
ROTORUA DISTRICT COUNCIL

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

FILE NO: 6221325

FROM: Bethany Bennie (Consultant Planner)

DATE: 22 September 2022

SECTION 42A – COUNCIL OFFICERS REPORT

NOTIFIED APPLICATION TO:

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

APPLICANT:	TE TŪĀPAPA KURA KĀINGA – MINISTRY OF HOUSING AND URBAN DEVELOPMENT
APPLICANTS AGENT:	THE PROPERTY GROUP C/-ALICE BLACKWELL
OPERATOR/CONSENT HOLDER	APOLLO HOTEL C/- BHARAT CHANDNAANI
ADDRESS:	7 TRYON STREET, ROTORUA
RESOURCE CONSENT NUMBER:	RC17893
LEGAL DESCRIPTION:	LOT 1 DPS 26397
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 3 – NEIGHBOURHOOD CENTRES
REPORT:	SECTION 42A – COUNCIL OFFICERS REPORT
NOTIFIED:	PUBLIC NOTIFICATION

SUMMARY

1. Te Tūāpapa Kura Kāinga - Ministry of Housing and Urban Development (MHUD) is applying on behalf of the motel operator (the **applicant**) under Section 88 of the Resource Management Act 1991 (**RMA**) through The Property Group (the **Agent**) to use the subject site (the **site**) and existing Apollo Hotel buildings for contracted emergency housing (**CEH**) accommodation for a maximum period of five years, after which the site and existing buildings will revert back to tourist accommodation.
2. The resource consent application (**application**) was lodged with Council on 20th December 2021. The activity has been operating since 1 July 2021, so the application is retrospective and prospective.
3. A request for further information (**RFI**) was issued to the applicant on 3rd February 2022 and therefore the application was placed on hold in accordance with section 92(1) of the RMA. A RFI response was received from the applicant's agent on the 11th May 2022.
4. The applicant requested that the application be publicly notified on the 11th May 2022. The application was publicly notified on 11th June 2022 along with 11 other CEH applications. A 13th application was notified on 6th August 2022. Notice of the application was also served on the owners/occupiers of immediately adjacent properties, owners/occupiers of neighbouring properties, owners/occupiers of the subject site, Bay of Plenty Regional Council, Rotorua Housing Taskforce, Te Pokapū, Ngāti Whakaue, Te Arawa Lakes Trust, Restore Rotorua Incorporated, and Rotorua Economic Development Limited.
5. Of the 3,841 submissions received on all 13 CEH applications, 10 submissions were specific to the subject site. There were 10 submissions received in support from CEH residents of the Apollo Hotel. The other submissions covered general matters across all 13 CEH application sites. The majority of submissions covered general matters across all 13 CEH application sites. These general matters are covered in the Overview s42A Report (Overview Report).
6. The proposed activity has been assessed as a Non-Complying Activity pursuant to Rule COMZ-R1 of the Operative Rotorua District Plan (**District Plan**) as the activity is not expressly provided for in the District Plan.

REPORT STATUS

7. This is a report prepared under Section 42A Report of the RMA. It provides a site-specific assessment of the application. It should be read in conjunction with the Overview Report which addresses matters common to the 13 applications made by MHUD for CEH.
8. This report is not a decision on the application. It provides opinions and assessments, which are, in turn, incorporated into the Overview Report. The Overview Report assesses matters common to all 13 applications and records recommendations to the Independent Hearing Panel (**Panel**) on whether the applications should be granted or declined consent.
9. This report will be considered by the Panel in conjunction with all other evidence and submissions that have been received. The Panel will determine the weight to be given to this report and to any other evidence or submissions that are presented when making their decision.

REPORTING OFFICER

10. This report has been prepared by Bethany Bennie. I am employed as a Senior Planner at Boffa Miskell Limited. I hold a Bachelor of Geography and Master of Planning Practice from The University of Auckland. I have approximately five years planning experience. I am an Intermediate member of the New Zealand Planning Institute (**NZPI**).
11. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 in preparing this report. I agree to comply with it in presenting this report. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this evidence.
12. In preparing this report I have referred to the following:
- The Overview Report prepared by Craig Batchelar, Planner and Director at Cogito Consulting Limited;
 - Expert advice from Sarah Collins, Landscape Architect at Boffa Miskell Limited;
 - Expert advice from Rebecca Foy, Social Researcher and Director at Formative; and
 - Expert advice from Natalie Hampson, Economist and Director at M.E Consulting.
13. This report records my assessment and recommendations along with recommended Conditions of Consent, should the Panel determine that consent should be granted.

THE SITE AND SURROUNDING ENVIRONMENT

SITE DESCRIPTION

14. The site is located in the Commercial 3 Zone (**COMZ3**) under the District Plan, accessed via Tryon Street and comprises one parcel, as set out below:

Zone	Description	Area m ²
COMZ3	Lot 1 DPS 26397	2,864
Total		2,864m



Figure 1 – District Plan zones with the subject site outlined in red. The purple is COMZ3, the red is Commercial 4 Zone (COMZ4)

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

The site is currently occupied by an existing hotel which has its entrance at the southeast corner of the site and exit at its northeast corner, both to Tryon Street. A large three storey L-shaped building accommodates the office, hotel facilities and conference room on the ground floor with accommodation on the first and second storeys.

A pool is located within an internal courtyard at the equivalent of the first floor level and there is also a games room and lounge in the northwest corner of the site next to the pool. Carparks are located at ground floor level along the eastern and southern boundaries of the site.

The surrounding properties include commercial, residential and tourist accommodation land uses as well as vacant land to the west of the subject site.

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

Type of unit	No. of units	Max No. of occupants
Studio units	28	84
One bedroom unit	11	33
Total	39	117

16. The site is positioned on the corner of Froude Street and Tryon Street. The main frontage is to Tryon Street. There are low shrubs and several trees along the boundaries of the site.
17. The motel has been in use as MHUD CEH since 1 July 2021.

SURROUNDING AREA

18. The immediate surrounding environment consists of commercial, residential and tourist accommodation land uses. Directly west is another tourist accommodation provider, and immediately south of the site is an art gallery. Residential dwellings are located north of the site along Froude Street, and vacant residential sections border the sites western boundary.
19. In the wider context, to the south is Whakarewarewa (700m). To the west, is Fenton Street which is an Urban Primary Arterial Road and City Entranceway (District Plan Maps 206) carrying high levels of traffic in and out of the Rotorua CBD. Fenton Street has a mix of residential, commercial, and tourist accommodation land-uses. Several of these tourist accommodation facilities along Fenton Street are being used for CEH or emergency housing. Two other CEH providers are near the subject site; one to the south-west on Meade Street, and one to the north-east on Sala Street, just south of the site on Tryon Street and Meade Street.



Figure 2 – Activities within the immediate surrounding environment (red – subject site, green – tourist accommodation, yellow – office/commercial, purple– art gallery/retail, blue – childcare centre, all remaining land is either vacant or being used for residential purposes)

LOCAL AMENITIES AND SOCIAL INFRASTRUCTURE

20. The nearest supermarket, pharmacy, doctors and Rotorua Central Mall are located approximately 2km north of the site on Fenton Street. The Fenton Park Bible Church is located on Ward Avenue which is 1km walking distance from the subject site.
21. To the south of the site is Whakarewarewa Thermal Reserve which does not have any open space suitable for recreation. Murray Linton Rose Garden which is 1.4ha is located

approximately 1km north of the site. There is also an unnamed recreational park located approximately 1.5km walking distance, north-west of the site which contains children play equipment.

22. The nearest school is Whakarewarewa School located on Sala Street, approximately 750m east of the site. Rotorua Intermediate is located approximately 2.9km to the north-west. There is an early childhood centre located at 36 Sala Street.

RECORDS OF TITLE REVIEW

23. The interests on the Record of Title are set out below.

Record of Title	Legal Description	Interests
SA24D/1274	LOT 1 DPS 26397	<ul style="list-style-type: none"> • Subject to Section 15 of the Rotorua Town Lands Act 1920 • Subject to Section 387B (4) Municipal Corporations Act 1954. • Lease agreement

24. The Record of Title is subject to Section 15 of the Rotorua Town Lands Act 1920 and Section 387B (4) Municipal Corporations Act 1954. These interests relate to the Crown reservation of rights to minerals and other resources, and design of buildings for earthquakes.

25. There are no interests that would restrict the CEH proposal from proceeding.

CONSENT HISTORY

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

Reference number	Date of issue	Details
RC8962	26/5/2008	Land use – Signage exceeding site maximums
RC10465	3 May 2005	Planning Certificate – On Licence
Unknown	(1996-2003)	Planning Certificate – On Licence
Unknown	26 November 1980	Hairdressing Salon within existing building
Unknown	21 February 1978	Conditional Use and Specified Departure – 39-unit Motel Complex within Boundary restriction.
RC3421	6/6/1973	Specified departure – 30-unit hotel within boundary restrictions

27. There is no intention, nor need, to surrender these consents. After expiry of the consent for CEH, if granted, the motel activity (tourist accommodation) would recommence.

PROPOSAL DESCRIPTION

28. The applicant is seeking resource consent to use the subject site and existing buildings for CEH for a maximum period of five years, after which the site and buildings will revert to tourist accommodation.
29. The application is for a maximum of 117 occupants (excluding staff) accommodated in 28 studio units (84 occupants) and 11 one-bedroom units (33 occupants). This maximum

occupancy represents no change from the existing maximum occupancy of the motel. Full-time management and supervision will be provided, with managers accommodation located onsite.

30. The applicant has recently stated an intention to reduce the maximum occupancy level to 98 occupants (excluding staff).¹ Under the proposed new maximum, where there is more than one double bed in a room, only one bed has been counted as sleeping two people.
31. The applicant proposes no modifications or change to the layout of the buildings within the site. The restaurant and conference room will be closed to the public, and the southern-eastern vehicle access on Sala Street will be closed.
32. On-site support services will be provided by “WERA Aotearoa” (**WERA**) who will implement a Site Management Plan (**SMP**) (Appendix 4 of the application). The SMP is offered as an “Augier”² condition by the applicant. The SMP details maximum occupancy, on-site security and support services, authorised personnel and visitors, noise management, site maintenance, and health and safety measures. On-site support services include:
 - Support services staff Monday to Friday 9am – 5pm; and
 - One 24/7 security guard and roaming security between the hours of 9am – 5pm.
33. The existing motel operator will continue to manage the day-to-day running of the facility which includes providing cleaning and maintenance.
34. Regarding the length of time occupants will stay in CEH, the applicant stated the following³:

...Across all emergency housing, the average length of stay in is 22 weeks, the typical length of stay is 2-3 months and the maximum length of stay is 19 months.

Across all CEH motels, there are 16 whānau and five individuals that have been in CEH since 1 July 2021 (i.e. from when motels were first contracted by HUD). The shortest length of stay in CEH is three days.
35. The Agent⁴ has confirmed the use of the site for CEH for a maximum of five years followed by reversion back to tourism accommodation.
36. The site plan is shown below, and further details of the proposal are outlined in Section 3 of the application.

¹ Further information received from the applicant dated 9 September 2022

² Where an applicant gives a clear and unequivocal undertaking and, relying on that undertaking, the local authority grants consent subject to a condition in terms broad enough to embrace the undertaking, the applicant cannot say later that there is no power to require compliance with the undertaking. This is called an “Augier” condition.

³ Response to matters raised in the Request for Further Information –RC17893 – 7 Tryon Street

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



Figure 4 – Site plan showing motel units, carparking, and shared open and covered space

ACTIVITY STATUS

37. The activity status for each application is discussed in detail in the Overview Report.
38. In summary, the proposal for CEH at 7 Tryon Street has been assessed as a **Non-Complying Activity** pursuant to COMZ-R1(1).

NOTIFICATION AND SUBMISSIONS

39. The application was publicly notified on 11th June 2022 (along with 11 of the other 12 CEH applications). Notice of the application was also served on the owners/occupiers of immediately adjacent properties and owners/occupiers of neighbouring properties, owners/occupiers of the subject site, Bay of Plenty Regional Council, Rotorua Housing Taskforce, Te Pokapū, Ngāti Whakaue, Te Arawa Lakes Trust, Restore Rotorua Incorporated, and Rotorua Economic Development Limited.

SUBMITTERS

40. Following the close of the submission period, 3,841 submissions were received on all the 13 notified CEH applications. Of these, 10 submissions were related specifically to the subject site. The remaining submissions covered general matters relating to emergency housing (for example, social and economic effects). These general matters are covered in the Overview Report and within the evidence prepared by Ms Foy and Ms Hampson.

41. Those submitters who provided a submission specific to Apollo Hotel are addressed below.

Submitter Name/no.	Oppose/Support	Wish to be Heard	Submitted on other applications	Submission Summary
Bill Loutit / Sarah Mitchell on behalf of Noah Motels (NZ) Ltd (295)	Oppose	Yes	No	<p><u>Adjacent Hotel</u></p> <ul style="list-style-type: none"> • Inconsistent with the District Plan and Part 2 of the RMA • Proximity of proposed activity to the Rydges Hotel and Whakarewarewa reflects badly on tourism and justifies further assessment into potential effects • SIA incorrect in its conclusions • Application will have adverse amenity and visual effects. Key differences relate to: <ul style="list-style-type: none"> ○ Longer term occupancy ○ Occupancy rate ○ Nature of use and occupant • Adverse effects on security and health and safety • Inadequate assessment of the effects on the submitter's property • In the submitter's view the application does not meet either gateway test • SMP not sufficiently comprehensive • Relief sought if application granted: <ul style="list-style-type: none"> ○ A shorter duration of consent ○ A condition review under clause 128 of the Act ○ Removal of Apollo Hotel signs and cessation ○ Installation and maintenance of high-quality permanent fencing, landscaping, front berms and gardens, on-site dedicated play area for children ○ Discrete on-site security, immediate security assistance ○ Require consultation and engagement with neighbours ○ Regular review of SMP ○ Establish a complaints process
Donnarae Rukawa-Doughty (322)	Oppose	Yes	No	<p><u>Landlord of adjacent building. Building used as an art gallery and residential apartment.</u></p> <ul style="list-style-type: none"> • Anti-social behaviour of CEH residents outside the building

				<ul style="list-style-type: none"> • Presence of CEH residents loitering around gallery has had an adverse effect on customers • Has also affected business, as artists no longer feel safe exhibiting their work at the gallery • Theft at residential apartment • Apollo Motel not fit for purpose
Logan Okiwi Shipgood and Dianna Doughty (323)	Oppose	Yes	No	<u>Operates adjacent gallery</u> <ul style="list-style-type: none"> • Has been operating since 2015 • Since CEH at Apollo, dramatic change to the area particularly in regard to anti-social behaviour • Decline in attendance to gallery because of fear • Rotorua a dumping ground for homeless and new industry for moteliers and service providers • No longer feel safe
Horizons Commercial Limited (328)	Oppose	No	RC17648	<u>Operates two childcare centres near the site</u> <ul style="list-style-type: none"> • Proximity of existing childcare centre to subject site • Concerned with the welfare of the children in the centre • Concerned with the ongoing viability of the business because of proximity to CEH
Blackman Spargo Rural Law Limited (351)	Oppose	TBC	RC17648	<u>Rural law firm located opposite the site</u> <ul style="list-style-type: none"> • Submitter has been operating from the site for over 17 years • Safety of employees • Extreme detrimental effect on the Rydges Hotel • Fear of crime • Complex needs of CEH tenants causing problems in the community • Negative impact on tourism reputation
Maureen Gray (360)	Opposes	No	RC17891 RC17890	<u>Local resident</u> <ul style="list-style-type: none"> • Motels not fit for purpose i.e., cooking facilities, areas for children to play • Negative impact on surrounding tourism businesses
James Warbrick (169)	Opposes	Yes	RC17648 RC17892 RC17893 RC17887 RC17891 RC17647 RC17662 RC17890	<u>Director of Whakarewarewa The Living Māori Village</u> (This submission did not specifically talk about Apollo Hotel, but I have included it in here due to the proximity of the subject site and Whakarewarewa.)

			RC17889 RC17673	<ul style="list-style-type: none"> • Have found drug utensils and empty bottles of booze in Village • Odd person found sleeping in their bath house after missing curfew to get back into their unit • People bathing in their communal baths • Safety of Kuia
Makuini Warbrick (210)	Opposes	No	RC17648 RC17892 RC17893 RC17887 RC17891 RC17647 RC17662 RC17890 RC17889 RC17673	<u>Resident of Whakarewarewa</u> <ul style="list-style-type: none"> • Anti-social behaviour of CEH tenants within Whakarewarewa village • Layout not suitable for families • Discarded trolleys dumped in river • No nearby parks for children so they are engaging in anti-social behaviour out of boredom
Kathryn Warbrick (174)	Opposes	No	RC17648 RC17892 RC17893 RC17887 RC17891 RC17647 RC17662 RC17890 RC17889 RC17673	<u>Resident of Whakarewarewa</u> <ul style="list-style-type: none"> • Anti-social behaviour
Richard Shand (143)	Support	No	RC17892 RC17893 RC17647 RC17650 RC17661 RC17673 RC17887 RC17891 RC17662 RC17890 RC17889	<u>Local resident</u> <ul style="list-style-type: none"> • Supports CEH motels located off Fenton Street • Desperate need to house people since the covid pandemic • CEH motels not located on Fenton appear to have better management, and are not an “eye sore” to visitors • Reduce term from 5 years to 2-3 years as Kāinga Ora’s housing programme should be operational during that period • CEH occupants who are not originally Rotorua residents should return to hometown if occupancy numbers of CEH exceed availability

SECTION 104 ASSESSMENT

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

42. Having reviewed the application and submissions, I consider it appropriate to address the actual and potential effects of the proposal under the following topics:

- Cultural effects
- Character and amenity effects
 - External amenity
 - Internal amenity
- Transportation effects
 - Parking and access
 - Traffic generation
- Noise effects
 - Noise from emergency housing
- Infrastructure
- Financial Contributions

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

CULTURAL EFFECTS

44. Residents of Whakarewarewa have raised concerns about the behaviour of CEH occupants in and around their village. They seek that the application be declined.

45. Whakarewarewa is an “exceptional” and “unique” place of cultural and historic significance⁵. Whakarewarewa is zoned Residential 3 (RESZ3). REZS3 is the zoning for the “*cultural and historic villages of Ōhinemutu, Whakarewarewa, and Ngāpuna.*” The District Plan states that “*each village contributes to the cultural historic heritage and identity of Rotorua*”⁶, and that:

*...activities on the land adjacent to the villages may cause disturbance through noise, smoke, dust, vibration or traffic, or may be visually intrusive such that they have and adverse impact on the cultural and historic heritage of the villages and consequently of the district.*⁷

46. There are no specific objectives or policies regarding potential adverse effects of adjacent activities on Whakarewarewa, however there is a clear environmental outcome of active protection of the villages as places of cultural and historic significance. There are also several historic structures in Whakarewarewa that are included in the District Plan's Historic Heritage schedules⁸.

⁵ Part 3 Area-Specific Matters, Zones, RESZ, Issues.

⁶ Part 3 Area Specific Matters, Zones, RESZ, Introduction.

⁷ Part 3 Area-Specific Matters, Zones, RESZ, Issues.

⁸ Part 2 District Wide Matters, Historic and Cultural Values.

47. As the cultural effects of the CEH proposal on Whakarewarewa and its residents are not fully understood, it would be helpful for those submitters who reside in Whakarewarewa to speak to this further at the hearing. Until then, a recommendation on the cultural effects of this proposal on Whakarewarewa and its residents cannot be made.

CHARACTER AND AMENITY EFFECTS

48. The RMA defines amenity values as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”⁹
49. The site is located in COMZ3. The District Plan describes COMZ3 as:
- 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.*
50. The above elements generally define the character and amenity of the zone. The established tourist accommodation activity is Non-Complying in the COMZ3 zone, and the buildings and activity are inconsistent with the intended character and amenity.
51. Resource consent was granted for the use of the site as tourist accommodation in 1973 and 1978, prior to the site having a COMZ3 zoning. The building is three-storied and is well over 300m² in floor area. It’s previous use as tourist accommodation was not a day-today service to the residential area, more likely catering for national or international tourists. The Rydges Hotel located opposite the site on Tryon Street is in the COMZ4 Zone. It is not known why the subject site was zoned COMZ3 and not COMZ4.
52. The following sections of the report assess the external amenity effects of the site, as well as the internal amenity effects.

External Amenity Effects

Tryon Street and Froude Street

53. The subject site has frontage to both Tryon Street and Froude Street. Vehicle access is via Tryon Street. This frontage is characterised by the entrance arch over the access, on-site carparking, the motel building, motel signage, and some hedging. The Froude Street frontage is characterised by a retaining wall, and the motel buildings. The courtyard of the hotel faces this frontage but is fenced and atop the retaining wall. Views into the site are screened from this perspective.
54. These aspects of the site form part of the existing environment and there are no physical changes proposed by the applicant.
55. In their submission, Noah’s Hotel highlight that the long occupation period of CEH occupants (compared to tourists) could give rise to “an increase in storage of property, food and other

⁹ Resource Management Act 1991, Part 1 Interpretation and Application, (2)(1) Amenity.

items... on a site not designed to accommodate such items..." and an increase in waste management, both of which could lead to adverse effects on amenity if not managed well¹⁰. They suggested consent conditions that included the installation of high-quality permanent fencing to screen "residential" activities (such as hanging washing), installation of landscaping to screen security provisions and provide privacy, and regular maintenance of front berms and gardens.

56. The site was visited on the 22 September 2021. The site was generally well kept and no items "residential in nature" were viewed from the street. The waste management area was located on the southern side of the site, under the building. This area was tidy. Several shopping trolleys were stored there.
57. The SMP included within the application states that the motel operator is responsible for maintenance of the site including "*a regular maintenance programme to ensure the upkeep of the site, including gardening/landscaping, well presented and safe carpark, common areas, meeting rooms and units*" and "*provision of communal waste collection facilities...*"¹¹. The upkeep of the site is the responsibility of the motel operator, and this appeared to be implemented when the site was visited. It is acknowledged that the site visit was only one point in time and did not include observing the site over many days/weeks. A consent condition to a similar effect as stipulated in the SMP could help ensure continued site maintenance¹².
58. In regard to storage of property and other items, the applicant has advised that CEH residents cannot bring household items on to the site.
59. Waste management is dealt with through Council Bylaws. An advice note on this issue may be appropriate.
60. Noah's Hotel also requested in their submission, that hotel signage be removed for the duration of the proposed activity so that the site is not associated with tourism operations¹³. This has also been recommended by Ms Hampson in her evidence. It is recommended that a condition be imposed requiring the removal of all motel signage for the duration of the consent¹⁴.

Boundaries with Neighbouring Properties

61. The western boundary of the site adjoins a vacant property (to the north) and a residential property (to the south). Both adjacent sites are COMZ4. During the site visit, there appeared to be a building platform on the vacant section so it may have been developed in the interim. The subject site sits below both properties and the boundary is fenced with a wooden 1.8m high fence.
62. The southern boundary of the site adjoins 6 Tryon Street and 12 Meade Street. The property at 6 Tryon Street is retail and residential and the property at 12 Meade Street is residential. A wooden fence, planting, and a retaining wall runs the length of this boundary, with 12 Meade Street sitting well above the site. The planting along this boundary appears to require some

¹⁰ Submitter 295.

¹¹ Section 2.5 of the Site Management Plan.

¹² Please refer to recommended Condition 30 in Appendix 1.

¹³ Submitter 295.

¹⁴ Please refer to recommended Condition 18 in Appendix 1.

maintenance, though it provides good screening for the adjacent sites. Any maintenance would need to ensure the continued screening of the site from these adjacent properties to maintain their privacy.

Conclusion

63. Provided the existing external boundary treatments and landscaping features (established hedging and fencing) are maintained, landscape and visual effects of the proposal on the environment are assessed as less than minor. While the landscape and visual effects are not consistent with the character and amenity outcomes anticipated by the District Plan for COMZ3, the buildings, boundary treatments and landscape features form part of the existing and legally established environment. It is recommended that consent conditions be imposed on the activity to ensure ongoing maintenance of these external boundary treatments and landscape features¹⁵.

Internal Amenity Effects

Length of Stay

64. One of the key differences between motel guests and emergency housing occupants is the length of stay in the units. At the time of the RFI (dated May 2022), the applicant stated that:

...Across all emergency housing, the average length of stay in is 22 weeks, the typical length of stay is 2-3 months and the maximum length of stay is 19 months.

Across all CEH motels, there are 16 whānau and five individuals that have been in CEH since 1 July 2021 (i.e. from when motels were first contracted by HUD). The shortest length of stay in CEH is three days.

65. It is anticipated that the applicant will update this information in the course of the hearing.

66. Motel guests may be comfortable with lower levels of amenity (such as a lack of outdoor space) due to the shorter length of stay. Furthermore, it is likely that motel guests will not spend long periods within the motel units, as they would typically be visiting sites and experiencing the city.

67. CEH occupants on the other hand, may spend longer within the units during the day and are likely to reside in the units for a longer period. This means that a higher level of amenity is likely to be expected. The following sections discuss internal amenity in relation to outdoor living space and the proposed occupancy rate.

Outdoor Living

68. For new buildings in COMZ3 there is a requirement that household units are provided with a private outdoor living space at least 10m² by 2m² in the form of a patio, terrace or balcony¹⁶. This space is to be orientated north, east or west, and directly accessed off the main living room. In addition, buildings in COMZ3 are required to have a verandah if they are within 5m of a boundary adjoining a public road, but this is not specific to households¹⁷.

¹⁵ Please refer to recommended Condition 13 in Appendix 1.

¹⁶ COMZ-S5(1)

¹⁷ COMZ-S8(1)

69. Most units on site have a private verandah either overlooking Tryon Street or the internal courtyard. Depending on the unit, these verandahs are orientated north, east, and west. None are orientated south. The first-floor units boarding the courtyard open directly onto the courtyard. The area is the site's only shared open space. This courtyard has a pool and games rooms. The pool was undergoing maintenance at the time of the site visit.
70. The site is not a new building and is limited to what is already existing on site in term of private living space. It is however, providing private outdoor living space for most units at a level similar to what is anticipated in the zone. The ground floor units directly access shared outdoor living space.
71. In terms of outdoor living, the effects are considered acceptable.

Suitability for children

72. Ms Collins has rate the units located on the second floor of the building as "unacceptable" for children six months to three years, and three to seven years. All other units are rated "low" for this age group as the shared space is dominated by a pool and hard surface. The site has been rated "moderate" for children seven to twelve years and thirteen to eighteen years as there are more options available to them including the pool, outdoor space, and the games room.
73. There is potential to improve some play facilities on the site. In her evidence, Ms Collins identifies an opportunity for the southern carpark to be laid out in a way that cars could be excluded from the end against the retaining wall, and a basketball space be set up. A submitter commented that due to the lack of nearby parks and reserves, children are bored and engaging in anti-social behaviour. The opportunity to provide more play space as suggested by Ms Collins is supported. It is recommended that a condition of consent is imposed requiring part of the carpark to be put aside as play space¹⁸. Noise controls would need to be imposed to manage noise effects of this on neighbours.
74. It is also recommended to impose a consent condition on the application restricting children aged between six months to seven years from occupying the second-floor units¹⁹.
75. Overall, while the site does not provide a high level of internal amenity due to limited amount of private and shared outdoor living space, mitigating factors relate to the short-term nature of the activity, the usability of the onsite shared space for older children, and the private balconies.

Occupancy Rate

76. The applicant originally proposed a maximum occupancy rate of 117 occupants across 39 units (excluding children under 18 months old).
77. The applicant has recently stated an intention to reduce the maximum occupancy level to 98 occupants (excluding staff).²⁰ Under the proposed new maximum, where there is more than one double bed in a room, only one bed has been counted as sleeping two people.

¹⁸ Please refer to recommended Condition 17 in Appendix 1.

¹⁹ Please refer to recommended Condition 8 in Appendix 1.

²⁰ Email from Alice Blackwell titled Occupancy Numbers 9 September 2022

78. The District Plan does not provide guidance on occupancy levels of dwellings. The applicant stated that it prepared the application on the basis that the (motel) is occupied at full capacity which provides a baseline for assessment.
79. The applicant has recently stated an intention to reduce the maximum occupancy level to 98 occupants (excluding staff).²¹ Under the proposed new maximum, where there is more than one double bed in a room, only one bed has been counted as sleeping two people.
80. The applicant has provided details of actual occupancy rates for the CEH activity over an eight-month period. This data shows that the average occupancy level of the CEH activity is 64 residents (an occupancy rate of 55%). The data also shows the maximum occupancy rate over the same period was 75 residents in June 2022.
81. A number of submitters have raised concerns of overcrowding within the units. Some of these submitters referenced Statistics NZ, whereby “*there should be no more than two people to a bedroom but that couples and children of certain ages can share a bedroom*”²².
82. The measure used by Statistics NZ is the Canadian National Occupancy Standard (CNOS) and is regarded as a “best fit for the New Zealand context”²³. The New Zealand Deprivation Index uses CNOS as an indicator of crowding²⁴. Applied to the subject site, the proposed occupancy rates would result in crowding²⁵. To avoid crowding, there would generally need to be a limit of two people per bedroom.
83. There is limited information on the types and size of families that have typically stayed within the hotel (since it has been CEH), the size of the units (in m²) or the number of beds within each room. It is also not clear as to what criteria is applied for the allocation of units to families. It is expected that the applicant can provide in the course of the hearing.
84. The following information has been provided on the types of units:

Type of unit	No. of units	Max No. of occupants
Studio units	28	84
One bedroom unit	11	33
Total	39	117

Figure 4: Configuration of units at 7 Tryon Street

85. It is recognised that the reduced occupancy limit may not meet the objective of CEH which is to house whānau/family with tamariki/children. While some CEH families may consist of two people, it is likely there will be many families consisting of three or more people. This has been considered when recommending the maximum occupancy rates for this site.

²² Stats NZ (2018) *Living in a crowded house: exploring the ethnicity and well-being of people in crowded households*. Retrieved from www.stats.govt.nz

²² Stats NZ (2018) *Living in a crowded house: exploring the ethnicity and well-being of people in crowded households*. Retrieved from www.stats.govt.nz

²³ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

²⁴ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

²⁵ As defined by Statistics NZ

86. This site has been assessed as “unacceptable” and “low” for the younger age groups, depending on the location of the unit, but “moderate” for the older age groups. The site also provides some shared open space, a pool, and a games room. Balancing these matters, the following occupancy rates are recommended:

- One-bedroom units may accommodate a maximum of three people (excluding children under six months old); and
- Notwithstanding the above, children between the ages of six months and seven years may not occupy the second-floor units.

87. This would result in a maximum occupancy of 89 occupants across the whole site which is more than both the average occupancy (at 64 occupants) and the maximum occupancy levels (75 occupants) over the previous 18 months.

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

89. Regarding the enforcement of the above conditions, the applicant offered the below condition:

A record shall be maintained that states occupancy numbers at any given date within emergency housing units and this information shall be made available to the Council upon request.

90. The SMP also states:

A register of the number of occupants in each unit, will be updated on entry and exit and reconciled weekly. A record of the number of occupants residing at the site will be made available to the Council’s Compliance Monitoring Officer upon request.

91. It is recommended to include the above *Augier* condition as a condition of consent with a requirement to provide that information to Council on a regular basis. With that condition and details in the SMP (which the applicant has already offered as a condition) site occupancy will be managed.²⁶

92. It is noted that some existing families may be established in units that no longer meet the recommended occupancy rate or age restrictions. Requiring them to move immediately, if consent is granted, could be an unnecessary disruption. Two options for managing this, which the Panel may wish to consider, are”

- A transition period of say 3 months; and/or
- Allowing the family to stay (if they wish) until they no longer need CEH but ensuring any incoming occupants meet the proposed occupancy rates and age restrictions.

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

Conclusion

94. Overall, it is recognised that the motel units are a temporary accommodation solution for families and individuals who do not have alternative accommodation options. Whilst they may

²⁶ Please refer to Condition 30 in Appendix 1.

not provide a level of amenity equivalent to typical permanent residential units, the conditions recommended above will avoid crowding and will avoid long-term negative impacts on children (in relation to play). Overall, internal amenity effects are considered minor.

TRANSPORTATION EFFECTS

Parking and Access

95. The site has two existing vehicle crossings on to Tryon Street, both ingress and egress. Onsite vehicle parking is provided for residents, including one accessible park.
96. There are no minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020²⁷.
97. Notwithstanding the above, the existing carparks are required to comply with the District Plan standards. The application was circulated to the development engineering team within Council and no issues were raised in regard to the existing carparks or vehicle crossings.

Traffic generation

98. The applicant has proposed the maximum occupancy for the site based on the maximum occupancy of the motel, which is 117 occupants. It is recommended that the occupancy rate of the motel is reduced to 89 occupants. With the reduction in occupants on the site, it is expected that the traffic generation will also reduce.
99. Having regard to the existing environment, transportation effects associated with the proposal are assessed as less than minor.

NOISE EFFECTS

Noise from Emergency Housing

100. The applicant has not applied to breach the noise standards within the District Plan. Potential noise effects can stem from the pattern of use changing on site, such as increased noise levels from higher numbers of tamariki playing outside after school hours, in the evenings, and in weekends, and more people being onsite during the day (compared to tourists who are more likely to be out during the day).
101. The applicant proposes the implementation of the SMP to manage potential noise effects. Noise measures referred to in the SMP include not disturbing the “quiet and peaceful enjoyment” of neighbours, and compliance with the noise limits of the District Plan²⁸. Furthermore, the SMP outlines that no visitors, alcohol, or drugs are permitted on site, and it provides management measures regarding the de-escalation of conflict. CEH occupants must agree to these rules and sign a Rules of Stay Agreement before moving into a CEH housing unit.
102. Adherence to the SMP will reduce the potential for noise generation at the site and ensure compliance with the District Plan noise limits. However, it is recognised that isolated incidents may occur that may cause nuisance to the neighbours. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints²³.

²⁷ Policy 11

²⁸ Refer to recommended strategic conditions attached to the Overview Report

103. With the above management measures in place, any potential noise effects from the proposed activity will be less than minor.

INFRASTRUCTURE

104. Regarding infrastructure, the applicant has stated²⁹:

The existing levels of accommodation (i.e. number of units and associated beds etc) will continue to be utilised at a slightly lower capacity than the current motel operations. No changes are proposed to the onsite reticulated servicing arrangement and there is no subdivision of land or units proposed as part of this proposal. Overall, there will be no change in the intensity of use, such as 3 waters infrastructure, traffic, parking and noise. Any potential adverse effects arising from this proposal in relation to intensity of use will be negligible.

105. This report recommends lowering the proposed occupancy rates of the subject site which reduces the proposal's demand on infrastructure.
106. The application was circulated to Council's engineering team, and they had no comments on the proposal. Considering the above, it is likely that the proposed activity will avoid any adverse effects on the infrastructure capacity of the district.

FINANCIAL CONTRIBUTIONS

107. Rule FC-R1(6) (financial contributions for reserves) states:

A financial contribution shall be levied on household units that are in addition to any existing household units on site. The contribution shall be 2.5% of the value of the household unit as assessed by an independent valuer. Where there is an existing building council will consider 2.5% of the value of the whole building.

108. Under this rule a financial contribution of 2.5% of the value of the whole building would need to be paid to Council for the new household units.
109. Rule FC-R2 (financial contributions for infrastructure) requires financial contributions to be taken where additional impacts on public infrastructure will result from an activity. This can be taken in cash to mitigate the effects on infrastructure.
110. As this is a short-term activity for a five-year term, and no reserve land acquisition or capital works will be undertaken, it would be unreasonable to impose a financial contribution.

CONCLUSION

111. Overall, any actual and potential effects on the environment relating to:

- Character and amenity
- Transportation
- Noise effects
- Infrastructure
- Financial Contributions

can be mitigated to a level that is minor, subject to conditions of consent.

²⁹ Section 5.7

112. The potential adverse cultural effects of the proposal are not fully understood. It would be helpful to hear from submitters who are residents of Whakarewarewa regarding potential cultural effects.

SECTION 104(1)(b) OBJECTIVES AND POLICIES OF THE DISTRICT PLAN

113. An assessment against the broad objectives and policies of the District Plan, as well as Plan Change 9, is provided in the Overview Report.
114. The following sections address objectives and policies for matters of a site-specific nature.

COMMERCIAL 3 ZONE

115. *Design and Appearance of Buildings*

- *COMZ-O2 Commercial activities that do not adversely affect the character, safety and efficiency of commercial areas.*
- *COMZ-P3 Neighbourhood Centres. Provide for small neighbourhood centres within easy walking distance that support the day to day needs of the surrounding residential area.*
- *COMZ-P6: Manage the design of activities within commercial centres to maintain or enhance the character, public safety and efficient functioning of the transport network.*
- *COMZ-O3: Commercial buildings and activities designed and operated in a manner that avoids adverse effects on the amenity of residential zones.*
- *COMZ-P7: Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.*

116. Both the historic use of the site for tourist accommodation and the proposed activity are contrary to the purpose of COMZ3 which is to support the day to day needs of the surrounding residential area. It is unclear why this site has this zoning.

117. Residential properties are located on the southern and south-western boundaries of the site (although within commercial zonings). The subject site generally sits below both these boundaries, with a retaining wall and fencing screen views into and out of the site. Due to the height of the existing building onsite, some unit windows are looking out at these residential properties, however the principal outlook spaces and outdoor spaces are orientated inwards. Recommended conditions to maintain the fencing and existing vegetation on site will help manage privacy effects.

118. It is recommended that all motel signage be removed for the duration of the activity.

119. The SMP will manage any potential noise or disturbance effects on adjacent properties. The outdoor spaces in the motel are generally located at the centre of the site away from the existing residential buildings, mitigating noise. A residential dwelling may have been developed at 9 Froude Street since the site visit in 2021. A ridge is located between the subject site and this property, acting as a buffer for noise and privacy.

120. Recommended conditions of consent will require the site operators to maintain the site boundaries and manage any adverse noise or disturbance effects through the SMP.

121. *Reverse Sensitivity*

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

122. The proposal is unlikely to give rise to reverse sensitivity effects on surrounding residential properties, as it is unlikely the uses of these properties will have an adverse effect on the operation of CEH and on the amenity of CEH occupants.

123. Rydges Hotel is located across from the site on Tryon Street. Again, it is unlikely that any activity occurring at Rydges Hotel would result in adverse reverse sensitivity effects. An event or conference held at Rydges may result in comings and goings from the site in the evening, but it is likely the hotel would manage this in a way to avoid adverse effects on other nearby residential properties, thereby indirectly managing effects on the subject site.

NOISE

- *NOISE-O1: A noise environment consistent with the character and amenity expected for the zone*
- *NOISE-P1: Control the potential adverse effects of noise on noise sensitive activities including by setting appropriate standards that reflect the function of the zones and permitted activities within them.*
- *NOISE-P4: Minimise, where practicable, noise at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites.*

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

INFRASTRUCTURE AND TRANSPORT

125. Infrastructure

- *EIT-O3: Land use, subdivision and development that do not adversely affect the operation, maintenance, upgrading of and access to existing infrastructure.*
- *EIT-P14: Avoid, remedy or mitigate adverse effects of new land use and development on the efficient operation, maintenance and access to existing infrastructure.*

126. This report recommends lowering the proposed occupancy rates for the application site. The application is not anticipated to put additional pressure on existing infrastructure.

127. Transport

- *EIT-O7: Subdivision, use and development that enables the continued efficient operation of existing development and activities.*
- *EIT-P18: Protect the safety, efficiency, sustainability and capacity of the transport network through avoiding, remedying or mitigating the adverse effects of land use, development and subdivision.*
- *EIT-P22: Ensure that subdivision, use and development located in the vicinity of the district's transport network is appropriately designed to avoid, remedy or mitigate any reverse sensitivity effects such as noise and vibration.*

128. Transportation effects associated with the proposal have been assessed as less than minor. Traffic generation from the site is not likely to hinder the efficient operation of existing

activities in the immediate area. There will be no adverse reverse sensitivity effects on the transportation network from the proposed activity.

129. Reverse Sensitivity

- *EIT-P23: Manage the location and design of new subdivision, use and development within each zone to avoid adverse reverse sensitivity effects on existing activities.*

130. The proposed activity is not likely to have any adverse reverse sensitivity effects on existing infrastructure and transport activities.

Conclusion

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

CONCLUSION

132. A conclusion on the assessment of effects is provided at paragraph 111. This determines that the adverse effects of the activity on the environment of a site-specific nature relating to character and amenity, transportation, noise, infrastructure, and financial contributions will be acceptable, with the adoption of the recommended conditions.

133. However, a conclusion on the potential cultural effects has not been made as there is insufficient information.

134. A conclusion against the objectives and policies of the District Plan is provided at Paragraphs 126. Whilst there is inconsistency with some policies, on balance the proposal is not contrary to the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

135. Relevant recommended conditions of a site-specific nature and advice notes are attached as Appendix 1 and Appendix 2, respectively.

APPENDIX 1: RECOMMENDED CONDITIONS

Please note these are the recommended conditions prior to hearing expert evidence from Submitters' and the Applicant. These will be subject to change through the course of the hearing.

General

- 1 The activity shall be in general accordance with the information and plans submitted with the Application for Resource Consent, dated 20 December 2021 and the following additional information provided by the applicant:
 - a) Response to request for further information, dated 11 May 2022 and titled "*Response to request for further information – RC 17893 – 7 Tryon Street*"
- 2 The consent holder shall be Bharat Chandnaani (the Operator) and Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development (MHUD).
- 3 The consent is issued personal to the Operator and MHUD. The consent cannot be transferred to and held by any other person.
- 4 The consent holder shall appoint a representative(s) within two weeks following the commencement of this resource consent, who will be the Rotorua District Council's principal contact person in regard to matters relating to this consent. The consent holder shall inform the Rotorua District Council of the representative's name and how they can be contacted. Should that person change during the term of this resource consent, the consent holder shall immediately inform the Rotorua District Council.

Consent Expiry

- 5 This resource consent shall expire on the earlier date of either:
 - a) 5 years from the date the consent commenced; or
 - b) The date of termination or expiry of MHUD's contract for emergency housing applying to the site; or
 - c) The date imposed by a Council review under section 128 of the Resource Management Act 1991 pursuant to Condition 35 of the consent.
- 6 No later than 6 months prior to the consent expiry, the consent holder shall submit to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, for certification an exit programme to end the use of the site and buildings for contracted

Scale and Intensity

- 7 A maximum of 89 occupants (excluding children under six months of age) shall be permitted to reside within the 39 contracted emergency housing units.
- 8 No children between the ages of six months and seven years may reside in a second-floor unit (Units 20-39B).
- 9 One-bedroom units shall accommodate a maximum of three people per unit (excluding children under six months of age).

- 10 To avoid doubt, this resource consent does not:
- a) Restrict the length of stay for residents in the contracted emergency housing units (see Advice Note 1 referring to Building Act requirements); or
 - b) Limit the number of people residing in the Manager's Accommodation.

Record Keeping

- 11 A record shall be maintained at all times that states:
- a) The total occupancy numbers across the whole site;
 - b) The length of stay of occupants;
 - c) The number of people within each unit;
 - d) Ages of children; and
 - e) The details of any complaints received and any incidents where security staff intervention has been required.
- 12 The information listed in Condition 13 shall be provided to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, at six monthly intervals from the date of commencement of consent and made available at any other time upon request. This will be a matter considered under Condition 37.

Landscaping and Planting

- 13 The existing landscaping and planting on the site shall be retained and maintained for the duration of the consent. This includes the following:
- a) The hedging, vegetation, and trees along the Tryon Street frontage;
 - b) The vegetation and trees along at the Froude Street frontage; and
 - c) The vegetation and heading along all other boundaries of the site.
- 14 The landscaping and planting baseline referred to in Condition 13 shall be marked on the Site Layout Plan and photographed and supplied to Council within one month of the commencement of the consent.
- 15 If any of the landscaping dies and/or becomes diseased, the dead and/or diseased plants shall be replaced in the same or similar location within the next planting season (generally between May and October) by a same or similar species of plants capable of reaching the same height within the next planting season.

Outdoor Living

- 16 The existing outdoor shared spaces as shown on the Site Layout Plan are to be retained in a suitable condition for recreation use by occupants.
- 17 Part of the southern carpark is to be set aside as a play space. This space shall be separated from vehicle parking and manoeuvring areas.

Motel Signage

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

Storage

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

External Boundary Fencing

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

Waste Storage

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

Traffic Management

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

Noise

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

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

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

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

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

Glare and Light

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

On-site Management

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

30 A final Site Management Plan (SMP) shall be submitted to the Manager, Planning & Development Solutions, Rotorua District Council, or their delegate, for certification within one month following the commencement of consent. The SMP shall be based on the Plan provided as part of the application and must include:

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

Bond

- 31 The Operator must, within one month of the commencement of this consent, enter into an enforceable written agreement acceptable to Rotorua District Council that provides for a bond in favour of Rotorua District Council pursuant to sections 108(2)(b) and 108A of the Resource Management Act 1991.
- 32 The purpose of the bond is to secure the performance of any one or more of the conditions of this consent in the event of a failure by the Operator to achieve that performance to Council's satisfaction.
- 33 The bond must be a cash bond or bank bond provided by a registered trading bank of New Zealand acceptable to Rotorua District Council. The bond amount must be \$100,000.
- 34 If the Operator and Rotorua District Council cannot agree on the terms of the bond, the dispute must be resolved through an agreed disputes resolution process.
- 35 The costs of, and incidental to, the preparation of all bond documentation, including the costs of Rotorua District Council, must be met by the Operator.

Review Condition

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

APPENDIX 2: ADVICE NOTES

Building Act

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

Waste Management

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

Right of Objection

- 39 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

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