
ROTORUA DISTRICT COUNCIL

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

FILE NO: 6221187

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	LAKE ROTORUA HOTEL C/- KV RANAWAT
ADDRESS:	131 LAKE ROAD, ROTORUA
RESOURCE CONSENT NUMBER:	RC17647
LEGAL DESCRIPTION:	SECTION 6 SO470563 SECTION 8 SO470563 SECTION 10 SO470563 TE MIRINGA 2C BLOCK
APPLICATION STATUS:	NON-COMPLYING ACTIVITY
ZONE AND DISRICT PLAN OVERLAYS:	COMMERCIAL 4 – CITY ENTRANCEWAY ACCOMMODATION RESIDENTIAL 1 – LOW DENSITY
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 Lake Rotorua 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 6th August 2021. The activity has been operating since 1 July 2021, so the application is retrospective and prospective.
3. A request for further information (**RFI**) was issued to the applicant on 24th September 2021 and therefore the application was placed on hold in accordance with section 92(1) of the RMA. A RFI response was received from the applicant's agent on the 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 and owners/occupiers of neighbouring properties, owners/occupiers of the subject site, Bay of Plenty Regional Council, Rotorua Housing Taskforce, Te Pokapū, Ngāti Whakaue, Te Arawa Lakes Trust, Restore Rotorua Incorporated, and Rotorua Economic Development Limited.
5. Of the 3,841 submissions received on all 13 CEH applications, five submissions were specific to the subject site. The majority of submissions covered general matters across all 13 CEH application sites. These general matters are covered in the Section 42A Overview Report (**Overview Report**).
6. The proposed activity has been assessed as a **Non-Complying Activity** pursuant to Rule 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 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 which have been received. The Panel will determine the weight to be given to this report and to any other evidence or submissions that are presented when making its 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 rectangular in shape and has frontage on both Lake Road and Bennetts Road. It is comprised of four Records of Titles, and each are located within different zones under the District Plan (the Commercial 4 Zone (**COMZ4**) and the Residential 1 Zone (**RESZ1**). These details are set out below and shown in Figure 1.

District Plan Zone	Legal Description	Area (m ²)
RESZ1	TE MIRINGA 2C BLOCK	2099
COMZ4	Section 6 SO470563	1289
	Section 8 SO470563	1303
	Section 10 SO470563	1300
Total		5,991



Figure 1 – District Plan zones with the subject site outlined in red. The light yellow is RESZ1, the purple is COMZ4.

15. Vehicular entrance and exit to the site are via Lake Road and Bennetts Road. Lake Road is classified as an Urban Primary Arterial Road.
16. The applicant gives the following description of the site and motel in Section 2.1 of the application:

The site is currently occupied by the Lake Rotorua Hotel which has its main entrance and managers unit located in the site’s south-western corner. With the exception of the Manager’s house, the existing buildings on the site are all single storied and surround an internal parking space and courtyard/outdoor pool.

The motel has its main entrance and exit from Lake Road, there are also two entrances from Bennetts Road; although these are not open for general access. The entrance on the site’s northwest corner has restricted access for servicing vehicles associated with the site management (e.g. waste trucks, laundry vehicles, etc). No other access is provided on the Bennett Street frontage.

The site also includes the long strip of land Road to the north-east of the main motel at 5 Bennetts (Te Miringa 2C Block). This long block of land does not contain any motel buildings, but as noted above, provides a secondary service entrance to the site from Bennetts Road. This area contains the motel’s rubbish storage area and provides an area for overflow carparking. This large vacant portion of the site can also be used as a wider open space area – being particularly suitable for families with children. This area provides a physical “buffer” between the motel site and residential properties to the north.

The existing buildings within the site are dedicated to the existing motel operation, which has been in operation since the 1980's. The site has a total of 38 motel units and provides for a maximum of 140 occupants...

Type of unit	No. of units	Max No. of occupants
One bedroom unit	34	120
Two bedroom unit	4	20
Total	38	140

There is also a separate manager's residence that adjoins the communal spaces such as laundry, and conference/kitchen facilities.

The site has plentiful onsite carparking, with further parking available in the adjacent vacant land parcel, which also forms part of the subject site.

Substantial vegetation is located along the site's eastern boundary (adjoining 127A-127C Lake Road). There is also mature vegetation on the site's Bennetts Road frontage, and on the site boundary adjoining 9A and 9C Bennetts Road.

17. The motel has been in use as MHUD CEH since 1 July 2021.

SURROUNDING AREA

18. The immediate surrounding environment includes residential properties to the north, north-east, and south-east of the site (all zoned COMZ4). A tourist accommodation facility (Clevedon Thermal Motel) adjoins the subject site to the south-east. To the south of the site, on the opposite side of Lake Road, there are various commercial activities (all in the Industrial 1E Zone). Figure 2 demonstrates the locations of these activities in relation to the subject site.

19. In the wider context, land use along Lake Road is a mix of residential, commercial, tourist accommodation, with commercial being the pre-dominant use west of the site, and residential and tourist accommodation the pre-dominant use to the east of the site towards the Rotorua CBD. To the north of the site, residential activities are the predominant land use. Commercial and industrial activities are mostly to the south of the subject site. A tourist accommodation facility approximately 200m south of the site along Lake Road is currently being used for uncontracted emergency housing.



Figure 2: Activities within the immediate surrounding environment (red – subject site, blue – tourist accommodation, yellow star – residential activities, purple – commercial activities)

LOCAL AMENITIES AND SOCIAL INFRASTRUCTURE

20. A local fruit and vegetable shop and local grocery shops are located opposite the site on Lake Road. The nearest doctor, Kuirau Medical Centre, is located approximately 500m away from the subject site. There are a several churches located along Biak Street within approximate 1km walking distance from the subject site.
21. Karenga Park Reserve is located within 200m from the subject site. The Park contains recreational fields, basketball courts and skatepark.
22. Rotorua Primary School is located approximately 1.5km walking distance form the subject site. The nearest intermediate school, Kaitao Intermediate School, is located 1.8km from the site. Four high schools are within 4km of the subject site, Rotorua Boys’ High School, Rotorua Girls’ High School, Western Heights High School and John Paul College. There is a pre-school located approximately 600m walking distance away on Tarewa Road.

RECORD OF TITLE REVIEW

23. The interests contained on the Records of Titles are set out below.

Record of Title	Legal Description	Interests
682036	Section 6 Survey Office Plan 470563	<ul style="list-style-type: none"> • Certificate pursuant to Section 643(2) Local Government Act 1974
682037	Section 8 Survey Office Plan 470563	<ul style="list-style-type: none"> • Certificate pursuant to Section 643(2) Local Government Act 1974
682038	Section 10 Survey Office Plan 470563	<ul style="list-style-type: none"> • Certificate pursuant to Section 643(2) Local Government Act 1974
SA38B/210	Te Miringa 2C Block	<ul style="list-style-type: none"> • Certificate pursuant to Section 643(2) Local Government Act 1974

24. The certificates of title refer to “H751132 CERTIFICATE PURSUANT TO SECTION 643(2) LOCAL GOVERNMENT ACT 1974”. This relates to a repealed statute regarding the construction of a building on 2 or more allotments.

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

CONSENT HISTORY

26. The following resource consents are listed on the property file.

Reference number	Date of issue	Details
Unknown	26 August 1987	Establishment and construction of motel (26 units within 5.0m of common boundary)
Unknown	6 November 1987	Motel – with conditions relating to carpark and fence
RC310	25 July 1988	Sign application – double sided sign
RC14106	2 September 2011	Land use for selling alcohol in motel restaurant and in mini-bars in motel rooms

27. After expiry of the consent, if granted, the motel activity (tourist accommodation) would recommence.

28. There is no intention, nor need, to surrender these consents.

PROPOSAL DESCRIPTION

29. 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.

30. The application is for a maximum of 140 occupants (excluding staff) across 38 motel units. This occupancy rate represents no change from the existing maximum occupancy of the motel, as it is based on the number of beds available.

31. The applicant proposes no change to the layout of the buildings within the site. The restaurant and conference room will be closed to the public, and the northern Bennetts Street vehicle entrance closed (except for service vehicles). Full-time management and supervision will be provided, with managers accommodation located onsite.

32. The applicant has recently stated an intention to reduce the maximum occupancy level to 105 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. Further, the applicant has also identified that two units are used by the service provider as a meeting/work space². It is assumed that these units will be needed on an ongoing basis by the service provider to undertake its “24/7” on-site support services. This reduces the available number of units for use by CEH occupants from 38 to 36 (within 32 one-bedroom units and four two-bedroom units).
33. The applicant proposes no modifications or change to the layout of the buildings within the site. The restaurant and conference facilities will be closed to the public, and the northern vehicle access on Bennetts Road will be closed (except for service vehicles).
34. On-site support services will be provided by “Visions of a Helping Hand (Visions)”, who will implement a Site Management Plan (**SMP**) (Appendix 4 of the application). The SMP is offered as an “Augier”³ condition by the applicant. The SMP details maximum occupancy, on-site security, authorised personnel and visitors, and noise management. On-site support services include:
- Registered and trained social and support workers available on-site Monday through Friday 8.30am to 5.00pm;
 - 24/7 on-call social and support worker (via phone);
 - Facilitated groups run by a programme facilitator. Group topics include budgeting, employment, parenting, education, cooking on a budget, and men’s and women’s empowerment groups; and
 - Afterschool and holiday programmes for children.
35. The existing motel operator will continue to manage the day-to-day running of the facility. This includes:
- Regular maintenance checks of all units;
 - Outdoor maintenance;
 - Waste management;
 - Any repairs; and
 - Routine inspections of units.
36. Regarding the length of time occupants will stay in CEH, the applicant has stated the following:
- ...Across all emergency housing, the average length of stay in (sic) is 22 weeks, the typical length of stay is 2-3 months and the maximum length of stay is 19 months.*

¹ Further information received from the applicant dated 9 September 2022

² Response to request for further information – RC 17647 – 131 Lake Road.

³ 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.

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.

37. The site plan is shown below, and further details of the proposal are outlined in Section 3 of the application.



Figure 3 – Site plan showing number of units, carparking, managers unit/office and children’s play area.

ACTIVITY STATUS

38. The activity status for each application is discussed in detail in the Overview Report.

1. In summary, the proposal for CEH at 131 Lake Road has been assessed as a **Non-Complying Activity** pursuant to Rule COMZ-R1(1) and RESZ-R2(1) of the District Plan as the activity is not expressly provided for.

NOTIFICATION AND SUBMISSIONS

NOTIFICATION PROCESS

2. 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

3. Following the close of the submission period, 3,841 submissions were received on all the 13 notified CEH applications. Of these, five 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.

4. Those submitters who provided a submission specific to Lake Rotorua Motel are addressed below.

Submitter Name/no.	Oppose / Support	Wish to be Heard	Submitted on other applications	Submission Summary
Don Atkinson (117)	Oppose	Yes	No	<p><u>Operator of adjacent commercial landholding</u></p> <ul style="list-style-type: none"> • Should be operating as motel due as well positioned to attract tourists • Western gateway into CBD is an inappropriate location for CEH • Anti-social behaviour of the occupants • CEH should be restricted to motels off the main entrance routes
David and Kerry Foster (173)	Oppose	Yes	No	<p><u>Operator of adjacent commercial landholding</u></p> <ul style="list-style-type: none"> • Contrary to zoning • The number of occupants proposed to be present on site • This CEH isolated from other CEH providers • Maximum occupancy should be reduced 132 occupants in 36 units • Inadequate on-site play space. Not suitable for children • Duration of proposed stays • Would like to see a roadmap for getting people out of CEH • Quality of on-site supported proposed • Adherence to the proposed site management plans

Mountain Surf Trust (257)	Oppose	Yes	No	<p><u>Operator of adjacent commercial landholding</u></p> <ul style="list-style-type: none"> • Safety concerns associated with anti-social behaviour • Increased traffic effects • Long term and cumulative adverse effects with other applications • Adverse effects on tourism • Inconsistent with the District Plan, Bay of Plenty Regional Policy Statement, National Policy Statement for Urban Development, Part of the RMA
Walter and Theresa Scheer (349)	Oppose	Yes	RC17892 RC17889 RC17673	<p><u>Nearby residents</u></p> <ul style="list-style-type: none"> • Relevance of designated zoning to proposed application • The number of occupants proposed to be present on site • This CEH isolated from other CEH providers • Maximum occupancy should be reduced 132 occupants in 36 units • Inadequate on-site play space. Not suitable for children • Duration of proposed stays • Would like to see a roadmap for getting people out of CEH • Quality of on-site supported proposed • Adherence to the proposed site management plans
Richard Shand (143)	Support	No	RC17892 RC17893 RC17650 RC17661	<p><u>Local resident</u></p> <ul style="list-style-type: none"> • Supports CEH motels located off Fenton Street • Desperate need to house people since the covid pandemic

			RC17673 RC17648	<ul style="list-style-type: none"> • CEH motels not located on Fenton St appear to have better management, and are not an “eye sore” to visitor • 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
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SECTION 104 ASSESSMENT

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

5. Having reviewed the application and submissions, I consider it appropriate to address the actual and potential effects of the proposal under the following topics:
 - Character and amenity effects
 - External amenity
 - Internal amenity
 - Transportation effects
 - Parking and access
 - Traffic generation
 - Noise effects
 - Reverse sensitivity effects
 - Noise from emergency housing
6. It is noted that many of the site-specific submitters also raise concerns over occupants’ 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.

CHARACTER AND AMENITY EFFECTS

7. The Act 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.”*⁴
8. The District Plan describes COMZ4 as predominantly consisting 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.”*

⁴ Resource Management Act 1991, Part 1 Interpretation and Application, (2)(1) Amenity.

9. The District Plan describes RESZ1 as “...a mix of single storey and two-storey houses of various styles and materials. There is a balance between the built and natural elements of the environment in this zone. There is a sense of space around buildings, which is enhanced by the landscaping on site and trees within the road reserve. Other characteristics include generally low levels of noise and low traffic levels.”
10. These elements generally define the character of each of the zones. Generally, the District Plan refers to amenity in the context of the “design and appearance of buildings”. With this in mind, the focus of this assessment is largely on how the use of the site for CEH fits in with the anticipated amenity for COMZ4, as there are no buildings within the RESZ1 part of the site.
11. The following sections assess the external amenity effects of the site, as well as the internal amenity effects.

External Amenity Effects

12. The subject site has frontage to Lake Road (COMZ4) and Bennetts Road (COMZ4/RESZ2). The Lake Road frontage is characterised by the existing motel buildings, the site access, motel signage, and the fence with hedging in behind running along most of the front boundary.
13. The Bennetts Road frontage is characterised by motel buildings, fencing, which runs the length of the boundary, and established vegetation which screens some the motel units when viewed from the street. There are two gated entrance ways along this boundary (neither can be used by CEH occupants).
14. These aspects form part of the existing environment and there are no physical changes proposed by the applicant. The buildings were constructed for tourist accommodation activities and the design, appearance and scale are consistent with the character anticipated by COMZ4.
15. The part of the site zoned RESZ1 fronts Bennetts Road. This part of the site an open strip of land and is only used for service vehicle access, vehicle parking, and waste management.
16. A number of submitters have described how motels providing emergency housing have fallen into a state of disrepair since being used for this purpose. This could be due to the motel operator no longer needing to advertise and compete for tourists, or it could be related to increased intensity of use on the site causing wear and tear to the buildings.
17. The site was visited on the 11th August 2022. The site appeared tidy except for the waste management area and some rubbish outside the units on open strip of land.



Image 1 & 2: Waste Management area and rubbish outside units.

18. The buildings did not appear dilapidated-during the site visit or drive-by. I have not visited the site prior to its use for CEH so I cannot compare the quality of the buildings from then to now. Except for the waste management area and rubbish on the open strip of land, the site was well presented and in keeping with the character and amenity anticipated for COMZ4.
19. To ensure the site is well maintained, the applicant has provided a SMP which outlines requirements for site maintenance. It is recommended that the SMP is updated to provide further detail addressing submitter concerns as stated above and on-site rubbish ⁵.
20. It is also recommended to have a condition of consent requiring the consent holder to install a solid gate across the front of the existing waste management area. It is recommended that the gate be required to screen the waste management area from the street and adjacent properties located in RESZ1.
21. Although landscaping is not specifically required under the District Plan at the Lake Road frontage, a condition of consent is recommended that the existing hedging be maintained and replaced where necessary⁶. Furthermore, it is recommended that the signage associated with the motel is removed ⁷. These aspects will maintain the attractiveness of the streetscape.
22. Along the Bennetts Road frontage, it is recommended that a condition of consent be imposed requiring the existing landscaping, including all established trees, to be maintained and replaced where necessary. This will maintain the attractiveness of the streetscape and maintain privacy for CEH residents.

Boundaries with Neighbouring Properties

23. Properties along the north-eastern boundary of the site are residential. When the site was visited, this boundary was fenced and had some established vegetation. This vegetation screens the residential properties from the CEH units and vice versa.
24. Some of the neighbours had put up temporary wooden fencing. This fencing was located on the south-western half of the open strip of land, where adjacent residential properties did not directly face the CEH units. There was no landscaping or vegetation along this portion of the boundary. No submissions were received from any of these properties. Considering the

⁵ Refer recommended condition 32 in Appendix 1

⁶ Refer recommended condition 13 in Appendix 1

⁷ Refer recommended condition 17 in Appendix 1

RESZ1 zoning which describes spaces being enhanced by on-site landscaping, it may be beneficial to recommend planting screening vegetation along this boundary.

25. The most southern south-eastern boundary borders a tourist accommodation facility. An approximately 1.8m high wooden fence runs the length of this boundary.
26. The remaining boundaries border residential properties. These boundaries consist of wooden fencing and, for the boundary adjacent the units, established vegetation. This latter vegetation screens views between the subject site and adjacent properties.
27. It is recommended that a condition of consent be imposed requiring the existing landscaping and fencing along these boundaries to be maintained and replaced where necessary.

Conclusion

28. Provided the existing external boundary treatments and landscaping features along the boundaries of the site (established vegetation, hedging, and fencing) are maintained, and the waste management area screened, character and amenity effects of the proposal on the environment are assessed as acceptable if mitigated by recommended conditions of consent, and consistent with the character and amenity outcomes anticipated by the District Plan in each zone. Adherence to the SMP will also manage any amenity effects relating to the upkeep of the property.

Internal amenity effects

Outdoor Living Space

29. There are no private outdoor living spaces on site but there is plenty of shared outdoor living space on the site due to the vacant strip of land. Units 1 to 12 back on to this space. Access would be via walking through the courtyard and around the units.
30. Units 30-38 have direct access to the open space between the units and site boundary. This outdoor living space is mostly screened from Bennetts Road.
31. Units 19-20 open onto the internal courtyard and onto the small space between the units and the Lake Road boundary. The remainder of units open onto the internal courtyard. Units 7-23 are adjacent the pool area, while for the remaining units there is a walkway between the units and the carpark.
32. It is recommended that conditions be imposed to ensure shared outdoor living space is retained in a suitable condition for recreational use by occupants⁸.

Suitability for children

33. This section incorporates the recommendations of Ms Collins as outlined in her expert evidence. Ms Collins states that play is important for the development, health, and well-being of children. The impacts on children when they do not have access to 'play' is discussed in detail within her evidence.
34. There are no private outdoor living spaces on site but there is plenty of shared outdoor living space on the site due to the vacant strip of land. Units 1 to 12 back on to this space. Access would be via walking through the courtyard and around the units.

⁸ Refer to Condition 16 in Appendix 1.

35. Ms Collins has rated units 19 to 38 “moderate” for children six months to three years and three to seven years as there is an opportunity to access lawn directly from the unit. Units 1-18 she has rated “low” as access to lawn area is via the carpark.
36. The site has been rated “highly” for the eight to twelve-year-old and thirteen to eighteen-year-old age groups due to the amount of onsite open space available for them to play and socialise, and due to the site’s proximity to Karenga Park. This “high” rating is predicated on a pedestrian path being marked along the back of the northern units, separating walking spaces from carparks.
37. It is recommended that a condition of consent be imposed to demarcate a walkway between units 1-12 and the northern carpark (as shown on the site plan).
38. It is recognised that in adverse weather conditions, children would have no play space other than the limited space available within the individual units. A solution to this would be to dedicate one of the units for use as a common playroom. Whilst this has not been recommended by any of the technical experts, the Panel may wish to consider this as an option to manage internal amenity effects for young occupants of the site.

Occupancy Rate

39. The applicant originally proposed a maximum occupancy rate of 140 occupants across 38 units (excluding infants under 18 months).
40. The applicant has recently stated an intention to reduce the maximum occupancy level to 105 occupants (excluding staff).⁹ 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. Further, the applicant has also identified that two units are used by the service provider as a meeting/work space¹⁰. It is assumed that these units will be needed on an ongoing basis by the service provider to undertake its “24/7” on-site support services. This reduces the available number of units for use by CEH occupants from 38 to 36 (within 32 one-bedroom units and four two-bedroom units).
41. 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.
42. The applicant has provided details of actual occupancy rates for the motel over an 8-month period. This data shows that the average occupancy level of the motel is 65 occupants (an occupancy rate of 46%). The data also shows the maximum occupancy rate over the same period was 74 occupants in February 2022.
43. 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*”¹¹.

⁹ Further information received from the applicant dated 9 September 2022

¹⁰ Response to request for further information – RC 17647 – 131 Lake Road.

¹¹ 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

44. 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”¹². The New Zealand Deprivation Index uses CNOS as an indicator of crowding¹³. Applied to the subject site, the proposed occupancy rates may result in crowding¹⁴. To avoid crowding, there would generally need to be a limit of two people per bedroom.
45. Lake Rotorua Motel provides two-bedroom units as well as one-bedroom units, and therefore families could be placed in the two-bedroom units, or large families in more than one unit. No information has been provided on the size of the units (in m²) or the number of beds within each room, and the site visit did not involve entering the units. It is also not clear as to what criteria is applied for the allocation of units to families. It is expected that the applicant can provide this information in the course of the hearing.
46. The following information has been provided on the types of units:

Table 1: Configuration of existing units at 131 Lake Road excluding managers accommodation

Type of unit	No. of units	Max No. of occupants
One bedroom unit	34	120
Two bedroom unit	4	20
Total	38	140

47. It is recognised that the reduced occupancy limit may not meet the objective of CEH which is to house whānau/family with tamariki/children. This has been considered when recommending the maximum occupancy rates for this site.
48. The site has been assessed as suitable for children, and there is shared outdoor space across the site. Because of the quality of outdoor space, a slightly higher occupancy rate is proposed compared to sites with less suitable outdoor space.
49. With this information in mind, and considering the definitions of crowding as stated above, the following occupancy rates are recommended:
- One-bedroom units may accommodate a maximum of three people (excluding children under the age of six months); and
 - Two-bedroom units may accommodate a maximum of four people (excluding children under the age of six months).
50. This would result in a maximum occupancy of 124 residents across the whole site which is more than the average occupancy (at 65 CEH occupants) and the maximum occupancy levels (74 CEH occupants) over the previous 18 months.
51. 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

¹² Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

¹³ Stats NZ (2012) *Finding the crowding index that works best for New Zealand*. Retrieved from www.stats.govt.nz

¹⁴ As defined by Statistics NZ

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.

52. 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.

53. 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.

54. It is recommended to include the above *Augier* condition as a condition of consent. With that condition and details in the SMP (which the applicant has already offered as a condition), site occupancy will be managed.¹⁵

55. It is noted that some existing families may be established in units that no longer meet the recommended occupancy rate. Requiring them to move immediately, if consent is granted, could be an unnecessary disruption. The 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.

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

Conclusion

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

TRANSPORTATION EFFECTS

Parking and Access

58. The site has existing vehicle crossings onto Lake Road and Bennetts Road. Both Bennetts Road crossings are restricted to staff and service vehicles.

59. There is at least one carpark per unit on site, as well as one accessible park. It is noted that there are no minimum parking requirements under the District Plan as required by the National Policy Statement on Urban Development 2020¹⁶, however, any existing or proposed carparks are still required to comply with the District Plan standards. The application was

¹⁵ Please refer to Condition 32 in Appendix 1.

¹⁶ Policy 11

circulated to the development engineering team within Council and no issues were raised in regard to the existing carparks or vehicle crossings.

Traffic Generation

60. The applicant has proposed the maximum occupancy for the site based on the maximum occupancy of the motel, which is 140 occupants. It is recommended that the occupancy rate of the motel is reduced to 84 occupants. With the reduction in occupants on the site, it is expected that the traffic generation will also reduce.
61. Having regard to the existing environment, transportation effects associated with the proposal are assessed as acceptable.

NOISE EFFECTS

Reverse Sensitivity Effects

62. The District Plan requires acoustic insulation of new sensitive activities within the Commercial Zone to mitigate potential reverse sensitivity effects of new sensitive activities on existing commercial activities. As the motel buildings were constructed in the 1980's, it is unlikely the units have been designed to meet the acoustic standards required by the District Plan.
63. While all the land surrounding the subject site is within COMZ4, it predominantly consists of residential activities, with one tourist accommodation provider adjacent to the south-eastern boundary. Due to the nature of these activities not being significant sources of noise, it is unlikely that noise at the subject site will be experienced that is higher than what is typically anticipated within a residential environment.
64. There are several commercial activities opposite the site on Lake Road, including a petrol station. The potential for adverse reverse sensitivity effects on these existing activities is low, taking into account the dominant road noise environment.
65. Overall, the potential for reverse sensitivity effects is low.

Noise from Emergency Housing

66. Potential noise effects from the proposed activity may arise due to a higher number of people being on-site during the day (compared to tourists who are more likely to be out during the day), as well as an increase in children playing outside.
67. 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 Plan¹⁷. 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.

¹⁷ Refer Condition 32 in Appendix 1

68. 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.
69. In this case, conditions of consent have been recommended to provide an 0800-telephone line for the community to address any noise complaints¹⁸. With the above management measures in place, any potential noise effects from the proposed activity are acceptable.

INFRASTRUCTURE

70. Regarding infrastructure, the applicant has stated¹⁹:

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.

71. This report recommends lowering the proposed occupancy rates of the subject site which reduces the proposal's demand on infrastructure.
72. 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

73. 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.

74. 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.
75. 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.
76. 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

77. Overall, any actual and potential effects on the environment can be mitigated to a level that is acceptable, subject to conditions of consent.

¹⁸ Refer to recommended strategic conditions attached to the Overview Report

¹⁹ Section 5.7

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

78. An assessment against the broad objectives and policies of the District Plan, as well as Plan Change 9, is provided in the Overview Report.

79. The following sections address objectives and policies before matters of a site-specific nature.

COMMERCIAL 4 ZONE

80. The following objectives are applicable to the site in COMZ4:

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.*

81. The proposed activity will maintain the existing character of the commercial zone by using the existing buildings and maintain the existing landscape.

82. Residential properties are located directly on the north-eastern and south-eastern boundaries, and across carriageways north of the site. These boundaries are fenced off with 'pool' style fences and established vegetation, or with wooden fencing. This established vegetation and fencing screens views into surrounding properties, with additional planting recommended as a condition of consent. Privacy effects are anticipated to be managed.

83. The commercial activities are located on the opposite side of Lake Road (across a four-lane major arterial road) and at this distance it is unlikely that reverse sensitivity effects will be experienced.

Design and Appearance of Buildings

- *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-P7: Manage the effects and design of activities to ensure that the amenity of adjoining residential properties is not adversely affected.*

84. The applicant does not propose any changes to the existing buildings at the site. These buildings were constructed for tourist accommodation activities and are consistent with the character anticipated within COMZ4. Although landscaping is not specifically required under the District Plan, a condition of consent is recommended that the existing landscaping (including hedging and trees) be maintained and replaced where necessary. Removal of the motel signage, and regular upkeep of the site (as required under the SMP), will also contribute to an attractive streetscape.

85. The site provides safe access onto the transportation network, and whilst there is no scope to require on-site carparking (due to the requirements of the National Policy Statement on Urban Development), there appears to be adequate parking available for staff and occupants.

86. Potential noise affects will be managed through the SMP which will maintain the amenity of adjoining residential properties.

RESIDENTIAL 1 ZONE

87. As the portion of the site that is located within RESZ1 is vacant, only the following objectives are considered applicable:

Activities in a Residential Zone

- *RESZ-O1: A high level of amenity that provides residents with:*
 1. *A northerly outlook*
 2. *Side and rear yards that provide aural and visual amenity*
 3. *Residential levels of noise*
 4. *Safe parking and turning areas where required*
 5. *Street surveillance*
 6. *Orientation to maximise energy efficiency*
 - *RESZ-P4: Ensure the design and location of access, on-site parking and turning areas do not detract from the safe and efficient functioning of the transport network or dominate the streetscape.*
 - *RESZ-P5: When considering a resource consent application, require the landscaping to mitigate the adverse effects of activities and to enhance the character and amenity of the zone.*
88. The portion of the site within RESZ1 is the open strip of land in the north-east of the site. This part of the site does not contain any buildings.
89. There is sufficient space on site for parking and manoeuvring to ensure the safe and efficient functioning of the transportation network. The recommended conditions (relating to young children residing on site), will address safety concerns around separating children from parking spaces.
- *RESZ-O2: The character and amenity values of the residential zones are maintained and enhanced.*
 - *RESZ-P7: Maintain the following qualities and characteristics of the Residential 1 zone:*
 1. *Low density residential areas*
 2. *A mix of single and two storey buildings*
 3. *A variety of building design and materials*
 4. *Balance between the built and natural elements of the environment*
 5. *A sense of space around buildings*
 6. *Space enhanced by on-site landscaping and trees within the road reserve*
 7. *Low levels of noise*
 8. *Low traffic levels.*
90. This portion of the site does not detract from the amenity anticipated in RESZ1, as it is vacant land it provides a sense of open space between the buildings on the subject site and adjacent residential properties.
- *RESZ-O3: Non-residential activities in residential zones that are domestic in scale and character and do not have an adverse impact on the amenity values and character of the residential zones, or the vitality and viability of the City Centre or Commercial zones.*
 - *RESZ-P14: Avoid adverse effects of noise, vibration, light, smoke, fumes, odours, or other sources of disturbance that are detrimental to the amenity of the residential zones.*

- *RESZ-P16: Avoid, remedy or mitigate the potential adverse effects of non-residential activities, including community activities, through the provision of:*
 1. *Sufficient on-site parking, loading and turning*
 2. *Landscaping to maintain and enhance the quality of residential amenity, primarily the streetscape*
 3. *Noise mitigation measures.*

91. Non-residential activities on the site relate to the provision of the support-services. The support services are located within the existing buildings (within the office/managers unit) and are not effectively located in this portion of the site. As this site is vacant, it provides a decent buffer between the activity occurring around the buildings on the site, including the support services, and adjacent residential zones.

The Design, Layout and Appearance of Residential Sites

- *RESZ-O6: Residential site design and development in a sustainable manner that promotes and maintains the character of the zone, residential amenity and community safety.*
- *RESZ-P21: Encourage site and building design that provides:*
 1. *Passive surveillance of public space*
 2. *Front yards that are free of buildings and not screened by high fencing.*

92. The layout of this vacant portion of the allows for passive surveillance of Bennetts Road. The site does not detract from the character and amenity of the zone.

NOISE

93. The following objectives and policies are applicable in regard to noise:

- *NOISE-O1: A noise environment consistent with the character and amenity expected for the zone.*
- *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.*
- *NOISE-P9: Mitigate adverse effects generated by central city and infrastructural activities through the requirement that new noise sensitive activities that locate within the Central City or close to major infrastructure are appropriately insulated.*

94. Noise levels generated from the proposed activity will be managed through the proposed conditions of consent and through the SMP. The potential for reverse sensitivity effects is low.

Conclusion

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

CONCLUSION

96. A conclusion on the assessment of effects is provided at paragraph 115. This determines that the adverse effects of the activity on the environment of a site-specific nature will be acceptable, with the adoption of the recommended conditions.

97. A conclusion against the objectives and policies of the District Plan is provided at paragraph 133. This determines that on balance, the proposal is generally consistent with the objectives and policies of the District Plan.

CONDITIONS AND ADVICE NOTES

98. 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 6 August 2021 and the following additional information provided by the applicant:
 - a) Response to request for further information, dated 11 May 2022 and titled "*Response to request for further information – RC 17647 – 131 Lake Road*"
- 2 The consent holder shall be KV Ranawat (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 emergency housing within the timeframe granted under this consent.

Scale and Intensity

- 7 A maximum of 124 occupants (excluding children under six months of age) shall be permitted to reside within the 38 contracted emergency housing units.
- 8 One-bedroom units shall accommodate a maximum of three people per unit (excluding children under six months of age).
- 9 Two-bedroom units shall accommodate a maximum of four 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 and vegetation at the Lake Road frontage;
 - b) The trees and vegetation at the Bennetts Road frontage; and
 - c) The vegetation along all other boundaries of the site.
- 14 The landscaping and planting baseline referred to in Condition 14 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.

Motel Signage

- 17 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.
- 18 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.
- 19 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

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

External Boundary Fencing

- 21 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

- 22 A solid gate (or similar) shall be installed across the waste management area so that waste storage shall not be visible from the road frontage or residential properties.

Traffic Management

- 23 A minimum of one accessible carpark shall be provided on the site which shall be sealed and marked.
- 24 Parking and manoeuvring shall be in accordance with the New Zealand Standard, Parking facilities: Off street car parking, NZS2890.1
- 25 Surface marking and signage shall be sufficient to ensure the safe and efficient operation of parking and access, including pedestrian safety.
- 26 Parking and access in accordance with these conditions shall be implemented within one month following the grant of consent and shall be maintained for the duration of the consent.

Noise

- 27 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 LAmx

- 28 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 LAmx

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

Glare and Light

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

On-site Management

- 31 An on-site staffing presence shall be maintained on the site at all times for the duration of the consent.
- 32 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

- 33 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.
- 34 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.
- 35 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.
- 36 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.
- 37 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

- 38 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

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

Waste Management

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

Right of Objection

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

Monitoring of Conditions

- 4 Fulfilment of the conditions of this consent within the timeframe specified in the consent is necessary to carry out the proposal for which this consent relates. Your progress towards satisfying the conditions of consent will be monitored by Council's Monitoring and Compliance Officer.
- 5 Please contact Council's Compliance & Regulatory Team (RMACompliance@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.