

09 July 2021

Please Quote: 6221133
Doc Ref: RDC-1155740
Enquiries to: s7(2)(a)

THE PROPERTY GROUP LIMITED
PO BOX 2874
WELLINGTON 6140

Attn: s7(2)(a)

Dear s7(2)(a),

NOTICE OF RESOURCE CONSENT DECISION

| | |
|-----------------------------|---|
| Consent no: | RC17556 |
| Property file no: | P01842 P01841 P01835 P01836 P01837 |
| Applicant: | KĀINGA ORA – HOMES AND COMMUNITIES |
| Type of application: | LAND USE – NON-COMPLYING |
| Proposal: | TRANSITIONAL HOUSING |
| Site address: | 265 FENTON STREET, ROTORUA |
| Legal description: | LOTS 50 -51 DP 2865 LOT 52 DP 2865 LOT 45 DP 2865 LOT 41 DP 2865 LOT 44 DP 2865 LOT 40 DP 2865 |

I wish to advise that the following decision has been made under authority delegated to staff in respect of the above application:

- (a) Pursuant to Section 95A of the Resource Management Act 1991, the Rotorua District Council has decided in its discretion not to publicly notify the application. Council is satisfied after due consideration of Section 95D that the adverse effects on the wider environment will be or are likely to be no more than minor. Council is also satisfied that no special circumstances exist that require notification of the consent application in accordance with Section 95A(4).
- (b) The Council has decided after taking into due consideration the requirements of Sections 95B and 95E of the Resource Management Act 1991 that the adverse effects of the activity on the owners and occupiers of adjacent land are less than minor and no persons are considered affected therefore limited notification is not required.
- (c) Pursuant to Sections 34A, 104, 104B and 108 of the Resource Management Act 1991, the Rotorua District Council resolves to GRANT consent for transitional housing at Lots 50-51 DP2865, Lot 52 DP 2865, Lot 45 DP 2865, Lot 41 DP 2865, Lot 44 DP 2865, and Lot 40 DP 2865 subject to the following conditions:

CONDITIONS OF CONSENT:

General

1. The activity shall be in general accordance with the information and plans submitted with the Application for Resource Consent dated 14 June 2021 and the following additional information provided by the applicant:
Updated Proposed Site Layout - 265 Fenton Street, Rotorua dated 29 June 2021;
Arrangement for storage - 265 Fenton St dated 1 July 2021.
2. Minor changes may be made to the consented activity, where requested in writing and approved by the Council, provided that the activity is not materially changed, and any adverse effects are the same or reduced.

Scale and Intensity

3. A maximum of 88 residents (excluding children under 18 months of age) shall be permitted to reside within the 31 transitional housing units.
4. A record shall be maintained that states occupancy numbers at any given date within transitional housing units and this information shall be made available to council upon request.
5. To avoid doubt, this resource consent does not:
Restrict the length of stay for residents in the transitional housing units (See Advice Notes 1 and 2 referring to Building Act requirements).
Limit the number of people residing in the Manager's Accommodation.

Landscaping – Fenton Street Frontage

6. The existing landscape elements within the Fenton Street frontage including grassed areas, raised planter bed and large specimen trees shall be maintained.
7. Screening, in the form of fencing and/or hedge planting, shall be provided for the Shared Open Space adjacent to the Communal Kitchen and Meeting Space to give privacy to those using the space. Fencing above 1.2m in height shall be visually permeable. These works shall be implemented within 3 months following the commencement of the use of the site for transitional housing and maintained for the duration of the activity.

Signs

8. All existing signage relating to "The Boulevard Motel" shall be removed from the site within one month of the occupation of site by tenants for transitional housing.

External Boundary Fencing

9. External boundary fencing, other than that on the Fenton Street boundary shall be maintained in the same or similar form to the existing fencing to provide privacy for residents and neighbours.

Traffic Management

10. A minimum of 37 car parking spaces shall be provided on the site which shall be sealed and marked.
11. Parking and manoeuvring shall be in accordance with the New Zealand Standard, Parking facilities: Off street car parking, NZS2890.1
12. Surface marking and signage shall be sufficient to ensure the safe and efficient operation of parking and access, including pedestrian safety.
13. Parking and access in accordance with these conditions shall be implemented prior to the commencement of the use of the site for transitional housing and maintained for the duration of the activity.

Noise

14. Noise levels from the activity shall not exceed the following limits when measured at any point within the boundary of a neighbouring residential site:

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

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

Glare and Light

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

Earthworks

17. If earthworks are undertaken for the purpose of infilling the swimming pool, they shall be carried out under the direct supervision of a suitably qualified and experienced Geo-professional and an earthworks completion report shall be provided including certification that the filling complies with NZS 4431 to the satisfaction of the General Manager Infrastructure, Rotorua District Council, or their delegate. An earthworks as built plan shall be provided as part of the earthwork's completion report.
18. In carrying out any earthworks, no runoff, silt, sediment, dust, or other materials shall be permitted to discharge off-site that could damage or disturb neighbouring properties, public roads, drains or waterways. This shall be achieved by installing and maintaining appropriate erosion, sediment, and dust controls (in accordance with the Bay of Plenty Regional Council Sediment and Erosion Control Guidelines) prior to and during the works until the site is stabilised.

Communal Kitchen and Meeting Space

19. The use of the Communal Kitchen and Meeting Space shall be restricted to staff, course facilitators and residents living on site.
20. A maximum of fifteen residents, plus staff and course facilitators, shall be permitted to attend the course / training sessions held in the Communal Kitchen and Meeting Space at any one time.
21. To avoid doubt, the resource consent for the Boulevard Motel restaurant granted in 1997 shall not be implemented while the transitional housing use is being undertaken.

Shared Open Space

22. Shared Open Space shown on the approved Site Layout Plan shall be maintained to ensure the spaces are suitable for recreational use by residents.
23. Shared Open Space shown on the approved Site Layout Plan shall not be used for vehicle parking, storage, or occupied by any buildings or structures other than for the purpose of recreational use such as shade structures, seating, and play equipment.

On Site Management

24. An onsite staffing presence shall be maintained on the site for the duration of the consent.
25. A final Site Management Plan shall be submitted to the Manager, Planning & Development Solutions, or their delegate for certification prior to the occupation of the units for transitional housing. The site management plan must include, but not be limited to:
 - a) A Details of on-site managers responsible for implementation of the Site Management Plan and responsible for the management of any complaints.
 - b) Details of the on-site support services to be provided, including the number of staff, location for training and office work within the site and hours of operation.
 - c) Site management details including:
 - i. Intensity of use (i.e., number of residents)
 - ii. Staffing and security
 - iii. Site maintenance
 - iv. Carparking allocation
 - v. Meeting / training operation (including hours of use)
 - vi. Visitors (including visiting hours)
 - vii. Use of communal areas and facilities
 - d) Effective noise management measures to avoid, remedy, or mitigate potential noise nuisance.

Review Condition

26. Council may, within 36 months of this consent being given effect, initiate a review of the conditions of the consent under section 128 of the RMA 1991 to:
 - a) Assess the adequacy of, and if necessary, changes to the conditions controlling activities on the site; and
 - b) Deal with any significant adverse effects on the environment that may arise from the exercise of the consent (limited to noise, site management, the use of common/shared areas, access and parking, and waste management), and
 - c) Initiate a review of conditions that may allow for new conditions to be applied to the consent.

REASONS FOR COUNCIL DECISION:

1. **Principal Issues – Activities not specifically provided for in the District Plan can generate unanticipated effects, including those relating to residential density, noise and traffic levels, that do not align with the amenity, character and/or purpose of the underlying zone.**
2. **Main Findings of Fact – The proposal seeks to use the site and existing motel buildings at 265 Fenton Street for transitional housing accommodation. The proposed activity is not clearly defined under the District Plan and therefore is a non-complying activity in both the Residential 2 Zone and Commercial 4 Zone. Non-complying activities require resource consent.**
3. **The site is zoned RESIDENTIAL 2 and COMMERCIAL 4 in the Operative District Plan and the proposal is a NON-COMPLYING ACTIVITY.**
4. **Residential activity is anticipated in both the Residential 2 and Commercial 4 Zone. The use of the existing buildings on site, the minimal changes to site layout, and the reduced number of occupants on-site because of the activity, aligns with the existing and anticipated amenity of the surrounding environment. Conditions of consent and the Site Management Plan will further ensure the operation of the activity will continue to align with the amenity of the surrounding residential and commercial environment.**
5. **Conditions 10- 13 will ensure all on-site parking and manoeuvring areas operate safely and efficiently.**
6. **The Council has had regard to the provisions of the Operative Rotorua District Plan rules and the relevant assessment criteria. It is also considered that the proposal is consistent with the relevant objectives and policies of Part 4, Part 6, and Appendix A11 the Operative Rotorua District Plan subject to compliance with the conditions of consent.**
7. **The proposal is consistent with Part 2 of the Resource Management Act 1991.**

8. **The Council is satisfied that subject to conditions of consent, the proposed activity will not have, or is unlikely to have, any adverse effects that are more than minor.**
9. **In accordance with s104D(a), the effects of the activity are less than minor. In accordance with s104D(b), the activity is not contrary to the objectives and policies in the Rural 2 Zone. The proposal therefore passes the Section 104D gateway test.**

ADVICE NOTES

Building Act

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

Geotechnical Investigation

2. A geotechnical investigation in accordance with Chapter 3 (Geotechnical Requirements – 2012) of the Rotorua Civil Engineering Industry Standard will need to be undertaken for any new building and submitted to Council in conjunction with any building consent application.

Geothermal Bores

3. Geothermal bores have been identified on this site. For any new building, it will need to be demonstrated that compliance with the Geothermal Bylaw with 5m setbacks to the buildings can be achieved.

Waste Management

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

Timeframe for Giving Effect to this Consent

5. The above consent lapses on the expiry of 5 years after the date of receiving this letter unless the consent is given effect to.

Right of Objection

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

Monitoring of Conditions

7. Please contact Council's Compliance & Regulatory Team (RMA.Compliance@rotorualc.nz) in relation to the completion and monitoring of the conditions of this consent. The consent holder will be charged for the administration, monitoring and supervision of this resource consent. Notwithstanding the above, where there is good and reasonable cause for unprogrammed monitoring and additional site

inspections, the costs of that will be a charge on the consent holder. Such costs are recovered on an actual and reasonable basis as defined in the General Conditions and Notes of the Fees and Charges Schedule as approved by the Council in terms of Section 36 of the Resource Management Act 1991.

Please arrange a meeting with Council's Compliance & Regulatory Team 2 working days prior to the commencement of the works required under this consent.

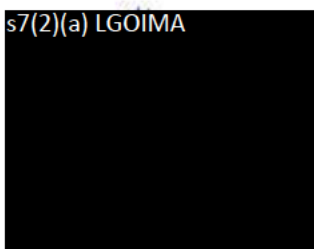
Other Consents may be required

8. To avoid doubt; except as otherwise allowed by this resource consent, all land uses must comply all remaining standards and terms of the relevant Rotorua District Plan. The proposal must also comply with the Building Act 2004 and Bay of Plenty Regional Plans. All necessary consents and permits shall be obtained prior to development.

If you have any questions regarding this decision, please contact s7(2)(a) [REDACTED], or the duty planner.

Yours faithfully

s7(2)(a) LGOIMA

A large black rectangular redaction box covers the signature area of the Consultant Planner.

Consultant Planner



All measurements are approximate and subject to survey.



Imagery sourced from LINZ Data Services
 Property boundaries sourced from Land Information NZ. Crown Copyright reserved. Property boundaries accuracy +/-1m in urban areas, +/-30m in rural areas.
 Coordinate System NZGD 2000 New Zealand Transverse Mercator Datum NZGD 2000 // This map was produced with ArcGIS Pro (Esri).
 PREPARED BY: Conor McIntosh DATE: 29/06/2021 SHEET: 1 OF 2

Boulevard Motel
 Proposed Site Layout

TPS REF: 716161 A3 Scale 1:300 0 9 Metres