

Recommendations from Hearings Committee

Variation 7 hearing Seasonal Workers Accommodation

held on Tuesday, 18 February and
Wednesday, 19 February 2020 and
Reconvened on Thursday, 12 March 2020

The Hearings Committee meet on the above dates to address **Variation 7 Seasonal Workers Accommodation**.

The Committee addressed each recommendation in turn at the hearing on Tuesday, 18 and Wednesday, 19 February 2020 and then confirmed its recommendations en-masse at the reconvened hearing on Thursday, 12 March 2020 as set out below.

“That the Hearings Committee endorse the recommendations from the Variation 7 Seasonal Workers Accommodation hearing and that these recommendations (as set out below) be forwarded to the Council for ratification and notification”.

Issue 1: Outright Support

A. That the submission from Hawke’s Bay Fruitgrowers (8) **be accepted**.

Issue 2: Withdrawal of Variation 7

A. That the submission of A & J Maurenbrecher and Others seeking that Variation 7 be declined in its entirety, **be rejected**.

For the reason that;

1. Declining the variation will not result in the sustainable management of land based primary production in the district, as it will not provide for the labour resource required.

Issue 3: Increase floor limit of Permitted Activity rule

- A. That the submission of Surveying the Bay (14) and Horticulture NZ Ltd (12) seeking to have the floor limit associated with seasonal worker accommodation as a permitted activity increased from the current 125m² limit be rejected.**
- B. That as a consequence of “A” above the further submissions of support from Mr Apple Ltd (FS1), Horticulture NZ (FS3), and HB Fruitgrowers (FS6) also be rejected.**

For the reasons that:

- 1. The existing maximum floor area allows for a level of effects that is expected to be minor and is consistent with other permitted activities within the Plains Production zone.**
- 2. The rule centres around the environmental effects of the building on the versatile land and not the number of workers.**

Issue 4: Rule Changes in Table 6.2.4

- A That the submission of Surveying the Bay (14) seeking an additional activity for up to 40 workers on sites between 6 and 12 ha be rejected.**
- B That as a consequence of “A” above the submission of support from Mr Apple Ltd (FS1) also be rejected.**
- C That as a consequence of “A” above the submission of opposition by Horticulture NZ (FS3), HB Fruitgrowers (FS6), and A & J Maurenbrecher and Others (FS2) is accepted.**

For the following reason;

- 1. That a new activity allowing for seasonal workers accommodation above 125m² on sites smaller than 12 ha would fail to achieve relevant objectives and policies of the District Plan and could result in an adverse impact on the versatile land resource and hinder the amalgamation of smaller sites.**

Issue 5: Status of Activities not Complying with Conditions

- A. That the submission of Horticulture New Zealand Ltd (12) requesting that the activity status of seasonal worker accommodation that does not meet**

the performance standards in the Plains Production zone falls to discretionary rather than the current non-complying status be rejected.

For the following reason:

1. That a non-complying status gives a clear signal that facilities beyond this scale are more appropriately located in the industrial zones to avoid the impact on versatile land and where appropriate servicing can be provided; and that non-complying activity status better achieves relevant objectives and policies of the zone.

Issue 6: 12ha Site Minimum Performance Standard

- A. That the submission of Horticulture New Zealand Ltd (12) and A & J Maurenbrecher and Others (11) seeking that sites less than 12 ha in area in the Plains Production zone should be provided for be rejected.
- B. That as a consequence of “A” above the further submissions of support from A & J Maurenbrecher and Others (FS2) and HB Fruitgrowers (FS6) also be rejected.

For the reasons that:

1. The minimum site area within the Plains Production Zone is 12 hectares and the standard aligns with the complying site size for land based primary production.
2. Non-complying activity status is appropriate for seasonal workers accommodation over 125m² on sites smaller than 12 ha in that it better achieves relevant objectives and policies of the District Plan and is appropriate to ensure effects associated with concentrating a large number of people on a relatively small area of land (including cumulative effects) can be properly assessed

Issue 7: Outdoor Recreation Provisions in Plains Production Zone

- A. That the submission of Chris Lambourne & Brenda Armstrong (6) requesting that a performance standard for the provision of open space for recreation purposes be provided for in the Plains Production Zone, be rejected.
- B. That as a consequence of “A” above the further submission of opposition by Horticulture New Zealand Ltd (FS3) be accepted.

For the reason that:

1. The Plains Production Zone is open space by nature and there is no need for a standard requiring outdoor space to enable outdoor activity

Issue 8: Requirement for Buildings to be relocatable

- A. That the submission of Diane Joyce (1) seeking to have a condition that on-site accommodation be removed if the employer ceased to have accreditation be accepted in part in so far as a standard is not applied, but it becomes a matter over which discretion is restricted by including additional assessment criteria. The following assessment criteria is to be added to sections 6.2.8J, and 14.1.8.4; *“ Consideration of the end use of the buildings should they no longer be required for seasonal workers accommodation and whether it is proposed that the buildings will be relocated off the site should that occur.”*
- B. That as a consequence of “A” above the further submission in opposition from A & J Maurenbrecher and Others (FS2) be accepted in part.

For the reason that:

1. Seasonal workers’ accommodation is a temporary activity only undertaken for part of the year and as a result the performance standard requires that the buildings be relocatable. The performance standard is linked to the activity, rather than the accreditation status of the provider. The removal of the building in the event that it ceases to be used for seasonal workers accommodation is likely to be imposed as a condition of resource consent through the assessment criteria.

Issue 9: Assessment Criteria 6.2.8J

- A. That the submission of John Roil (4) seeking that the quality of the soil should form part of the assessment criteria be accepted, albeit that no change to the Plan is required.
- B. That as a consequence of “A” above the further submissions of support from Horticulture New Zealand Ltd (FS3) and A & J Maurenbrecher & Others (FS2) also be accepted.

For the reason that ;

1. There is an assessment criteria requiring that account be taken of the soil values already included in Section 6.2.8J of the Proposed District Plan.

Issue 10: Set a Maximum for the number of workers in the Industrial Zones and activity status

- A. That the submission of Horticulture New Zealand Ltd (12) seeking that a maximum number of workers be established for seasonal workers accommodation in the Industrial Zone be accepted.
- B. That the submission of Turners and Growers (5) seeking that the activity status of seasonal workers accommodation in the Omahu and Irongate Industrial zones be permitted or controlled, be rejected.

For the reasons that:

- 1. As a restricted discretionary activity where the matters over which discretion is exercised are limited, it is appropriate that a maximum be attached to the number of workers provided for per site, and where the maximum number is exceeded a wider discretion can be applied.
- 2. The effects of seasonal workers accommodation and the locational considerations may result in the inability to impose conditions to satisfactorily mitigate the effects and as a result a restricted discretionary activity status is considered most appropriate, meaning consent may be declined.

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Issue 11: Re-Word Policy IZP17B

- A. That the submission of Bruce Stephenson Family Trust & Stephenson Transport (2) requesting the re wording of Policy IZP17B to allow for seasonal worker accommodation without infrastructure capacity constraints be rejected.
- B. That as a consequence of “A” above the further submission in opposition from A & J Maurenbrecher and Others (FS2) be accepted.

For the reason that:

- 1. Policy IZP17B clearly reflects the infrastructure limitations that apply at Irongate to ensure that landowners take this into account when considering the use of their land.

Issue 12:– Servicing at Irongate

- A. That the submissions of Bruce Stephenson Family Trust & Stephenson Transport (2) and John Roil (4) seeking that the maximum rate of wastewater discharge at Irongate be increased be rejected.

- B. That the submission of Greg Honnor (16) seeking clarification of the intent of Rule GI16 is noted.
- C. That as a consequence of “A” above the further submission from A & J Maurenbrecher and Others (FS2) in opposition be accepted.
- D. That as a consequence of “A” above the further submission from A & J Maurenbrecher and Others (FS2) in support of John Roil’s submission (4) be rejected.

For the reasons that;

- 1. The wastewater infrastructure currently provided at Irongate is based on dry industry needs and is unable to meet any additional demand capacity.
- 2. Landowners have the option of using their land for dry industry or seasonal workers accommodation up to the maximum discharge volume for wastewater.
- 3. The table on water allocation for parent sites within the Irongate area assists with providing the clarity sought in the submission from Mr Honnor.

Issue 13: Provide for Seasonal Worker Accommodation in the Whakatu Industrial Area

- A That the submission from Turners and Growers Ltd (5) seeking provision for seasonal workers accommodation within the Whakatu Industrial Zone be rejected.
- B That as a consequence of “A” above the submission of opposition from A & J Maurenbrecher and Others (FS2) be accepted.
- C That as a consequence of “A” above the submission of support from HB Fruitgrowers Ltd (FS6) be rejected.

For the reasons that:

- A The limitations on on-site water and stormwater disposal, which are necessary for the health and well-being of seasonal workers, mean that land within the zone is unsuitable for seasonal worker accommodation.
- B There is limited vacant land within the zone and it is considered that the more sustainable use of the land is for activities that are reliant on the zone’s significant trade waste infrastructure.

Issue 14: Reverse Sensitivity

- A. That the submission of Navilluso Holdings Ltd (9) and Greg Honnor (16) seeking to ensure that reverse sensitivity effects are appropriately managed by the inclusion of additional performance standards **be accepted in part** in that the following performance standard for the screening of sites be included in the specific performance standards 14.1.7.9; (d) *“A 1.8m high solid fence shall be provided along the full length of any side or rear boundary of the site.”*
- B. That as a consequence of “A” above the further submissions in support from Horticulture New Zealand (FS3) also **be accepted in part**.

For the reasons that:

1. Preventing relocated buildings being used for seasonal workers accommodation in the General Industrial Zone is not considered necessary on the basis of effects on amenity, and any concerns will be appropriately addressed by requirements to meet the Building Code and Department of Labour requirements. The existing provisions of Section 14 of the Proposed District Plan already require that resource consent be obtained for residential use of seasonal workers accommodation.
2. That the imposition of a screening standard will assist with mitigating the effects of reverse sensitivity.
3. The assessment criteria for seasonal workers accommodation includes consideration of whether the activity will have reverse sensitivity effects on adjoining activities.

Issue 15: Reduce Minimum Outdoor Area Requirement

- A. That the submission of John Roil (4) seeking that the minimum area of open space per resident be reduced from the 10m² minimum **be rejected**.
- B. That as a consequence of “A” above the further submissions in support from Hawke’s Bay Fruitgrowers (FS6) also **be rejected**.

For the reasons that:

1. The standard ensures that the area of open space available will allow for the type of recreation activities typically undertaken.
2. It provides for the health and wellbeing of the residents of the seasonal workers accommodation.

Issue 16: Pastoral Care and Monitoring

- A. That the submissions of Diane Joyce (1), Chris Lambourne and Brenda Armstrong (6), Victor Saywell (15) and Johanna Croskery (7) requesting conditions on the pastoral care of seasonal workers and their monitoring be rejected.**
- B. That as a consequence of “A” above the further submissions in support of Victor Saywell (15) from A & J Maurenbrecher and Others (FS2), and Michael Sutherland (FS4) in support of J Croskery (7) are also rejected.**
- C. That as a consequence of “A” above the further submissions in opposition from HB Fruitgrowers (FS6) and A & J Maurenbrecher and Others (FS2) be accepted.**

For the reasons that:

- 1. The pastoral care issues are beyond the scope of the resource management process.**
- 2. The Ministry of Business Innovation and Employment has specific responsibilities for monitoring pastoral care of RSE workers.**

Note: That the Hearings Committee had noted the concerns raised in submissions regarding the pastoral care of seasonal workers and recommends that Council lobby the Ministry of Business Innovation and Employment (MBIE) about those particular matters, on behalf of the community.

Issue 17: Cross Zone Issues

- A. That the submissions of John Roil (4) requesting that provision should be made for a boundary adjustment for poor quality Plains Zoned land to be linked to an industrial site be rejected.**
- B. That as a consequence of “A” above the further submission in opposition from A & J Maurenbrecher and Others (FS2) is accepted.**

For the reasons that;

- 1. The use of capacity in services designed to service land in other zones is not a sustainable use of industrial infrastructure and risks undermining efficient use of the industrial land resource.**
- 2. It is appropriate that applications for servicing sites out of zone be considered on a site by site basis.**

Issue 18: Alternative Uses

- A. That the submission of Diane Joyce (1) requesting that provision be made for alternative uses of seasonal workers accommodation outside of the season be rejected.
- B. That the submission of Chris Lambourne and Brenda Armstrong (6), Navilluso Holdings Ltd (9), R Griffiths (13) and Greg Honnor(16), requesting that the seasonal workers accommodation not be used for residential purposes outside of the season is accepted in so far as the activity would be non-complying and require resource consent.
- C. That as a consequence of “A” above the further submission of support from A & J Maurenbrecher & Others (FS2) is also rejected.
- D. That as a consequence of “B” above the further submissions of opposition from A & J Maurenbrecher & Others (FS2) be rejected.

For the reasons that:

- 1. General residential land use could create greater levels of reverse sensitivity.
- 2. Seasonal workers accommodation is provided for on the basis that it is temporary in nature.
- 3. Residential use in the Industrial Zones is not an efficient or sustainable use of industrially zoned land.

Issue 19:– Definition of Residential Activity

- A. That the submission of Turners and Growers (5) requesting that the definition of residential activity be amended to allow for up to a maximum of 10-12 seasonal workers, be accepted by allowing for a maximum of 10 seasonal workers.
- B. That the submission of Horticulture New Zealand Ltd (10) supporting the definition of Residential activity be accepted in part in so far as the changes will be made but will be amended to allow for a maximum of 10 seasonal workers.
- C. That as a consequence of “A” above the further submission of support from Hawkes Bay Fruitgrowers (FS6) also be accepted.

- D. That as a consequence of “B” above the further submission of support with amendments from Hawkes Bay Fruitgrowers (FS6) also be accepted in part.

For the reasons that;

1. Increasing the maximum number of seasonal workers from 8 to 10 in the definition of residential activity will have a level of effects that is no more than minor.
2. A maximum of 10 workers will not impact on the character of the residential zone.

Issue 20: Effects on Aquifer/Groundwater Resource

- A. That the submissions of J Croskery (7), J Sutherland (3) and R Griffiths (13) voicing their concerns over the potential effect of seasonal worker accommodation on the groundwater resource and requesting that they only be provided for in the industrial zones be accepted in part in so far as consideration is given to the effects on groundwater through the addition of further assessment criteria that covers cumulative effects and advice notes that resource consent is required from the Regional Council.
- B. That the submission of the Hawke’s Bay Regional Council (10) requesting that wording similar to TANK Policy 6b be included in Variation 7 be rejected.
- C. That the submission of the Hawke’s Bay Regional Council (10) requesting that advice notes that draw applicants attention to the need for stormwater and wastewater discharge consents and around permit issues for on-site water supply, be accepted.
- D. That as a consequence of “A” above the further submission of support from Michael Sutherland (FS4) also be accepted in part.
- E. That as a consequence of “A” above the further submission of opposition from A & J Maurenbrecher & Others (FS2) be accepted.
- F. That as a consequence of “B” & “C” above the further submission of support from Horticulture New Zealand (FS3) also be accepted in part.

For the reasons that:

1. The advice notes will provide clear direction to applicants of their consenting responsibilities in relation to the discharges associated the construction of seasonal workers accommodation and for on-site drinking water.

2. The cumulative effects of seasonal worker accommodation facilities on the groundwater are an important consideration for the sustainable management of the resource.
3. The inclusion of TANK Policy wording in the Proposed District Plan is considered premature ahead of the notification of the TANK Plan Change.

Issue 21: Effects on Amenity Issues in the Plains Production Zone

- A. That the submissions of J Croskery (7), and R Griffiths (13) voicing their concerns over the potential effect of seasonal worker accommodation on the noise amenity of the Plains Production zone and on waste management are noted in so far as the noise provisions of the Plains Production zone will protect residents noise amenity, and waste reduction initiatives are being adopted.
- B. That as a consequence of “A” above the further submission of opposition from A & J Maurenbrecher & Others (FS2) be accepted.

For the reasons that:

1. The existing noise provisions of the plan will be effective in mitigating the effects of the noise from seasonal workers accommodation
2. Council is working with seasonal employees to educate them on recycling and other waste minimisation opportunities. No changes to the District Plan are considered necessary in this regard.

Issue 22: Effects on Roading Infrastructure in the Plains Zone

- A. That the submissions of J Croskery (7) and J Sutherland (3) raising concern over the effects that seasonal workers accommodation within the Plains Production zone has on the rural roads, be accepted in part in so far as the Council will undertake a study to look at the effects of seasonal workers on the traffic network in the long term but rejected insofar as they request that seasonal workers accommodation be sited in the Industrial zones only.
- B. That as a consequence of “A” above the further submission of opposition in part from HB Fruitgrowers (FS6) be accepted.

For the reasons that;

1. The traffic effects of seasonal workers accommodation in the Plains Production Zone are considered likely to be no more than minor, and the effects of traffic generation on the road network are required to be assessed as part of any consent application. The Council is aware of the cumulative effects of the increasing numbers of seasonal workers and will undertake a study to look at their effects on the rural road network.

Issue 23: Effects on Land Values

- A. That the submission of J Croskery (7) raising concern over the effects of seasonal workers accommodation in the Plains Production zone on property values be rejected.

For the reason that:

1. Impacts on property values are not an effect that can be considered under the Resource Management Act. The amenity values of the local area are adequately protected by existing provisions of the District Plan.

Issue 24 Extend Provisions to Rural Zone

- A. That the submission of Horticulture NZ Ltd (12) seeking the extension of the seasonal workers accommodation provisions into the Rural Zone be rejected.
- B. That as a consequence of "A" above the further submission of support from A & J Maurenbrecher & Others (FS2) be rejected.

For the reason that;

1. The submission point is out of the scope of Variation 7.