



Hastings District Council

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OPEN A G E N D A

HEARINGS COMMITTEE MEETING

(VARIATION 7 - SEASONAL WORKERS ACCOMMODATION)

Meeting Date: **Tuesday, 18 February 2020**

Time: **9.30am**

Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Committee Members	Members: Mr G Lyons (Commissioner Chair - External appointee) Councillors Barber (Deputy Chair), Kerr, Lawson, Redstone, Schollum and Mr P Kay (External appointee member)
Officer Responsible	Environmental Policy Manager – Rowan Wallis
Democracy & Governance Advisor	Christine Hilton (Ext 5633)

Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required under the provisions of the:

- Resource Management Act 1991.
- Building Act 2004.
- Health Act 1956.
- Dog Control Act 1996.
- Litter Act 1979.
- Hastings District Council Bylaws.
- Local Government Act 1974.
- Local Government Act 2002.

Membership - Up to 12 Hearings Commissioners (comprising at least 7 elected members of Council and up to 3 externally appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including externally appointed members.
- Deputy Chair appointed by the Council from the membership including externally appointed members.
- Under section 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
 - Applications for Resource Consents.
 - Notice of Requirements given under section 168 or 189.
 - Requests under clause 21(1) of Schedule 1 for a change to be made to a Plan.
 - Reviews of Resource Consents.
 - Applications to change or cancel Resource Consent Conditions.
 - Proposed Policy Statements and plans that have been notified.
 - Any hearing of an objection under section 357C.

Quorum* –

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
- c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- d) For Council Initiated Plan Change Hearings, the quorum shall be three members.
- e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

HASTINGS DISTRICT COUNCIL

A HEARINGS COMMITTEE MEETING WILL BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON TUESDAY, 18 FEBRUARY 2020 AT 9.30AM.

1. APOLOGIES

At the close of the agenda no requests for leave of absence had been received.

An apology had been received from Councillor Schollum.

2. VARIATION 7 - SEASONAL WORKERS ACCOMMODATION

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS TWO SEPARATE DOCUMENTS

Document 1 The covering administrative report **Pg 1**

Attachment A Variation 7 Seasonal Worker Accommodation - Section 42A Report **Pg 3**

Document 2 Containing these attachments

Attachment B Variation 7 Provisions with Recommended Amendments as a Result of Submissions

Attachment C Variation 7- Complete Package of Submissions for Hearing Agenda - Nos 1 to 17

Attachment D Variation 7 Seasonal Worker Accommodation - Combined Further Submissions Document

Attachment E Section 32 Evaluation Report - Variation 7 Seasonal Worker Accommodation Amended for Wastewater Issue at Irongate

Attachment F Brief of Evidence from 3 Waters Manager Brett Chapman for Variation 7 hearing

REPORT TO: HEARINGS COMMITTEE

MEETING DATE: TUESDAY 18 FEBRUARY 2020

FROM: DEMOCRACY AND GOVERNANCE ADVISOR
CHRISTINE HILTON

SUBJECT: VARIATION 7 - SEASONAL WORKERS
ACCOMMODATION

1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA

- 1.1 This is a covering report relating to the Proposed Hastings District Plan hearing – Variation 7 (Seasonal Workers Accommodation).
- 1.2 This agenda can be viewed on the Council's website and a reference hardcopy is held at the Ground Floor Reception, Council's Civic Administration Building, Lyndon Road East, Hastings.
- 1.3 The recommendations are included in the relevant sections of the attached Planner's Report and are not summarised in this covering report.

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

The recommendations are included in the relevant sections of the attached Planner's Report.

Attachments:

A↓	Variation 7 Seasonal Worker Accommodation - Section 42A Report	ENV-9-19-9-20-117	
B⇒	Variation 7 Provisions with Recommended Amendments as a Result of Submissions	CG-16-8-00030	Document 2
C⇒	Variation 7- Complete Package of Submissions for Hearing Agenda - Nos 1 to 17	ENV-9-19-9-20-111	Document 2
D⇒	Variation 7 Seasonal Worker Accommodation - Combined Further Submissions Document	ENV-9-19-9-20-108	Document 2
E⇒	Section 32 Evaluation Report - Variation 7 Seasonal Worker Accommodation Amended for Wastewater Issue at Irongate	ENV-9-19-9-19-14	Document 2
F⇒	Brief of Evidence from 3 Waters Manager Brett Chapman for Variation 7 hearing	CG-16-8-00028	Document 2

REPORT TO : HASTINGS DISTRICT HEARINGS COMMITTEE

MEETING DATE : 18th and 19th FEBRUARY 2020

FROM : ENVIRONMENTAL POLICY MANAGER – ROWAN WALLIS

SUBJECT : VARIATION 7 SEASONAL WORKERS ACCOMMODATION

1.0 INTRODUCTION

- 1.1 This report assesses the submissions and further submissions that have been received in relation to Variation 7 Seasonal Workers Accommodation of the Proposed Hastings District Plan (the Proposed Plan) against the relevant provisions of the Resource Management Act 1991 (the RMA). It concludes by recommending whether each submission should be accepted, accepted in part or rejected. Where submissions are recommended to be accepted or accepted in part, the report also recommends the amendments required to be made to the Proposed Plan.
- 1.2 This report should be read alongside the tracked changes version of the Sections of the Proposed Plan which shows the recommended amendments resulting from the assessment of submissions in **Appendix A**.
- 1.3 The matters raised in the submissions are grouped into like issues under section 5.3 of the following report. An analysis of the submissions and further submissions for each issue group then follows.

2.0 SCOPE OF HEARING

- 2.1 The hearing addresses the following parts of the Proposed Plan:

- Section 6.2 Plains Production Zone
- Section 7.5 Light Industrial Zone
- Section 14.1 General Industrial Zone
- Section 33.1 Definitions
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- 2.2 The issues surrounding seasonal worker accommodation are not only environmental and issues relating to the physical and mental wellbeing of the seasonal workers have also been raised in submissions. This issue is dealt with in Section 21 of this report.

3.0 BACKGROUND

- 3.1 The Proposed District Plan currently makes limited provision for seasonal workers accommodation. At the time that the district plan was being reviewed seasonal workers accommodation needs were modest and provision was made within the Plains Production zone for small scale on-site facilities. These

were limited to 125m² in floor area and were provided for as a permitted activity.

- 3.2 The growth in the Registered Seasonal Employers scheme and increase in pip fruit plantings over recent seasons has resulted in much larger numbers of seasonal workers and the consequential accommodation needed to house them over the season. There has also been a noticeable drop off in the number of back packer workers passing through. Growth in planting has meant that forecasts for the future number of workers has continued to grow, with a doubling of RSE workers required by 2022.
- 3.3 The Council was approached by stakeholders on how we could assist with better providing for the forecast growth in numbers. They were concerned about the level of uncertainty which currently surrounded the process for applying for new accommodation facilities. Apart from the Plains Production zone where only very small facilities were provided for, seasonal worker accommodation was a non-complying activity within all other zones. The feedback was that there was the need for larger camp models where better pastoral care could be provided and where the safety of the workers could be guaranteed.
- 3.4 With this feedback, the Council produced a Discussion Document which was distributed to interested parties. It raised possibilities for the provision of these camp models within some of the industrial zones and also proposed an increase in scale for seasonal workers accommodation in the Plains Production zone.
- 3.5 The feedback from stakeholders on the discussion document was that they were supportive of the ability to provide for the larger camp models in the industrial zones and the ability to provide for larger numbers within the Plains Production zone. They did not express any concerns over the proposed restricted discretionary activity status of the activity.
- 3.6 The key provisions of Variation 7 that differ from those in the proposed district plan are as follows:
- Provision for seasonal workers accommodation for up to 80 workers in the Plains Production zone as a restricted discretionary activity, subject to compliance with standards.
 - A specific performance standard in the Plains Production zone that requires the land holding to be 12ha or more in area for seasonal workers accommodation.
 - Provision for seasonal workers accommodation in the Omahu and Irongate General Industrial zones as a restricted discretionary activity subject to compliance with standards.
 - A general performance standard for the maximum wastewater discharge in the Irongate General Industrial zone of 0.04 litres per second per hectare of site.

- A set of specific performance standards for seasonal workers accommodation in the General Industrial Zone, that includes standards for outdoor open space, acoustic insulation, and a requirement that accommodation be relocatable.

4.0 STATUTORY CONSIDERATIONS

4.1 In assessing the submissions the Resource Management Act 1991 requires consideration to be given to a number of matters. These include the overall statutory framework against which the Variation is considered and assessed under Section 74. These matters include:

- Part 2, Purpose and Principles;
- Section 31, the functions of territorial authorities under the Act
- Section 32, Consideration of alternatives, benefits and costs;
- Section 74, matters to be considered by territorial authorities
- Section 75, Contents of District Plans

4.2 Section 74 (Matters to be Considered by a Territorial Authority)

4.2.1 Section 74 of the Resource Management Act outlines the requirements for District Councils in terms of the preparation of, and any change to, their district plan in accordance with their functions under section 31 and the provisions of Part 2 of the RMA. It also places an obligation on the territorial authority to prepare an evaluation report in accordance with Section 32 of the Act, to have regard to the regional policy statement and any iwi management plans.

4.3 Section 31 (the Functions of Territorial Authorities)

4.3.1 The statutory functions of the District Council are set out in Section 31 of the RMA. These address long term land use and infrastructure planning. They include;

(1) (a) *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

(b) *the control of any actual or potential effects of the use, development, or the protection of land, including for the purpose of;*

(i) *the avoidance or mitigation of natural hazards; and*

(iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.*

(ii) *the maintenance of indigenous biodiversity.*

(d) *the control of the emission of noise and the mitigation of the effects of noise.*

(e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.*

(2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

4.3.2 Proposed Variation 7 will assist the Council to meet its functions under Section 31 by integrating the effects of seasonal workers accommodation with the management of the versatile land resource of the Heretaunga Plains.

4.3.3 The relief sought by the submitters will be considered in relation to the requirements of Section 31(a) and (b) and Section 32(2) and whether acceptance of the relief sought will affect Council's ability to meet its functions under Section 31 of the RMA.

4.3 Part 2 Purpose and Principles

4..1 Providing infrastructure to enable the sustainable management of the versatile land resource fits well with the Purpose and Principles of the Resource Management Act, which is the sustainable management of natural and physical resources. Section 5 of the RMA defines sustainable management as:

'managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing, and for the health and safety, while:

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations;*
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.'*

4.2.2 Proposed Variation 7 is closely linked to the sustainable management of one of the district's most important natural and physical resources, namely the versatile land of the Heretaunga Plains. It provides for seasonal worker accommodation to allow for the production and harvesting of land based primary production within the district. But while its aim is to enable communities to provide for their social, economic and cultural wellbeing it must be carried out while meeting the matters (a) through to (c) in para 4.2.1 above.

4.2.3 The current provisions for seasonal workers accommodation in the Proposed District Plan make limited provision for seasonal worker accommodation resulting in considerable uncertainty for the horticulture industry. Proposed Variation 7 seeks to achieve the balance required under Part 2 by matching the scale of development to the zones where the environmental effects can best be mitigated. This means that the scale of the seasonal workers accommodation provided for in the residential zone is less than that provided for in the Plains Production zone which in turn is less than that proposed for the industrial zones. Proposed Variation 7 has the added community

wellbeing of reducing pressure on the already stretched residential rental market.

- 4.2.4 In terms of Section 5(2) a-c making further provision for seasonal workers accommodation in the Plains Production zone could encroach to a limited degree on the versatile land of the Heretaunga Plains but it is in the landowners best interest to avoid the productive parts of the property and the properties are reliant on this labour force to manage and harvest their crops. This provides for the economic and social wellbeing under Section 5 of the Act. Both activities have a symbiotic relationship.
- 4.2.5 There are no matters of national importance under Section 6 of the Act that are applicable to Proposed Variation 7. However it should be noted that in the Section 32 Report, in reporting the meeting with iwi and the taiwhenua they did express concern over the potential impact of facilities over the unconfined aquifer. The ability to service the facilities is part of the assessment criteria for the resource consent and proof of regional council approval for the wastewater system will be required.
- 4.2.6 In terms of Section 7 of the RMA there are a number of matters that need to be taken into account. These include:
- a) *Kaitiakitanga*
 - b) *The efficient use and development of natural and physical resources.*
 - ba) *The efficiency of the end use of energy.*
 - c) *The maintenance and enhancement of amenity values.*
 - f) *maintenance and enhancement of the quality of the environment.*
 - g) *Any finite characteristics of natural and physical resources.*
- 4.2.7 Iwi and Taiwhenua are exercising their guardianship role over the aquifer by questioning the scale of development that is allowed in areas unserved by wastewater infrastructure and ensuring that the assessment criteria covers off this issue.
- 4.2.8 One of the principal objectives of Variation 7 is to ensure that the land within the Plains Production zone is used efficiently to avoid impacting on the productive capability of the land which is of national significance. This is why larger accommodation facilities are provided for in the industrial zones at Omahu and Irongate. The variation will also have efficiencies for the existing residential rental market, by taking pressure off this market.
- 4.2.9 The large scale developments provided for under Variation 7 help to achieve energy savings, by reducing the transport costs associated with picking up workers from different sites all over the Hastings area. By having them either on-site or together at camps where there is one point of collection there are energy efficiencies to be gained under the Proposed Variation.
- 4.2.10 Maintaining the amenity values of the zones associated with the Variation is an important consideration of Variation 7 and this has been considered through both the scale of the development provided for and is addressed

through the standards and terms of the Proposed District Plan with provisions such as Setbacks, Screening and Noise.

4.2.11 Section 7(f) requires consideration of the maintenance of the quality of the environment. The Plains Production zone where the bulk of the seasonal labour force is required sits over the top of the unconfined aquifer and maintaining the quality of this environment is crucial to the wellbeing of the whole district. Again limits on the scale of development provided for in the Plains Production zone will assist with maintaining the quality of the environment. The requirement for larger accommodation models to be located within the Industrial Zones where Council constructed wastewater and water infrastructure is available, assists with maintaining the quality of the environment. The stormwater rules in the Hawke's Bay Regional Resource Management Plan also ensure that the quality of the environment is maintained.

4.2.12 In terms of Section 7(g) the versatile land of the Plains Production zone is a finite resource that requires protection. Proposed Variation 7 recognises this through placing a limit on the scale of development provided for in the zone and also through a standard requiring that all building associated with seasonal workers accommodation must be either relocatable or can be retrofitted to provide for a building associated with land based primary production.

4.5 Section 32 Evaluation Report

4.5.1 Clause 5 (1) of the First Schedule of the Resource Management Act requires that for any proposed plan or variation to a proposed plan that an evaluation report be prepared in accordance with Section 32 of the Act. The evaluation report examines the extent to which the plan proposals are the most appropriate way to achieve the purpose of the Act. Councils are to have particular regard to that report when deciding whether to proceed with a variation or plan.

4.5.2 A copy of the Section 32 evaluation report for Proposed Variation 7 is attached as Appendix D

4.6 Section 75 Contents of District Plans

4.6.1 Section 75(3) of the Resource Management Act requires that a district plan must give effect to any national policy statement, New Zealand coastal policy statement and regional policy statement.

4.6.2 In terms of National Policy Statements, the National Policy Statement for Freshwater Management 2014 (amended 2017) is relevant to Proposed Variation 7. The NPS for Freshwater Management sets out objectives and policies that directs Councils to manage water in an integrated and sustainable way while providing for economic growth within set water quantity and quality limits. Regional councils are primarily responsible for implementing the NPS through their regional plans and policy statements.

4.6.3 In 2015 the Hawke's Bay Regional Council adopted their 'Progressive Implementation Programme for Hawke's Bay to implement the NPS for Freshwater management. The Regional Council has or is undertaking a number of changes to implement the NPS – FM. These include Plan Change 7 Outstanding Water Bodies and the TANK Plan Change which was recently adopted by Council but is yet to be notified. The main aim of the TANK Change is to manage land use change so that water quality is not further degraded. The Change will also address proposed water flows and limits on water allocation.

4.6.4 The National Policy Statement on Urban Development Capacity (2016) is also relevant to Proposed Variation 7. This policy statement aims to ensure that planning decisions enable the supply of housing needed to meet demand. The NPS –UDC also signals that development capacity must take into account the aggregate demand for housing and business land also the demand for different types, sizes and locations of housing. One of the objectives in the NPS- UDC set down for "outcomes for planning decisions" is *"Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing."*

4.6.5 There is also a Draft National Policy Statement for Highly Productive land. This NPS has recently been through a submission process and a final document is yet to be produced. While the document does not have any legal status the draft document remains a good indicator of the direction that final policy statement will adopt. The document aims to protect highly productive land from unnecessary development. Proposed Variation 7 seeks to achieve that same outcome that by ensuring that the scale of seasonal worker accommodation on the Plains Production zone does not adversely affect the highly productive and versatile land of the Heretaunga Plains.

4.6.6 Hawke's Bay Regional Policy Statement

The Hawke's Bay Regional Policy Statement is part of the Hawke's Bay Regional Resource Management Plan. Section 3.1B sets objectives that specifically relate to the management of the built environment including:

- Avoiding unnecessary encroachment of urban activities on the versatile land of the Heretaunga Plains (UD1)
- Provision for the land requirements for the growth of business activities in the Heretaunga Plains sub-region in a manner that supports the adopted settlement pattern (UD3)
- Enabling urban development in the Heretaunga Plains sub-region in an integrated, planned and engaged manner which allows the adequate and timely supply of land and associated infrastructure. (UD4)
- Ensuring through long term planning that the rate and location of development is integrated with the provision of strategic and other infrastructure and the provision of services. (UD5)

Policy UD1 provides for development for Urban Activities;

In providing for Urban activities territorial authorities must place priority on:

- a) the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production, and*
- b) ensuring efficient utilisation of existing infrastructure or*
- c) ensuring efficient utilisation of planned infrastructure already committed to by a local authority, but not yet constructed.*

Principal reasons and explanation

Efficient utilisation of existing infrastructure investment (or planned infrastructure already committed to (eg by funding) but not yet constructed) and the retention of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production must underpin all decisions surrounding provision for urban activity in the Heretaunga Plains sub-region in order to achieve the desired settlement pattern outlined in HPUDS2010. For clarification the supply of land for residential and industrial activities where they support effective and efficient use and management of versatile land would not conflict with Policy UD, and would assist in achieving Policy UD1(a).

4.6.7 Proposed Variation 7 gives effect to the Regional Policy Statement by ensuring that the accommodation needs of seasonal workers are provided for in an integrated way, to allow for the successful management and growth of businesses associated with land based primary production. The growth in the demand for labour on orchards is growing year on year and this is having a significant effect on urban activities. The Variation will provide for this urban activity while avoiding unnecessary encroachment on the versatile land of the Heretaunga Plains.

4.6.8 Policy UD1 requires that in addition to ensuring the retention of versatile land for primary production that issues such as reverse sensitivity will be managed. This will be achieved through plan provisions such as noise, building setbacks, landscaping and screening. The other aspect of Policy UD1 is ensuring that any urban development proposal results in the efficient utilisation of existing infrastructure. Variation 7 achieves this by making sure that the large accommodation facilities which have a greater impact on wastewater, water and stormwater, are provided for where this infrastructure is available.

4.6.9 Potential effects on sensitive waterbodies such as the unconfined aquifer (Policy UD2i) vii) will continue to be addressed through existing provisions in the Proposed District Plan relating to water and waste and the methods for onsite stormwater disposal will be safeguarded by the inclusion of a note in the performance standards of the general industrial zone which references the need to obtain resource consent from the Hawke's Bay Regional Council and a hyperlink to the Hawke's Bay Waterway Guidelines. Subdivision standards require that each site be connected to the public reticulated system where such a service is available and where not available there is a note stating that the regional rules shall be complied with prior to the activity proceeding.

4.6.10 Proposed Variation 7 introduces a limit on the volume of wastewater that can be discharged from a site at Irongate. This is to ensure that the existing wastewater system can be managed in a sustainable manner by giving each site equal access to the wastewater system that is in place. At the time that Variation 2 was undertaken the landowners sought the most cost effective servicing solution for the Irongate Industrial Zone. The zone was specifically established to cater for larger lot dry industries and therefore the wastewater solution was a lower cost/volume pressure system. The decision to provide for seasonal workers accommodation within the Irongate General Industrial Zone required the introduction of the discharge rule to ensure that the existing infrastructure was able to be used efficiently across the zone. This is consistent with the policies of the Regional Policy Statement.

5.0 SUBMISSIONS

Original Submissions

5.1 A total of seventeen submissions, resulting in 56 submission points, were received and are summarised under each issue heading below. Full copies of each original submission are contained in **Appendix B**.

5.1.1 Of note is the fact that only one submission opposes the variation outright, with the majority of the submissions supporting it in principle but seeking that amendments be made.

5.1.2 Two submissions were received out of time. One of the out of time submissions was received from Mr Greg Honnor, on behalf of the Omaha Land Trust and Irongate Way Ltd (16). This submission was received 3 days late on Wednesday 2 October 2019.

The other out of time submission was received from Andrew Ayre (17). This submission was received on the 8th November 2019 which was after the closing date for further submissions.

The Hearings Committee has the authority to waive the late receipt of the submission under Section 37 (1) (b) of the Resource Management Act, but only if it considers the interests of any person who in its opinion may be directly affected by the waiver, whether the interests of the wider community in achieving adequate assessment of the variation have been taken into account, and lastly whether unreasonable delay has been avoided.

In the instance of the submission from Mr Greg Honnor, on behalf of Omaha Land Trust and Irongate Way Ltd, there is no one directly affected by the waiver and there was the ability to lodge a submission of support or opposition to the submission by Mr Honnor. Mr Honnor also raises issues in his submission that may be of interest to the wider community in considering the effects of providing for seasonal worker accommodation in the Irongate area. The final point for consideration is whether the waiver caused unreasonable delay. In this instance this was not the case with the delay not affecting the ability to notify the Summary of Submissions in a timely manner.

However in considering these same points for the submission lodged by Mr Ayre, the submission was received after the closing date for the lodging of further submissions and therefore this did not allow any party the opportunity to make a further submission on this submission. This could directly affect some landowners within the General Industrial Zone at Irongate.

It is therefore recommended that pursuant to Section 37 (1) (b) of the Resource Management Act 1991 the late submission from Mr Greg Honnor on behalf of Omahu Land Trust and Irongate Way Ltd be accepted but that the submission from Mr Andrew Ayre not be accepted as it would not allow the interests of those who may be directly affected to be put forward.

Further Submissions

- 5.2 A total of six further submissions were received on 53 separate submission points. Full copies of each further submission are contained in **Appendix C**.

Submissions Analysis

- 5.3 This part of the report outlines the issues raised by the submitters. Each of the issues specifically identified by submitters will be considered with a recommendation made on each particular issue (or decision requested).

- 5.3.1 Each submission will be considered in respect to Section 32 of the Resource Management Act 1991. An original Section 32 Report was completed prior to the release of the proposed plan to assess the most appropriate methods in achieving the objectives through a costs/benefits assessment of all significant changes. This report is included as **Appendix D**. Where relevant, any further changes as a result of submissions to the Plan will be assessed in the analysis below as part of the Section 32AA requirements.

The submissions received generally fall into a number of separate issue categories and are discussed in the sections shown in the table below, with like submissions being grouped together]

No	Issue	Submitter Name	Section of this Report
Issue 1	Outright support of Variation 7	Hawke's Bay Fruitgrowers (8)	6
Issue 2	Withdrawal of Variation 7	A & J Maurenbrecher and others (11)	7

Issue 3	Rule PP9 - Increase the permitted activity floor limit from 125m ² to 200m ² .	Surveying the Bay (14); Mr Apple Ltd (FS1), Horticulture NZ (FS3), HB Fruitgrowers (FS6) Horticulture NZ (12),	8
Issue 4	Introduce a new RD activity in Table 6.2.4 to allow for up to 40 workers on sites between 6 and 12 ha	Surveying the Bay(14) ; Mr Apple Ltd(FS1),Horticulture NZ(FS3),HB Fruitgrowers (FS6),A& J Maurenbrecher and Others (FS2)	9
Issue 5	Amend the status of RD activities not complying with the standards from non-complying to discretionary.	Horticulture NZ (12)	10
Issue 6	12 hectare minimum performance standard	John Roil (4);Horticulture NZ (FS3), A& J Maurenbrecher & Others (FS2), HB Fruitgrowers (FS6) Horticulture NZ (12); A& J Maurenbrecher & Others (FS2), HB Fruitgrowers (FS6) A& J Maurenbrecher & Others (11) Diane Joyce (1); A& J Maurenbrecher & Others (FS2)	11
Issue 7	Outdoor Recreation	Chris Lambourne &	12

	standards should be applied in the Plains Zone	Brenda Armstrong (6); Horticulture NZ (FS3)	
Issue 8	Requirement for buildings to be relocatable	Diane Joyce(1); A& J Maurenbrecher & Others (FS2)	13
Issue 9	Assessment Criteria 6.2.8 J	John Roil (4); Horticulture NZ (FS3), A& J Maurenbrecher & Others (FS2)	14
Issue 10	Set maximum for number of workers in the industrial zones and Activity Status	Horticulture NZ (12) Turners and Growers (5)	15
Issue 11	Re-word Policy IZP17B	Bruce Stephenson Family Trust & Stephenson Transport (2) ; A& J Maurenbrecher & Others (FS2)	16
Issue 12	Servicing at Irongate	Bruce Stephenson Family Trust & Stephenson Transport (2); A& J Maurenbrecher & Others (FS2) John Roil (4); A & J Maurenbrecher & Others (FS2) Greg Honnor (16)	17
Issue 13	Provide for Seasonal Workers Accommodation in the Whakatu Industrial area	Turners and Growers (5); A& J Maurenbrecher & Others (FS2), HB	18

		Fruitgrowers (FS6)	
Issue 14	Reverse Sensitivity	Greg Honnor (16) ; Horticulture NZ (FS3) Navilluso Holdings Ltd (9); Horticulture NZ (FS3)	19
Issue 15	Reduce minimum area requirement for outdoor recreation area	John Roil (4) ; HB Fruitgrowers (FS6)	20
Issue 16	Pastoral Care & Monitoring	Diane Joyce (1); A & J Maurenbrecher & Others (FS2), HB Fruitgrowers Chris Lambourne (6); HB Fruitgrowers (FS6) Victor Saywell (15) ; A & J Maurenbrecher & Others (FS2), HB Fruitgrowers (FS6) Johanna Croskery (7); Michael Sutherland (FS4)	21
Issue 17	Cross Zone Issues	John Roil (4) A & J Maurenbrecher & Others (FS2)	22
Issue 18	Alternative Uses	Diane Joyce (1); A & J Maurenbrecher & Others (FS2), Navilluso Holdings Ltd (9); A & J Maurenbrecher & Others (FS2) Chris Lambourne &	23

		<p>Brenda Armstrong (6)</p> <p>R Griffiths (13) A & J Maurenbrecher & Others (FS2)</p> <p>Greg Honnor (16)</p> <p>A & J Maurenbrecher and Others (11)</p>	
Issue 19	Definition of Residential Activity	<p>Turners and Growers (5); HB Fruitgrowers (FS6)</p> <p>Horticulture NZ (12) ; HB Fruitgrowers(FS6)</p>	24
Issue 20	Effects on Aquifer/Groundwater	<p>J Croskery (7)</p> <p>J Sutherland (3)</p> <p>R Griffiths (13); A & J Maurenbrecher & Others (FS2), Michael Sutherland (FS4)</p> <p>Hawke's Bay Regional Council (10) A & J Maurenbrecher & Others (FS2), Horticulture NZ (FS3)</p>	25
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Issue 24	Extend Provisions to Rural Zone	Horticulture NZ (12); A & J Maurenbrecher & Others (FS2)	29

6.0 Issue 1 Outright Support

6.1 The submission from **Hawke's Bay Fruitgrowers (8)** seeks that Variation 7 be accepted in full.

6.2 Recommendation – That submission from Hawke's Bay Fruitgrowers be accepted.

7.0 Issue 2 Withdrawal of the Variation

7.1 The submission from **A&J Maurenbrecher and Others (11)** supports the provisions of seasonal workers accommodation in the Hastings District but opposes the changes to the specific provisions of the District Plan. They seek that the proposal is declined in its entirety, but failing that the text should be amended to enable existing undersized Plains Production Zone lots of inferior soils to be utilised for seasonal workers accommodation and for other accommodation purposes in the offseason.

7.2 The alternative decision option put forward by A&J Maurenbrecher and Others (11) will be discussed in Issue 6 and 18.

7.3 Recommendation – Withdrawal of variation

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;

A 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.

8.0 Issue 3 Increase floor limit of Permitted Activity rule

8.1 **Surveying the Bay (14)** and **Horticulture New Zealand Ltd (12)** have both sought to have the floor limit associated with the permitted activity seasonal worker accommodation increased. Surveying the Bay have submitted that with the recent Department of Labour changes to the per employee sleeping

area requirements the number of workers able to be accommodated as a permitted activity has significantly declined from the previous level of around 20 workers. In order to maintain this number of workers it is suggested that the minimum floor area needs to be raised from the current 125m² limit to 200m².

Horticulture New Zealand Ltd make the same point as Surveying the Bay with regard to the increase in the floor area per employee that is required by the Department of Labour reducing the number of workers allowed on site as of right. They do not seek any specific new floor area limit in their submission.

8.2 **Mr Apple Ltd (FS1), Horticulture NZ (FS3), HB Fruitgrowers (FS6)** all support the submission by Surveying the Bay for the increased floor area limit around the 20 worker model.

8.3 The current floor area limits were not previously set around the number of seasonal workers that were aimed to be accommodated. When the performance standard was originally drafted at the time of the District Plan Review it was set at 100m² which was consistent with the maximum floor areas established for industrial and commercial activities within the zone. The objective of the 100m² floor limit was to minimise the amount of versatile land taken out of production by activities that are not land based. Through the submission process it was increased to 125m² which had been the standard for visitor accommodation within the operative district plan. Based on the 4.5m² per person required by the Department of Labour, the total floor area required for 20 people would be 90m². On top of this space is also required for bathroom/cooking and communal areas. It is clear that the existing maximum floor area would be insufficient to cater for 20 workers.

However the district plan deals primarily with effects on the environment, and the effect on concern is the impact of buildings on the limited versatile land resource, and on the on-site servicing impacts of large scale activities, especially over the unconfined aquifer. A floor area of 125m² is considered to be an appropriate level below which effects on the soil resource can be expected to be minor, and this is consistent with the approach taken in the Plan to other activities that are not directly land based. Restricted discretionary activity status for larger buildings is considered appropriate, as it allows for consideration of effects, including on the soil resource. For these reasons, it is recommended that the maximum floor area for permitted seasonal worker accommodation not be increased.

However there is a situation where it is not appropriate to apply this rule and that is where the seasonal workers accommodation is to be provided for within an existing dwelling on the site. For this reason a note will be added to the bottom of the rule table which states;

Note: The 125m² maximum floor area requirement will not be applied if the accommodation is to take place within an existing dwelling on the site.

For the avoidance of doubt, seasonal workers accommodation being provided in an existing dwelling would still need to meet the relevant standards and

terms, including specific performance standard 6.2.6K. If those standards were not met, it would be a restricted discretionary activity under Rule PP24.

8.4 Recommendation - 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 be rejected.

B That as a consequence of recommendation 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;

A 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.

B The rule centres around the environmental effects of the building on the versatile land and not the number of workers.

9.0 Issue 4 Rule Changes in Table 6.2.4

9.1 **Surveying the Bay (14)** has submitted that an anomaly has been created where the scale of development is such that there should be another class of seasonal worker accommodation that is of a scale more suited to the sites below the 12 ha minimum site area in the Plains Production zone. This would remain a restricted discretionary activity with accommodation for up to 40 workers and on sites between 6 and 12 hectares in area.

9.2 Mr Apple NZ Ltd (FS1) supports the submission of Surveying the Bay, HB Fruitgrowers Ltd (FS3) seeks further clarification and Horticulture NZ Ltd (FS1) and A & J Maurenbrecher & Others (FS2) do not support the submission as they want no limit on site sizes.

9.3 The rules associated with the Plains Production zone are designed to allow for growers to provide for their own workers on-site up to a scale where the effects on the environment remain appropriate. The reason for applying the 12 ha standard is that this is the minimum site size for a complying lot within the Plains Production Zone. It is acknowledged that there are some smaller sites within the Plains Production zone but the permitted activity rule for seasonal workers accommodation up to 125m² provides for the servicing of these sites. The rules acknowledge that the larger complying lots need a larger seasonal workforce but that there is a limit to the scale of the activity that the Plains environment can sustain.

9.4 While the submitter is drawing attention to the difficulty of using smaller sites for seasonal workers it is considered that the current provisions are appropriate. Objective PPO1 of the Plains Production zone is "*to ensure that*

the versatile land across the Plains Production Zone is not fragmented or compromised by building and development”, and Policy PPP3 is to “Limit the number and scale of buildings (other than those covered by Policy PPP4) impacting on the versatile soils of the District.” The purpose of limiting the scale of seasonal workers accommodation to 125m² for sites below 12 hectares is to achieve that objective and policy. Allowing for larger buildings on already undersized sites would, on the face of it, fail to achieve those requirements. It would also fail to encourage the amalgamation of smaller lots into larger land parcels as required by Policy PPP1, by enabling non-land based activities on undersized sites.

If a particular proposal can demonstrate it is not contrary to those (and other) requirements, and is otherwise worthy, a non-complying activity consent can be granted.

For these reasons, having a separate activity for seasonal workers accommodation on undersized lots is not supported. It is noted that this issue is closely aligned with Issue 6 which relates to the minimum site size Performance Standard for seasonal workers accommodation.

9.4 Recommendation – 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 recommendation A above the submission of support from Mr Apple Ltd also be rejected.**
- C That as a consequence of recommendation A above the submission of opposition by Horticulture NZ (FS1), HB Fruitgrowers (FS3), and A & J Maurenbrecher and Others (FS2) is accepted.**

For the following reason;

- A 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.**

10.0 Issue 5 - Status of Activities not Complying with Conditions

- 10.1 Horticulture NZ Ltd (12) has submitted that the status of a restricted discretionary activity that does not meet the performance standards, should not fall to a non-complying status but instead should be treated as a discretionary activity. The submission states that the establishment of seasonal worker accommodation within the Plains Production Zone for over 80 workers would not be contrary to the policies of the plan and therefore any analysis would focus on the effects of the proposal which could be fully considered within the ambit of a discretionary status.**

10.2 The second part of their submission was that defaulting to a non-complying activity status would also act as a disincentive for people to apply for resource consent.

10.3 It is accepted that seasonal workers accommodation is, in principle, a legitimate activity within the Plains Production Zone and would generally not be contrary to the overall objectives and policies of the zone. However the scale of the accommodation is a very important consideration for the zone and this is outlined in Policy PPP5 *“Recognise that residential dwellings and buildings accessory to them are part of primary production land use but that the adverse effects of these buildings on the versatile land of the Plains Production Zone are managed by specifying the number and size of the buildings that are permitted.”* This is further explained in the Explanation to Policy PPP5 whereby it is stated that *“Beyond the 80 resident limit the scale of the activity is considered to have more significant effects on the versatile land with building scale and the requirements around on-site servicing”*.

The Council wants to give a clear message through the Plan that once the scale of the activity provided for in the zone is exceeded, the level of effects is more appropriate within the industrial zones where such scale is provided for and versatile land is not at risk. This is the principal reason for defaulting to a non-complying activity.

In addition, non-complying activity status is considered to give effect to relevant objectives and policies as noted above, and is consistent with approach taken to oversize commercial and industrial activities seeking to establish in the zone (PP39), and where more than one residential building is proposed (PP38).

10.4 Recommendation – 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:

A 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.

11.0 Issue 6 – 12ha Site Minimum Performance Standard

- 11.1 **John Roil (4)** ; Horticulture NZ Ltd (FS3) A& J Maurenbrecher & Others (FS2) HB Fruitgrowers (FS6)
Horticulture NZ Ltd (12) ; A& J Maurenbrecher & Others (FS2) Support, HB Fruitgrowers (FS6) Support
A& J Maurenbrecher & Others (11)

- 11.2 Original submissions from John Roil, Horticulture NZ Ltd, and A & J Maurenbrecher & Others all seek that sites less than 12ha in area should be considered suitable for RSE Accommodation. Horticulture New Zealand submit that the reason for the minimum 12 ha site size is not clear and that the activity would be subject to assessment through the resource consent process during which the effects of the activity could be considered. Horticulture New Zealand has suggested that an alternative could be the inclusion of an additional matter of discretion that specifically considers the area of site that will be removed from primary production relative to the total area of the site.

- 11.3 The submission of A & J Maurenbrecher and Others seeks to have the proposal declined in its entirety but have proposed that if this request is declined that an alternative would be to allow for existing undersized Plains Production zoned lots to be utilised for seasonal workers accommodation and other accommodation in the off season.

- 11.4 As discussed in Section 9.0 of this report, under Issue 4, the 12 ha minimum is based upon the minimum subdivision site size for Plains Production Zone land. Most of the discussion in Section 9.0 also applies to this Issue.

One of the principal objectives of the Plains Production zone is to maintain larger tracts of land for the purpose of land based primary production. One of the justifications for providing for seasonal accommodation on-site is to enable individual growers to meet their own labour requirements on-site. There is a correlation in the potential for adverse effects between larger facilities and diminishing site area.

- 11.5 While it is acknowledged that there is a performance standard that requires that the buildings are relocatable or can be reconfigured as accessory farm buildings, there are still concerns over scale and discharge effects that are intensified over a smaller area. In its submission, the Hawke's Bay Regional Council states that wastewater discharges from RSE facilities can be relatively large and that there can be cumulative effects from discharges of this nature. They further state that the potential contamination issues for groundwater and particularly the unconfined aquifer come from the density of people proposed to reside within the accommodation and the peripheral impacts from their activities such as car parking and increased stormwater runoff etc. In his evidence at Appendix E, the Hastings District Council's 3 Waters Engineer states that *"the efficiency of on-site stormwater systems can be compromised where there is insufficient land available to retain stormwater flows in heavy rain events resulting in the flushing out of captured contaminants and uncontrolled*

overland flow". The 12 hectare minimum is an appropriate method to ensure such potential effects can be fully addressed through the resource consent process.

- 11.5 If the 12 hectare minimum standard cannot be met the activity falls to a non-complying resource consent application. This activity status does not preclude sites of smaller size and inferior soils from being utilised for seasonal workers accommodation. They must however be able to show that the effects of such an activity are no more than minor or that they are not contrary to the objectives of the Proposed District Plan.

11.6 Recommendation – 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 recommendation 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;

- A 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.**
- B 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**

12.0 Issue 7 Outdoor Recreation Provisions in Plains Production Zone

- 12.1 **Chris Lambourne and Brenda Armstrong (6) and Horticulture New Zealand Ltd (FS3) Oppose**
- 12.2 The submitters have supported the inclusion of a performance standard in the Industrial Zones that requires provision of an area for outdoor recreation activities for seasonal workers. They seek to have the same standard included in the Plains Production zone. Horticulture New Zealand has lodged a submission in opposition to the submission.
- 12.3 The submitters state that having RSE Accommodation on an orchard does not address the recreational needs of the workers. However the reasoning behind the performance standard in the General Industrial Zone is that sites should be large enough to ensure that there is an area of outdoor open space for the

workers to provide for their health and wellbeing, rather than having to be inside at all times. The Plains Production Zone provisions for seasonal workers accommodation effectively provides the same outcome by requiring the site to be a minimum of 12 hectares. It is considered that it is not necessary to stipulate open space requirements for facilities within the Plains Production zone as these areas are open space by nature.

In terms of providing specific recreational features, that is a function of pastoral care, rather than something that is appropriate to require under the District Plan, which is primarily focussed on effects of activities. Ensuring that the pastoral care of the workers is provided for and maintained falls under the jurisdiction of the Department of Labour.

12.4 Recommendation – Outdoor Recreation Provisions in the 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 recommendation A above the further submission of opposition by Horticulture New Zealand Ltd (FS3) be accepted.**

For the reason that:

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

13.0 Issue 8 Requirement for Buildings to be relocatable

13.1 **Diane Joyce (1)** and A& J Maurenbrecher & Others (FS2)

13.2 The submitter seeks to have a condition that the on-site accommodation would be removed if the employer ceased to be accredited. The further submission opposes the request. Variation 7 already includes a performance standard in the Plains Production zone (6.2.6K) that any new building shall be relocatable or is able to be reconfigured to buildings accessory to land based primary production. Similarly in the Industrial zones, new seasonal workers buildings are required to be relocatable or able to be reconfigured to an industrial purpose. This standard is likely to be secured as a condition of resource consent approval, although it is likely to be linked to the use of the building for seasonal workers accommodation, rather than the accredited status of the provider.

13.3 Recommendation – Requirement for Buildings to be Relocatable

A That the submission by Diane Joyce (1) seeking to have a condition that on-site accommodation be removed if the employer ceased to have accreditation be rejected.

B That as a consequence of recommendation A above the further submission in opposition from A & J Maurenbrecher and Others (FS2) be accepted.

For the reason that;

A Seasonal workers accommodation is considered to be a temporary activity 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.

14.0 Issue 9 Assessment Criteria 6.2.8J

14.1 **John Roil (4)** and Horticulture New Zealand (FS3) and A& J Maurenbrecher & Others (FS2)

14.2 The submission seeks that the quality of the soil should form part of the assessment criteria for RSE accommodation. This does form part of the provisions of Variation 7 at 6.2.8J (d) “ *Whether soil values have been taken into account in the chosen site for the building and whether buildings can be located on a part of the site where land versatility is already compromised.*” Horticulture New Zealand and A& J Maurenbrecher & Others support the submission.

14.3 Recommendation – 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 recommendation 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 ;

A 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.

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

15.1 Horticulture New Zealand (12) and Turners and Growers (5)

15.2 Under Variation 7 there are a number of performance standards that apply to seasonal workers accommodation within the General Industrial zones at Omaha and Irongate, and the Light Industrial zones. The submitter seeks to have a limit imposed on the number of workers to be accommodated on a site within the industrial zones. The reasoning is that a maximum was discussed with stakeholders in the consultation document and the figure of 300 was raised.

15.3 The reasoning behind setting a maximum for the number of workers on a site is around the effects of larger scale activities on the environment. This is particularly important on the Plains Production zone where the scale of activities can adversely impact on the versatile land resource, the character and amenity and where the servicing has an increased potential for affecting ground water. However in the Industrial zones the scale of the proposal does not have the same level of potential effects. However it is accepted that as a restricted discretionary activity, it may be appropriate to have a limit on the numbers provided for on a site. Where the number of persons to be accommodated exceeds 300, the level of effects could be expected to extend beyond the limited range which is the principle behind the restricted discretionary status. Beyond this limit the activity would be a discretionary activity and this would allow full discretion to be exercised.

15.4 Turners and Growers has submitted that the activity status for seasonal workers accommodation in the Omaha and Irongate General Industrial zones should be permitted or controlled. There are a number of effects of seasonal workers accommodation within the industrial zones and the potential for these effects is such that it may not always be appropriate for them to be managed through performance standards or consent conditions, meaning consent may need to be refused. An example of this may be in circumstances where there is a significant degree of reverse sensitivity associated with the site.

15.5 Recommendation- Set a Maximum for Number of Workers in 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 Omaha and Irongate Industrial zones be permitted or controlled, be rejected.

For the reasons that:

A 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.

- B** 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.

16.0 Issue 11 – Re-Word Policy IZP17B

- 16.1 Bruce Stephenson Family Trust & Stephenson Transport (2), A & J Maurenbrecher & Others (FS2) Oppose,
- 16.2 The submission states that the explanation to this policy needs to be reviewed, as no attempt has been made to ensure that the objective of allowing camp style accommodation at Irongate can be met. It further states that the engineering decision to limit the capacity of the servicing infrastructure is now unfairly restricting the land owner who wishes to take up the opportunity to establish seasonal workers accommodation at Irongate. It also states that there is no definition of the term dry industry and as a result it should be deleted.

For ease of reference, the Policy and its explanation is as follows:

To ensure that the scale of seasonal workers accommodation is consistent with the infrastructure capacity of the Irongate Industrial Zone

Explanation

The infrastructure associated with the Irongate Industrial Zone has been based on dry industry. This means that there is limited capacity available in the wastewater system. As a result the Council has developed a formula to enable landowners to gauge the scale of accommodation that could be constructed on the site. This formula is applied as a performance standard within the zone. This might mean that the ability to fully develop the site may need to be sacrificed if seasonal workers accommodation is to be constructed.

- 16.2 The explanation to the policy reflects the status of the infrastructure capacity at Irongate. It is evident that there is demand for seasonal worker accommodation at Irongate and Council has provided for this activity at Irongate to allow landowners choice in how they wish to use their land. Policy IZP17B recognises that there is a limitation in the infrastructure capacity and signals that the scale of seasonal workers accommodation is an important consideration for landowners. The submitter is correct in stating that there is a restriction on the landowner, in that if they wish to take up the opportunity of providing for seasonal worker accommodation, they may not be also able to fully utilise the site for industrial purposes. The infrastructure limitations and

what this might mean for use of the land have been clearly set out in the Explanation to Policy IZP17B.

The submission implies that the limit on the wastewater capacity is an engineering decision and that this can be simply rectified by further engineering input. Council's 3 Water Manager has provided evidence on this issue (attached as Appendix 5) and states that the current system was based on dry industry development and an expectation of future population and demand, and the available capacity is fixed. Seasonal worker accommodation generates additional volumes of wastewater that were not anticipated at the time the infrastructure was designed and commissioned. The wastewater performance standard 14.1.6A.10 provides landowners with a fixed volume of allowable wastewater discharge per second per hectare of site which then allows the landowner to make an informed decision as to how they will use their land within those parameters. The policy explanation wording is considered appropriate to explain this issue.

16.3 Recommendation – Re Wording of 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 recommendation A above the further submission in opposition from A & J Maurenbrecher and Others (FS2) be accepted.**

For the reason that:

- A 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.**

17.0 Issue 12 – Servicing at Irongate

- 17.1 Bruce Stephenson Family Trust & Stephenson Transport (2) A& J Maurenbrecher & Others (FS2) Oppose, John Roil (4) A& J Maurenbrecher & Others (FS2) Support, Greg Honnor (16)**

- 17.2 The Stephenson Family Trust, and John Roil seek to have the wastewater infrastructure upgraded to support the provision of seasonal workers accommodation and to ensure that there are no servicing limitations around other activities on the site.**

The Stephenson Family Trust have submitted that the Council seems to have selected the type of reticulation system first and then imposed restrictions on the type of activities permitted in the zone which they state from an RMA perspective is the wrong way around. They seek to have Rule 14.1.6A.10 amended to lift the maximum wastewater discharge volume to a level that would permit RSE accommodation for up to 300 persons.

17.3 The servicing of the Irongate area has its origins in Variation 2 to the Proposed District Plan which rezoned the area to General Industrial in 2016. The rezoning of the land at Irongate was for the specific purpose of providing for larger lot dry industrial land, as reflected in Policy IZP14 “*Provide for the establishment of dry industrial activities on larger sites in the Irongate Industrial Area*”. This is to meet a need that was not specifically provided for in other industrial areas of the district. As part of the submission process on Variation 2 landowners made submissions on the cost of servicing the land and as a result alternative on site stormwater servicing proposals were adopted. Subsequent to the completion of the hearing the landowners met with the Council to further discuss the development contributions that would be set for the Irongate area, to ensure that the levels were kept as low as possible. The infrastructure services provided at Irongate reflect both the original purpose of the zone and the desire to have a functional but cost efficient servicing system.

17.4 Part of the relief sought in the submission from the Stephenson Family Trust and John Roil is for the infrastructure to be upgraded or to release spare capacity. Brett Chapman (the 3 Waters Manager) explains how the maximum discharge volume was arrived at in his evidence at Appendix E. The Stephenson’s submission seeks to have the maximum discharge volume raised to a level that would allow for 300 seasonal workers to be provided for and suggests an increase from 0.04 l/s to 0.12 l/s. Mr Chapman states that such an increase is not able to be accommodated with the current infrastructure and new infrastructure would be required to accommodate it. No such new infrastructure is planned or funded. Night pumping has also been a suggested means of allowing for greater numbers to be accommodated on site, however Mr Chapman states that the system relies on buffering via on site storage which means that pumping can and does occur during off peak hours. Furthermore it is expected that full scheme capacity could be reached in 5- 10 years so with full capacity off peak use will also increase. It is evident that the only means of providing for an increase in discharge capacity is to upgrade the infrastructure and there is no plan for this to occur.

An important objective of the District Plan is to “*ensure the efficient use of existing and planned infrastructure in nominated industrial areas*”. The careful management of existing wastewater infrastructure is an important objective which any change to the Plan must give effect to.

17.5 Mr Honnor has submitted that the increased wastewater demands could be problematic for industrial use and he seeks clarification of the intent of Rule GI16. It is noted that Rule GI 16 applies to all activities in Irongate and not just seasonal workers accommodation. The approach is to provide each site with a proportional share in the total capacity of the wastewater volume for Irongate. The limits have been calculated based on dry industry and this can be seen in the Table of Mr Chapman’s evidence in Appendix E. As such it is not expected that this new rule will limit industrial development if there are no

high-demand generating additional activities (such as seasonal workers accommodation) on site. The standard is intended to ensure that development of seasonal workers accommodation on one site does not take up a large amount of capacity to the detriment of other sites within the Irongate area who come to develop later. A site owner wishing to develop seasonal workers accommodation will need to make a choice as to how best to utilise their wastewater entitlement, on the understanding that such use of the site may compromise their ability to also use it for industrial purposes.

The intent of Rule GI16 is that any activity that does not meet the wastewater standard would be a non-complying activity and would have to show how they propose to deal with their excess wastewater discharge. It would also need to demonstrate compliance with relevant objectives and policies, such as Objective IZO1 which relates to the “... *efficient and optimum use and development of existing industrial resources within the Hastings District*” and demonstrate that it was not comprising the availability of industrially zoned land for industrial activities.

17.5 Recommendation – 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 recommendation A above the further submission from A & J Maurenbrecher and Others (FS2) in opposition be accepted.**
- D That as a consequence of recommendation A above the further submission from A & J Maurenbrecher and Others (FS2) in support of John Roil’s submission be rejected.**

For the reasons that;

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

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

18.1 **Turners and Growers (5)** A & J Maurenbrecher & Others (FS2) Oppose , HB Fruitgrowers (FS6) Support

18.2 Turners and Growers has submitted that seasonal workers accommodation should be provided for in the Whakatu Industrial Zone as this would provide greater land area and options for employers and because there are several large seasonal employers located in Whakatu with existing land holdings. HB Fruitgrowers support the submission and A & J Maurenbrecher and Others oppose the submission.

18.3 The rationale for not providing for seasonal workers accommodation in the General Industrial Zone at Whakatu as part of Variation 7 was that with the significant trade waste facilities, the zone is set aside for wet industry and there is little available land within the zone. Provision for seasonal worker accommodation at Omaha and Irongate was therefore considered to be a more sustainable use of resources than providing for it at Whakatu.

18.4 It is acknowledged that a number of the established seasonal employers have land holdings at Whakatu and that it would be practical to allow for them to provide for accommodation on-site. There are however a number of servicing limitations associated with further development of the Whakatu Industrial area. In his evidence at Appendix E Mr Chapman states that there is no reticulated water supply at Whakatu and that the recent moratorium placed by the Regional Council on the granting of any new consents to abstract water this places limitations on future development. There are also stormwater disposal constraints in the central areas of Whakatu which do not have access to the Whakatu west stormwater scheme. The recently completed Regional Industrial Land Strategy recommends that stormwater solutions are needed for the Whakatu area to enable development of the vacant land within the zone. With these limitations it is not recommended that provision be made for seasonal worker accommodation in the Whakatu Industrial zone.

18.5 Recommendation-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 recommendation A above the submission of opposition from A & J Maurenbrecher and Others (FS2) be accepted.

C That as a consequence of recommendation 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.

- 19.0 Issue 14 - Reverse Sensitivity
- 19.1 **Navilluso Holdings Ltd (9), Horticulture NZ Ltd (FS3), Greg Honnor (16)**
Horticulture NZ Ltd (FS3)
- 19.2 The submitters are both concerned over the potential for seasonal workers accommodation to have adverse effects on the existing industry and on any future industrial development on the sites. The submissions seek to ensure both that the accommodation is of a high standard to ensure that high quality industrial land users are attracted to the area; and also so that the residential activity does not restrict adjoining industrial activities in their ability to undertake their day to day activities.
- 19.3 Navilluso Holdings Ltd seek some specific amendments to the Specific Performance Standards and Terms in Section 14.1.7.9. The requested amendments are shown in italics:
- (c) All buildings which are part of the seasonal workers accommodation shall be *newly constructed* relocatable buildings or *new buildings with the ability* to be reconfigured to an industrial purpose.
 - (d) *Seasonal workers accommodation shall not be used for emergency housing or any other accommodation other than for the seasonal workforce which specifically serves the primary production industry.*
 - (e) *Appropriate screening shall be constructed within the boundaries of seasonal workers accommodation to limit reverse sensitivity effects and ensure that the ability of adjoining industrial activities to continue their day to day activities is not compromised.*
- 19.4 The wording of standard 14.1.7.9 (c) is to ensure that "new buildings" are relocatable or able to be reconfigured to an industrial purpose. The reference to "new buildings" recognises that there may be existing buildings on site which are proposed to be used as seasonal workers accommodation. Such buildings are not required to be relocatable, although presumably they would be able to be converted back to an industrial purpose if the seasonal workers use ceased. The submitter's suggested change to 14.1.7.9(c) would not allow for the use of existing buildings on site and therefore the wording suggested is not accepted.

The submitter appears to be seeking to avoid a situation where older buildings of poor quality are relocated onto the site to be used for seasonal workers accommodation, thereby lowering the amenity of the area. It is not considered that this concern is one that warrants a change to the Plan. The Industrial Zone is not one which requires a particularly high level of amenity, and existing requirements imposed by the Building Act and the Department of Labour are considered sufficient to ensure buildings achieve a suitable level of amenity.

19.5 The second part of the relief seeks to ensure that seasonal workers accommodation shall not be used for emergency housing or other accommodation. Emergency housing or other residential uses do not fall within the activity 'seasonal workers accommodation' and would be a non-complying activity under Rule G113 of the Proposed District Plan. A resource consent application would be required for this type of activity to occur. This is the same process that would be followed if the performance standard sought by the submitter was put in place. The issue of concern is therefore considered to be covered by the existing provisions of the Proposed District Plan.

19.6 The relief sought also raises the need for a performance standard for the screening of the site. The Proposed District Plan does provide for screening and landscaping where the industrial sites adjoin Plains or Residential zones, and it is considered that this standard would also be effective in reducing potential reverse sensitivity effects between the seasonal workers accommodation and the industrial activities. The wording proposed is "*A 1.8m high solid fence shall be provided along the full length of any side or rear boundary of the site.*"

19.7 The submission from Greg Honnor states that positioning of the seasonal workers accommodation is important and also seeks that seasonal worker accommodation should not be located within the heart of the industrial zone but should be on the periphery of industrial areas. There is no clear effects-based reason for such a rule. The reverse sensitivity effects will be dependent on the type of activity adjacent to or in the immediate vicinity of the seasonal workers accommodation. The fact that seasonal workers accommodation requires resource consent allows consideration to be given to the effects on adjoining properties. The assessment criteria under section 14.1.8.4 specifically requires that consideration be given to "*whether the activity will have reverse sensitivity effects on adjoining activities.*" The restricted discretionary activity status allows for consent to be declined if reverse sensitivity effects cannot be suitably mitigated.

19.8 Recommendation : 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 recommendation A above the further submissions in support from Horticulture New Zealand also be accepted in part.

For the reasons that;

- A** Preventing relocated buildings being used for seasonal workers accommodation is 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.
- B** That the imposition of a screening standard will assist with mitigating the effects of reverse sensitivity.
- C** The assessment criteria for seasonal workers accommodation includes consideration of whether the activity will have reverse sensitivity effects on adjoin activities.

20.0 Issue 15 - Reduce Minimum Outdoor Area Requirement

20.1 John Roil (4), Hawke's Bay Fruitgrowers (FS6)

20.2 Mr Roil has submitted that the 10m² of open space per resident required by performance standard 14.1.7.9 (a), is in excess of what is required. The submission is supported by Hawke's Bay Fruitgrowers. The outcome for the provision states that “outdoor amenity for the residents is an important component of the accommodation facilities and should be of a form able to meet active recreational needs”. In carrying out the investigation into the outdoor recreation needs of the seasonal workers it became evident that there were no guidelines provided by the Department of Labour or other government agency with responsibility for the workers. The workers generally play a mixture of football, volleyball and touch rugby and, as such, there is a need for a reasonable area of land to allow for this type of activity. Investigation was undertaken of the area of land required to meet these types of activities and this is how the figure of 10m² per resident was arrived at. There is no direct comparison that could be found but outdoor space for early childhood centres requires a minimum of 5m² per child. Grown adults would require greater areas than pre-school children so the 10m² area proposed is considered realistic. It should also be noted that unlike the residential zones, the industrial zones do not have ready access to areas of public open space, in the form of

neighbourhood parks or sports parks. This emphasises the need for a reasonable area of open space proportional to the number of residents.

20.3 Recommendation : Reduce Minimum Outdoor Area

A That the submission of John Roil (9) seeking that the minimum area of open space per resident be reduced from the 10m² minimum be rejected.

B That as a consequence of recommendation A above the further submissions in support from Horticulture New Zealand also be rejected.

20.4 For the reasons that;

A The standard ensures that the area of open space available will allow for the type of recreation activities typically undertaken.

B It provides for the health and wellbeing of the residents of the seasonal workers accommodation.

21.0 Issue 16 Pastoral Care and Monitoring

21.1 **Diane Joyce (1)**; A & J Maurenbrecher & Others (FS2) Oppose, HB Fruitgrowers (FS6) Oppose
Chris Lambourne and Brenda Armstrong (6); HB Fruitgrowers (FS6) Oppose
Victor Saywell (15); A & J Maurenbrecher & Others (FS2) Support, HB Fruitgrowers (FS6) Oppose
Johanna Croskery (7); Michael Sutherland (FS4) Support

21.2 The submitters have all raised concerns over the pastoral care of the workers recruited through the Recognised Seasonal Employers scheme. Diane Joyce has requested that conditions requiring pastoral care for transport and other services be imposed to ensure that an 'out or sight out of mind' attitude does not develop. The submission of Chris Lambourne and Brenda Armstrong is also concerned about worker isolation and access to transport, church and social support

21.3 Immigration New Zealand requires that in order for Recognised Seasonal Employers to be able to apply for an agreement to recruit they must supply evidence in a number of areas. One of these areas is in Pastoral Care. The employers must provide evidence on how they propose to look after their workers including how they will house them, the provision of transport, banking, translation services, and opportunities for recreation and religious observance etc.

21.4 Chris Lambourne and Brenda Armstrong acknowledge the pastoral care responsibilities that are set down by Immigration New Zealand but are

concerned that MBIE who have responsibility for the management of the RSE Scheme do not sufficiently monitor the employers in the provision of these services and duty of care. They cite the fact that there was only one MBIE Inspector to cover the entire area as proof of this. These monitoring concerns were also voiced in the submissions of Mr Saywell and Ms Croskery.

21.5 The district plan is unable to fully implement the matters around pastoral care. The purpose of the plan is primarily to manage the environmental effects of the land use. Section 5 of the Resource Management Act requires that consideration be given to the social, economic and cultural wellbeing of communities and for their health and safety while managing the land resource, but this relates to how the land use might affect that wellbeing. It does not relate to matters that are not linked to the land resource such as the provision of transport, or access to religious observance or banking facilities.

21.6 The relief sought by Chris Lambourne and Brenda Armstrong is for Council to give consideration to setting a development fee for buildings consented for seasonal workers accommodation. The levies collected would then be used for the provision of social support to seasonal workers by the Council or a contracted agency. This would need to be a matter separately considered by Council outside of this RMA process.

22.7 Recommendation – Pastoral Care

A That the submissions of Diane Joyce (1), Chris Lambourne and Brenda Armstrong (6), Victor Saywell (15) and Johanne Croskery (7) requesting conditions on the pastoral care of seasonal workers and their monitoring be rejected.

B That as a consequence of recommendation A above the further submissions in support of Victor Saywell from A & J Maurenbrecher and Others, and Michael Sutherland in support of J Croskery are also rejected.

C That as a consequence of recommendation A above the further submissions in opposition from HB Fruitgrowers and A & J Maurenbrecher and Others be accepted.

For the reasons that;

A The pastoral care issues are beyond the scope of the resource management process.

B The Ministry of Business Innovation and Employment has specific responsibilities for monitoring pastoral care of RSE workers.

22.0 Issue 17 - Cross Zone Issues

- 22.1 John Roil (4) A & J Maurenbrecher and Others (FS2) (Oppose)
- 22.2 Mr Roil has submitted that provision should be made through Variation 7 to undertake a boundary adjustment to enable poor quality Plains Production zoned land to be linked to an industrial site with the Plains zoning being retained. It is submitted that the proposal would allow for poor quality land to be utilised while obtaining the benefit of connecting to industrial services.
- 22.3 The proposal to use poor quality land within the Plains Production Zone for seasonal workers accommodation is consistent with Variation 7. However the proposal to utilise the services of one zone for development in a separate zone raises potentially significant issues which would be appropriate to consider through a full resource consent assessment. Utilising the industrial infrastructure to service land outside the zone potentially would place pressure on those services, and may compromise the availability of the infrastructure for the industrial uses for which the infrastructure was designed. This would have the potential to undermine objectives and policies of the Industrial Zone, such as the facilitation of efficient and optimum use and development of existing industrial resources. This is clearly outlined in Objective IZO1 “*To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District*”.

There is also a concern that allowing for Plains Production and Industrial sites to effectively be dealt with together would blur the lines between the rural and urban areas, and effectively result in ad hoc rezoning of Plains land. This would be directly contrary to high level objectives and policies in the District Plan such as Objective UDO4 “*To retain and protect the versatile land resource that is the lifeblood of the local economy from ad hoc development*” and Policy UDP10 “*To identify distinct and clear boundaries between the urban area and the Plains Production Zone*” and would blur the lines between the Industrial and Plains Production Zone. These policies give effect to Policy UD10.2 Ad Hoc Urban Development in the Regional Policy Statement.

While Mr Roil’s submission is general in nature and does not refer to any specific Industrial Zone, the circumstances that apply in Irongate provide an example of the issues that arise when dealing with cross-zone development that warrant a case by case analysis of the issues. This is endorsed in the evidence of Mr Chapman who states that “*such development has the potential to adversely affect existing services and customers and increase demand beyond the networks capabilities.*”

- 22.4 In the Irongate example the wastewater scheme is designed around dry industry and this means that there is limited capacity. As a result, discharge allocations are applied to each site based on land area. If activities (such as seasonal workers accommodation) with higher discharge rates on land outside of the area are also contributing, this may

negatively impact on the ability of the landowners within zone to utilise their land to the potential provided for in the Plan.

22.4 Recommendation – 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 recommendation A above the further submission in opposition from A & J Maurenbrecher and Others (FS2) is accepted.

For the reasons that;

- A** 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.
- B** It is appropriate that applications for servicing sites out of zone be considered on a site by site basis.

23.0 Issue 18 – Alternative Uses

- 23.1** **Diane Joyce (1)**; A & J Maurenbrecher and Others (FS2) Support
Navilluso Holdings Ltd (9); A & J Maurenbrecher and Others (FS2) Oppose
Chris Lambourne & Brenda Armstrong (6)
R Griffiths (13) A & J Maurenbrecher and Others (FS2) Oppose
Greg Honnor (16)

- 23.2** Diane Joyce has submitted that the seasonal workers accommodation should be able to be used for other residential purposes such as emergency accommodation outside of its seasonal use. The remaining submitters opposed the use of the seasonal workers accommodation for other purposes, outside of the season. This issue was discussed previously when considering reverse sensitivity at Issue 14. The point was made that residential accommodation for other than caretaker purposes is a non-complying activity under Rule G13 of the Proposed District Plan. A resource consent application would be required for this type of activity to occur. This is to ensure that industrial land can be used most efficiently for the purpose for which it was zoned. Residential use can bring with it expectations for different levels of amenity etc. The seasonal workers accommodation is designed to be a temporary measure with a performance standard that the buildings be relocatable. There is also a link between the accommodation and the horticultural industry which the workers are servicing. The current rule structure under the Proposed District Plan whereby resource consent as a non-complying activity is required for residential use outside of the seasonal workers

accommodation is considered to be the most appropriate means of considering alternative uses.

23.3 Recommendation- 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 recommendation A above the further submission of support from A & J Maurenbrecher & Others (FS2) is also rejected.
- D** That as a consequence of recommendation B above the further submissions of opposition from A & J Maurenbrecher & Others (FS2) be rejected.

For the reasons that:

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

24.0 Issue 19 – Definition of Residential Activity

- 24.1** **Turners and Growers (5);** HB Fruitgrowers (FS6) Support **Horticulture New Zealand Ltd (12);** HB Fruitgrowers (FS6) Support with changes
- 24.2** Variation 7 proposes to amend the definition of residential activity to clarify where seasonal workers fit within that definition. Seasonal workers accommodation was not provided for in the residential zones and was instead interpreted as being part of the definition of residential activity in the proposed plan. With this interpretation there was no limit on the number of workers that could be accommodated on sites, which could lead to consequences for the amenity of the residential zones. Variation 7 has provided some certainty around this by amending the definition of

residential activity to specifically include seasonal workers accommodation for a maximum of 8 persons per site

- 24.3 Turners and Growers have submitted that the definition should be amended to increase the maximum from 8 to 10-12 persons per site. They have said that this would allow T & G to accommodate a team of seasonal workers on one site.
- 24.4 Horticulture New Zealand have supported the proposed amendments to the definition stating that the maximum number is considered to be an appropriate limit as this number is what could be reasonably accommodated within a 4 bedroom home.
- 24.5 The rationale behind the amendments is to ensure that the amenity of the residential zones is maintained. The number was set based around a typical residential dwelling with 4 bedrooms. Auckland Council's Design Guide Manual suggests that bedrooms should be designed to comfortably fit 2 people as well as furniture and fittings. It further states that best practice identifies that a 12m² room will allow flexibility for furniture layouts. MBIE requirements state that each seasonal worker shall have a minimum space of 4.5m². This would mean that only 2 workers could be accommodated per room. This would equate to the same number of people that could typically occupy a 4 bedroom dwelling. The effects of the activity would therefore be no different to other residential activity.
- 24.5 Consideration needs to be given to whether the effects of extending the maximum number of seasonal workers to 10 or 12 would create a level of effects any different to those expected in the residential zones. There are certainly examples of larger dwellings that have 5 or more bedrooms although these may not generally have 2 or more people per room. The principal effects that need to be considered are the noise generated and also the effects of people coming and going from the dwelling. The noise effects from an additional 2-4 people should be little different to those of 8 people. The traffic effects from the property are not likely to be significant. The submitter has said that 10- 12 would be the number needed for one gang. This number of workers could be accommodated in two vans which is the typical number of vehicles per dwelling. In considering the effect on character and amenity it is considered that the number be increased by an additional two to a maximum of 10. Beyond this number the scale exceeds what would typically be associated with residential activity, and would be more akin to commercial activity.
- 24.6 Recommendation – 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 recommendation A above the further submission of support from Hawkes Bay Fruitgrowers (FS6) also be accepted.
- D** That as a consequence of recommendation B above the further submission of support with amendments from Hawkes Bay Fruitgrowers (FS6) also be accepted in part.

For the reasons that;

- A** 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.
- B** A maximum of 10 workers will not impact on the character of the residential zone.

25.0 Issue 20- Effects on Aquifer/Groundwater Resource

- 25.1 **J Croskery (7)**
J Sutherland (3)
R Griffiths (13); A & J Maurenbrecher & Others (FS2) Oppose, Michael Sutherland (FS4) Support
Hawkes Bay Regional Council (10) Horticulture New Zealand (FS3) Support in Part
- 25.2 The submitters J Croskery, J Sutherland and R Griffiths have raised concerns around the on-site servicing of the accommodation facilities and the potential for contamination of the groundwater. The submission from Jan Sutherland states that a large proportion of rural communities rely on wells for their drinking and house water, and that it is important that the land where seasonal workers accommodation is sited needs to have the services that are appropriate to handle the environmental impact that they will create. For this reason they seek to have large seasonal workers facilities provided for in the industrial areas only where infrastructure can be provided.
- 25.3 The Hawke's Bay Regional Council has also raised the issue over the contamination risk from seasonal worker accommodation facilities. Ideally the Regional Council would like to see these facilities linked to Council reticulated systems. However where this is impractical they seek to ensure that applicants have a clear understanding of stormwater and wastewater requirements to ensure that groundwater and drinking water quality is protected. The relief sought is to provide an advice note that highlights the need for applicants to seek resource consents from the

Regional Council in regards to wastewater and stormwater discharges. The Regional Council has also highlighted that there could be cumulative effects from these types of activities over the unconfined aquifer and this consideration will form part of the assessment of any discharge consent application by them. It is agreed that an advice note in both the Plains Production Zone and the Industrial zone be included under the specific performance standard as follows;

Advice Note: Applicants should be aware that where on-site servicing of the facility is to be undertaken, resource consent from the Hawke's Bay Regional Council will be required for wastewater and stormwater discharges.

- 25.4 The Regional Council has submitted that it would be opportune for the Hastings District Council to ensure that the changes that are being made to the Proposed District Plan align with the changes to the Regional Resource Management Plan proposed through the TANK process. The TANK changes have been adopted by the Regional Council but are yet to be notified. The submission has provided the following wording from proposed TANK Policy 6B, and suggested that similar wording be incorporated into section 14.1.8.4 of the Proposed District Plan which is the assessment criteria for seasonal workers accommodation.

TANK Policy 6b)

Regulating activities within the unconfined aquifer that may actually or potentially affect the quality of the source water or present a risk to the supply of safe drinking water because of ;

- (i) Direct or indirect discharge of contaminant to the source water including by overland flow or percolation to groundwater;*
- (ii) An increased risk to the safety of the water supply as a result of a non-routine event.*
- (iii) Potentially impacting on the level or type of treatment required to maintain the safety of the water supply;*
- (iv) Shortening or quickening the connection between contaminants and source water, including damage to a confining layer;*
- (v) In the case of groundwater extraction, the rate or volume of abstractions causing a change in groundwater flow direction or speed and/or a change in hydrostatic pressure that is more than minor.*

The difficulty with the suggestion to include similar wording to the above TANK Policy in the assessment criteria is that it is largely technical in nature and may lead to confusion over the regulatory responsibilities of the two Council's especially in advance of the notification of the TANK Plan Change. However the submission as it relates to the cumulative effects of this type of land use activity is worthy of inclusion in the assessment criteria. It is suggested that an additional matter for assessment be included in the assessment criteria for seasonal workers accommodation, 14.1.8.4 (Industrial Zone) and 6.2.8J (Plains Production zone) *Consideration of any cumulative effects of seasonal workers accommodation, especially in relation to the unconfined aquifer and*

source protection zones (SPZ). The inclusion of this assessment criteria aligns well with Objective PPO9 in the Plains Production zone.

OBJECTIVE PPO9

To ensure the life supporting capacity of the Heretaunga Plains Unconfined Aquifer water resource is not compromised by the effects of land use occurring above it.

The Regional Council has also sought to have advice notes included to remind applicants that resource consent is required from the Regional Council if on-site wastewater or stormwater discharge is required and this approach along with the inclusion of the assessment criteria for the consideration of cumulative effects is the most appropriate at this time.

- 25.5 The final point raised by the Hawke's Bay Regional Council is in relation to the provision of drinking water. They have stated that the Heretaunga Aquifer is currently over- allocated and that through the TANK plan change this over-allocation will be phased out. The submission voices uncertainty as to whether seasonal workers accommodation will be accommodated by municipal water supply or on-site provision. It is confirmed that seasonal workers accommodation in the Irongate and Omahu Industrial Zones will be serviced by the municipal water supply. Any seasonal worker accommodation within the Plains Zone will need to have on-site provision and the Regional Council is seeking that in these circumstances an advice note be added stating that '*applicants may need to transfer an existing permit or provide drinking water within existing allocations and that drinking water will need to meet the requirements of the NZ Drinking Water Standards and Health Act.*' It would be appropriate to add the above advice note under the Specific performance standards for seasonal workers accommodation in the Plains Production zone.

25.6 Recommendation – 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 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 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 recommendation A above the further submission of support from Michael Sutherland also be accepted in part.
- E That as a consequence of recommendation A above the further submission of opposition from A & J Maurenbrecher be accepted.
- F That as a consequence of recommendation B & C above the further submission of support from Horticulture New Zealand also be accepted in part.

25.7 For the reasons that;

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

26.0 Issue 21- Effects on Amenity Issues in the Plains Production Zone

26.1 **J Croskery (7)**

R Griffiths (13); A & J Maurenbrecher & Others (FS2) Oppose,

26.2 The submitters have stated that intensive seasonal workers accommodation in the Plains Production zone will have a substantial impact on the amenity of the local environment including the effect of noise, and how rubbish/waste will be managed.

26.3 The noise amenity of the area will be safeguarded by the noise provisions that apply to the rural zone. These are higher than the residential zones as a result of the right to farm philosophy that forms part of the policy framework of the Proposed District Plan. The purpose of this philosophy is to recognise that traditional rural activities are inherently noisier than those of the rural zones, but the rules still recognise that residential dwellings require a level of protection. The noise provisions will apply equally to the seasonal workers accommodation and compliance with noise limits is a requirement of the Plan (see standard 6.2.5G and section 25.1). Any breaches of these limits will be dealt with in the same way as

those that occur in the residential zone, with monitoring and enforcement processes.

- 26.4 There are no Council contracted rubbish or waste collections in the Plains Production Zone. The waste from the seasonal workers facility is likely to be dealt with privately, but landowners do have the ability to purchase Council bags and drop them down to the transfer stations free of charge. The Council is aware of the waste potential associated with rural production activities and is part of a working group with landowners on environmental sustainability and how to reduce waste. The Council is also working directly with seasonal workers on a recycling training plan. This will form part of the workers induction process when they arrive in the country each season.

- 26.5 Recommendation – Effects on Noise / Waste Management

- 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 recommendation A above the further submission of opposition from A & J Maurenbrecher be accepted.**

For the reasons that;

- A The existing noise provisions of the plan will be effective in mitigating the effects of the noise from seasonal workers accommodation**
- B 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.**

- 27.0 Issue 22 Effects on Roothing Infrastructure in the Plains Zone

- 27.1 **J Croskery (7)**
J Sutherland (3); HB Fruitgrowers (FS 6) Oppose in part

- 27.2 The submitters have raised concerns over the effects of additional traffic on the rural roads and seek that the accommodation facilities be located within the industrial zones. The principal outcome sought by allowing for seasonal workers accommodation in the Plains Production Zone is that workers will live on the site where they are working, meaning off-site transport will not be required. Where workers are employed at other sites, or after hours, transport will principally be provided by the employer, as most workers will not have private transport. In fact the Recognised

Seasonal Employers are required to provide transport for their workers as part of their licensing system. The majority of the employees are transported by vans which reduces the number of trips required. This point is also raised in the further submission from HB Fruitgrowers.

- 27.3 If all accommodation was provided in the industrial areas the vehicle traffic effects on rural roads would be similar as the workers would still have to be transported to the orchards for work. While the workers generally work 6 day weeks, it is acknowledged that traffic to and from the sites on their day off will add to the traffic impacts however the effects of that traffic are likely to be minor, and in any event, must be considered as an assessment criterion as part of any application for consent to confirm this (6.2.8J). It is acknowledged that there could be cumulative effects as a result of the growing number of seasonal workers that are coming into the district over the next few years. The Council will initiate a traffic impact study to look at the longer term impacts of seasonal workers on the network (if any) taking into account the projected growth in numbers to meet future labour demands.
- 27.4 The effects of access to specific sites forms part of the assessment criteria for seasonal workers accommodation resource consent applications. Each application is assessed by the Council's Transportation Development engineer in considering whether conditions will be required.
- 27.5 Recommendation – Effects on Roding 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 recommendation A above the further submission of opposition in part from HB Fruitgrowers be accepted.**

For the reasons that;

- A 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.**

28.0 Issue 23 – Effects on Land Values

28.1 J Croskery (7)

- 28.2 The submitter has voiced concern over the effect that seasonal workers accommodation will have on their property value. The Resource Management Act requires Council to consider the environmental effects of activities. Property values do not form part of environment effect considerations and therefore are unable to be addressed through this hearing process.
- 28.3 In Resource Management caselaw property values are often said to be a reflection of effects on amenity values. Variation 7 includes various requirements to ensure adverse effects on amenity values are avoided or mitigated. For instance all seasonal workers accommodation will need to comply with requirements for a 15 metre setback, full screening of outdoor and storage areas, lighting and noise requirements. Where a consent is required, assessment will be required of whether the scale and design complements the character of the area and whether siting will affect the amenity of adjoining properties. The performance standards for the zone do require that the buildings are to be relocatable, so that when the use is no longer required the buildings can be removed. Therefore, the provisions of the District Plan are considered to adequately protect against adverse effects on the amenity values of the local area.
- 28.4 Recommendation – Effects on property 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;

- A 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.**
- 29.0 Issue 24 Extend Provisions to Rural Zone
- 29.1 **Horticulture NZ (12)** ;A & J Maurenbrecher and Others (FS2) Support
- 29.2 The submission from Horticulture New Zealand suggests that by increasing the number of zones where seasonal worker accommodation can be more easily accommodated will further assist with the freeing up of accommodation within the residential zones and seeks that the provisions be extended into the Rural Zone.
- 29.3 One of the main reasons for limiting the provisions to the Plains Production zone was that this was where the labour force was utilized and that the efficient transportation of the workers was an important consideration for employers. Seasonal workers accommodation is adequately provided for in the rural zone with it being a permitted activity if

meeting the performance standards. Beyond the performance standard limits the activity status would be restricted discretionary, which gives it the same activity status as the Plains Production Zone. In any event this submission is considered to be out of scope as it would not enable the landowners within the Rural Zone to have any input.

29.4 Recommendation – 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 recommendation A above the further submission of support from A & J Maurenbrecher be rejected.

For the reason that;

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