton Street Proposal, I note there are no other CEH facilities adjoining the site. The closest CEH activity¹ on Fenton Street is located approximately 250m north of the subject site. A second CEH activity² is located 250m southwest and is not located on Fenton Street. As

¹ Emerald Spa.

² New Castle.

identified in Figure 2 of the site specific s42A report, there is motel adjoining the site that is understood to provide (Emergency Housing Special Needs Grant (EH-SNG) accommodation. There are a further two motels located to the south of the site, which also are understood to provide EH-SNG accommodation. Tourist accommodation is provided to the west/north west of the site.

- 5.13 The improvement to fencing and proposed removal of motel signage will assist in reducing any ambiguity around the nature of onsite activities and will help the site integrate more into the environment in which it is located.
- 5.14 My conclusion in relation to cumulative effects in my Primary Evidence are equally applicable here. Cumulative effects of the Proposal are considered to be acceptable and with the proposed management and mitigation are considered to be no more than minor.

Internal amenity

- 5.15 Internal amenity relates to the quality of the onsite living environment for those staying in CEH, including access to onsite amenities typically associated with domestic living, open space and onsite services.
- 5.16 My Primary Evidence discusses how individuals are allocated to particular units, which among other matters, includes consideration of a unit's size, location, and onsite amenities to suit the requirements of the whānau or individual being homed.
- 5.17 Residents within CEH are accommodated on a relatively short-term basis (when compared with more permanent housing), with the length of stay varying between whānau groups. It is acknowledged, however, that the duration of stay is for a longer period than individuals who previously utilised the accommodation as motel guests. The provision of a quality and safe living environment is an important objective of CEH.
- 5.18 In undertaking this effects assessment, I also draw on the guiding principles within the relevant planning provisions applicable to the Commercial 4 Zone (COMZ4). The COMZ4 zone requires a minimum of 10m² (with a minimum depth of 2m) of outdoor open space to be provided per household unit³. This provides a helpful starting point in which to consider adequacy of open

³ COMZ-S5.

space; however, this must also be considered in the context that this standard is particularly applicable to site development resulting in permanent places of residence, as opposed to repurposed accommodation that instead serves as a temporary place of residence to the occupants. I also note that there are no guiding provisions regarding outdoor living space in this zone.

Internal Amenity – Outdoor living space

- 5.19 Access to onsite open space is one element that can contribute to a high-quality living environment. In my opinion, the extent and quality of the onsite amenity (including provision of open space) must be considered within the context of CEH providing a short-term place of residence for members of the community who otherwise have no tenable or better alternative accommodation.
- 5.20 I agree with the site specific s42A report, which identifies that access to private outdoor living space and shared open space is limited within this site. Ultimately Ms MacDonald concludes that the temporary nature of the accommodation is a mitigating factor. I agree with Ms MacDonald's conclusion in this regard.
- 5.21 Other mitigating factors include off-site activities facilitated by the service provider. I understand this will be discussed in detail in their site-specific evidence.

Internal Amenity – Suitability for children

- 5.22 The subject site does not provide a dedicated area for children's play. I note that the service provider provides off-site activities for tamariki and the site is well located within walking distance to local recreation grounds which provide alternative amenity and space for children to play, albeit off the site. In my opinion this nearby public space can readily mitigate any onsite deficiencies. The buildings at 321 Fenton Street are single storey, therefore all units are on the ground floor.
- 5.23 Ms Collins assesses the site as being unacceptable for children aged six months to seven years on the basis that there is no safe outdoor space for play. Her assessment finds it as having low suitability for children between eight and eighteen years due to Murray Linton Parking being 500m away. Based on these findings Ms Bennie recommends a condition of consent that children under seven years cannot reside on the site.

- 5.24 In my opinion, such restrictions, while well intended, are misplaced in the context of a community experiencing a significant housing crisis. I acknowledge the evidence that access to play space and more extensive physical living environments are contributors to a child's wellbeing and can aid in a child's developmental process. However, I consider access to a warm, safe, and stable accommodation are overriding factors to achieving the same essential outcomes. In my opinion, restricting whānau with children from occupying studio units, or limiting children of certain age groups from particular units, is likely to result in perverse outcomes, which ultimately would translate to whānau being unable to access CEH accommodation. In forming this conclusion, I note that the wellbeing of tamariki (through the process of undertaking an individual needs based assessment of each whānau) is at the forefront in any decision making around placement into suitable living environments.
- 5.25 Ms Collins recommends an area of the carpark be fenced off to create a safe play area for children. The motel operator advises that he agrees with this recommendation. I agree that the implementation of this would improve the site for children, and agree with the condition as proposed.
- 5.26 Ms MacDonald states that the Panel may choose to recommend that a unit is dedicated for use as a common playroom. While I understand the intention to provide children a play space outside their units for wet weather, I do not believe this is necessary.

Occupancy rate

- 5.27 Ms MacDonald recommends that the maximum occupancy rate for the site be restricted to 40 occupants. Maximum occupancy rates per unit type (excluding children under the age of six months) are also recommended. The proposed occupancy rate attempts to mitigate concerns of overcrowding and is based on the Canadian National Occupancy Standard (CNOS) used by Statistics New Zealand.
- 5.28 My Primary Evidence discusses why the CNOS is not appropriate as applied to CEH. The service provider is best placed to determine which rooms are most suitable for occupants, and they consider a variety of factors including family dynamics.
- 5.29 Considering first the occupancy levels of the wider site, as noted in the s42A report, the Applicant has offered a reduction in the maximum occupancy

numbers to a **maximum of 42 occupants**, which is an additional 2 people above that recommended by the Council's s42A report. Informed by the advice of the service providers and Mr Wilson, I support the maximum level of 42 persons, and consider that it is appropriate to enable additional flexibility over and above what is proposed by the Council, in recognition that on occasion, the placement of whānau groups may require some occasional exceedance to the more restrictive operating limit proposed in the Council's conditions.

- 5.30 As noted above, I do not agree that it is necessary to limit the individual occupancy levels of specific units or apply restrictions to accommodate young children. In my opinion, while such restrictions are well-intended, I do not consider that these are necessary to achieve the worthy objective of avoiding overcrowding. The Service Providers are skilled at ensuring the wellbeing of whānau and tamariki are at the forefront of determining appropriate allocation of accommodation.
- 5.31 Ms MacDonald identifies that should the panel be of the mind to grant consent impose the occupancy conditions stated in the s42A report, some families may be established in units that no longer meet the recommended occupancy rates. If this is the case, it is requested that the options presented in paragraph 80 of the s42A report also be imposed. This will ensure that those currently occupying the site are able to retain their place of accommodation until a suitable long-term option is found.

CPTED principles

- 5.32 The overview s42A report briefly notes that it would be helpful to better understand the application of the National Guidelines for Crime Prevention through Environmental Design (CPTED) in the context of each site. Such an assessment has not yet been undertaken; however, a condition of consent requiring a CPTED audit be undertaken based on the principles of CPTED could be imposed in the decision of this consent if the Panel considered this was necessary. In my opinion, any recommendations of a subsequent CPTED audit could then inform a site-specific action and implementation plan that can be incorporated into the SMP.

Transportation Effects

- 5.33 I agree with and accept the s42A analysis with regard to transportation effects and the inclusion of suitable conditions.

Noise Effects

- 5.34 I agree with and accept the s42A analysis with regard to noise effects. I agree that it would be unreasonable to require the operator to install glazing and ventilation for rooms within 40m of Sala Street, being a State Highway.

Effects on Infrastructure

- 5.35 I agree with and accept the s42A analysis with regard to effects on infrastructure.

Financial contributions

- 5.36 I agree with and accept the s42A analysis with regard to financial contributions.

6 Relevant Planning Framework

- 6.1 The higher order planning framework is discussed in my Primary Evidence, below I will discuss the Operative District Plan (ODP) in the context of 321 Fenton where there are particular matters that are distinct from my assessment in my Primary Evidence.

Operative District Plan (ODP) Zone and CEH

- 6.2 The site is located entirely within the Commercial 4 Zone (COMZ4 Zone). The Commercial 4 zone is described in the ODP as:

“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.”

- 6.3 The Proposal aligns with this zone description. CEH is very similar to the operation of a motel or to medium density residential household units. There are no modifications proposed to the buildings or structures themselves, except removal of motel signage and upgrading the Sumner Street fence. The site is fully fenced, and it is agreed that further enhancements are appropriate in this regard.

- 6.4 As discussed elsewhere, the Proposal includes the reversion back to traditional ‘tourist accommodation’⁴ in the future (which will likely include reinstatement of motel signage).
- 6.5 I note that the ODP provides for ‘community housing’⁵ as a permitted activity in both the Commercial 4 and all residential zones of the ODP⁶. The only reference to emergency housing in the ODP is in the definition of ‘community housing’ and emergency housing is not otherwise mentioned anywhere in the ODP. I note the evidence of Mr Batchelar is that if the Proposal did not include wrap around support services, it could be considered as a conversion of motel units to residential units⁷.
- 6.6 The Spatial Plan for Rotorua outlines that the CBD has more commercial space than the current and future population requires and many visitors to Fenton Street have no reason to visit the CBD or lakefront. This is reinforced by the high vacancy rate in the CBD⁸. The Spatial Plan proposes that future plan changes should be implemented to provide for tourist accommodation to be moved into the CBD, rather than along Fenton Street. While I accept that the Spatial Plan is not an RMA statutory document, it does indicate that the ODP provisions are out of date and that the accommodation strip (i.e. city entranceway accommodation) in the Commercial 4 zone may transition to residential accommodation, rather than having a sole focus on ‘tourist accommodation’. This is reinforced by, and considered further, in relation to Plan Change 9 in my Primary Evidence.

Commercial Zone Objectives and Policies

- 6.7 **COMZ-01** aims to keep commercial centres compact and have commercial and tourism centres that effectively service and support the needs of the surrounding community. While the CEH activity does not provide a commercial service to the community, the Proposal provides an alternative

⁴ ODP definition of ‘Tourist accommodation’ (page 35 Part 1 of ODP).

⁵ Community housing is defined as (page 8 ODP): “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”.

⁶ Community housing is permitted activity in the Commercial 4 zone, all residential zones, all Rural zones and the City Centre 1 zone (above the first floor).

⁷ Noting that this is in the context of the District Plan definition of ‘household units’.

⁸ Rotorua Housing and Business Development Capacity Assessment 2021, dated 3 February 2022, Page 6.

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 community⁹”. Coupled with an acute housing need, Rotorua’s tourism sector is recovering from the impact of COVID-19.

- 6.8 Experts, including Ms Healy, advise that the mixing of tourism accommodation and emergency accommodation has the potential to adversely affect Rotorua’s reputation as a desirable place to visit. In my opinion, the exclusive contracting nature of the CEH model for emergency housing (rather than mixing tourist accommodation guests with emergency housing occupants) minimises situations where those utilising accommodation for living purposes erode a visitors experience of a tourist accommodation facility. In my opinion, CEH strikes an appropriate balance between providing for tourism needs and the needs of the surrounding community.
- 6.9 Furthermore, the motel operator advises that in order to survive in the current tourism market, the business would have had to otherwise accept both traditional motel guests and Ministry of Social Development clients. CEH has enabled a tourism business to survive in the unique and challenge context of operating under the impact of COVID-19.
- 6.10 Relevant to this site is supporting Policy **COMZ-P4**, which provides direction to sites located in the Entranceway Accommodation and Tourism area. I note that the Proposal does not prevent the development of other tourism enterprises or Māori cultural experience in this area, or the amenity and vibrancy that they bring. In addition, the SMP is adaptive to situations and allows Service Providers to respond to any issues that could affect amenity or vibrancy accordingly.
- 6.11 In my opinion, while the Proposal 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. In my opinion, any conflict with **COMZ-O1** and **COMZ-P4** can be reconciled with the positive impacts the Proposal

⁹ See RLC Submission on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, page 2.

has 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.

- 6.12 **Objectives COMZ-O2 and COMZ-O3** address design and appearance of buildings. Relevant supporting policies are **COMZ-P6** and **COMZ-P7**. I generally agree with the assessment undertaken by Ms MacDonald in regard to these objectives and policies.
- 6.13 In particular, I agree with Ms MacDonald that maintaining the existing landscaping and fencing together with the removal of motel signage and site upkeep will contribute to an attractive streetscape.
- 6.14 Objective **COMZ-O5** and supporting policy **COMZ-P10** address reverse sensitivity. I generally agree with the assessment undertaken by Ms MacDonald in regard to this objective and policy.

District Wide Objectives and Policies

- 6.15 Ms MacDonald addresses the following objectives and policies in her site specific s42A report:
- (a) Noise: NOISE-O1, NOISE-P4 and NOISE-P9
 - (b) Infrastructure: EIT-O3 and EIT-P14
 - (c) Transport: EIT-O7, EIT-P18 and EIT-P22
- 6.16 I agree with the assessment undertaken by Ms MacDonald in regard to the district wide matters and have no identified any areas of conflict.

Objectives and policies conclusion

- 6.17 Overall, I consider the Proposal is broadly consistent with the objectives and policies of the District Plan.

7 Response to s42A Report's Recommended Conditions of Consent

- 7.1 Appendix 1 of the site specific s42A Report for 321 Fenton Street contains draft conditions of consent recommended by Ms MacDonald. There is broad agreement around the majority of proposed conditions. The discussion below focuses more specifically upon conditions where I

suggest changes or explicitly disagree with those recommended in the s42A report. The Strategic Conditions in the overview s42A report have been discussed in my Primary Evidence.

- 7.2 An updated set of proposed consent conditions will be provided at the commencement of the hearing, and it is anticipated that these will develop over the course of the hearing. In the meantime, I provide the following overall comments on the recommended consent conditions attached to the Council's s42A site specific report.
- 7.3 **Conditions 2 and 3** identify the consent holder as the Operator and MHUD and restrict the consent from being transferred to and held by any other person. I do not agree with this restriction and have addressed this in my Primary Evidence.
- 7.4 **Condition 7** restricts site occupancy to a maximum of 40 persons (excluding children under six months of age). For the reasons outlined in Section 5 above it is my opinion that the maximum occupancy sought by the Applicant (42 persons) is acceptable. Ultimately, I consider that the Service Provider is best placed to determine which rooms are most suitable for occupants, and they consider a variety of factors including family dynamics.
- 7.5 **Condition 8** limits specifies maximum occupancy levels for studio and one bedroom units (excluding children under six months of age). I do not support condition and recommend its deletion.
- 7.6 **Condition 9** provides clarification that the occupancy levels do not limit the length of stay for residents accommodated in the units, and also does not limit the number of people residing in Manager's Accommodation. I recommend that this is instead reframed as an Advice Note under the condition controlling the maximum site occupancy (condition 7). Further to this, if the panel is of the mind to grant consent and impose the maximum number of occupants as stated in the s42A report, it is requested that the options presented in paragraph 80 of the s42A report also be imposed. This will ensure that those currently occupying the site are able to retain their place of accommodation until a suitable long-term option is found.
- 7.7 **Conditions 12 to 15 and 22 to 24** relate to retention/enhancement of landscaping, installation of fencing, and improvements to open space areas throughout the site. I agree with the placement of these conditions.

- 7.8 **Condition 16 to 17** require the establishment of a dedicated children's play area. I agree in principle with the placement of these conditions, but consider refinements could be made to provide greater clarity around timeframes for compliance.
- 7.9 **Condition 18** requires that physical motel signage be removed for the duration of the consent. I agree that this is reasonable.
- 7.10 **Condition 19** requires that all online advertising and websites that promote tourist accommodation and other services be removed. The implementation of this condition is difficult due to the nature of online advertising. Notwithstanding this, it is reasonable to require the Motel Operator to amend their website and booking websites to show no room availability and on this basis I agree that a condition to this effect is reasonable.
- 7.11 **Conditions 30 to 32 and 34** require compliance with the permitted activity performance standards for noise and light emissions from the site. I do not consider placement of conditions, that simply replicate permitted activity standards, to be in accordance with good practice, and nor do I consider their placement necessary. I recommend deletion of these conditions.
- 7.12 **Condition 33** requires that the site shall be capable of meeting an internal road-traffic design sound level of 40dB LAeq inside all habitable rooms. As outlined in the Application, no physical work is proposed. It is not known whether the subject site already meets these requirements or not. It appears this requirement is from the performance standards as they relate to reverse sensitivity effects from being adjacent to a State Highway. The subject site is not located adjacent to a State Highway. Conditions in relation to noise insulation inside habitable rooms are considered unnecessary and should be deleted. Reverse sensitivity was not raised as an issue in the s42A report by Ms MacDonald.
- 7.13 **Conditions 37 to 41** relate to the taking of a bond. This matter has been discussed within my Primary Evidence, where I dispute the need for a bond, and also the value of the individual bond. I recommend deletion of these conditions.

8 Section 104D Gateway Test and Part 2 Analysis

8.1 As discussed in my Primary Evidence, it is my opinion that the effects of the Proposal are no more than minor and the Proposal is not contrary to the objectives and policies of the Rotorua District Plan or Plan Change 9.

8.2 As detailed in my Primary Evidence, the Proposal aligns with Part 2 of the Act.

Date: 5 October 2022



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Alice Blackwell