



PROVIDING FUTURE RSE ACCOMMODATION NEEDS

Recognised Seasonal Employer (RSE) scheme

ENV-9-18-4-18-109



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1.0	<div>INTRODUCTION</div> <p>The Recognised Seasonal Employer (RSE) scheme provides for horticultural or viticultural employers who cannot find New Zealand workers to plant, maintain, harvest or pack crops to recruit workers offshore to undertake those tasks. The Scheme is administered by Immigration New Zealand, with the Ministry of Business Innovation and Employment also playing a role in the ensuring the welfare of the workers. At the present time there are approximately 24 registered employers within the Heretaunga Plains area.</p> <p>One of the major challenges for regional seasonal employers is providing suitable accommodation for workers. This issue has direct implications for the Hastings District Council, both in ensuring that the economic prosperity of the district can be maintained and also in ensuring that the accommodation needs of the entire community can continue to be met.</p> <p>The Regional Seasonal Employers have advised that with the increased level of horticultural production, that seasonal worker numbers could double by 2022. This signals the need for significant investment in accommodation to provide for these workers.</p> <p>A number of RSE employers met with the Council staff in December 2017 to highlight this future situation and to discuss how this accommodation issue might be managed. It was agreed that a Discussion Document would be produced with the following outcomes being sought:</p> <div>OBJECTIVES</div> <div><div>a) Providing guidance on the best locations for RSE Accommodation within the Hawke’s Bay Region.</div><div>b) To provide certainty on the resource consent requirements and the type of information that will be required.</div><div>c) Changes to the District Plan framework that may need to occur.</div></div>
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2.0

CURRENT SITUATION

How is RSE accommodation currently provided for?

The accommodation of RSE workers is currently provided for through a variety of means. These include;

- Orchard based accommodation
- Residential rental accommodation
- Motel accommodation
- Hostel type accommodation
- Use of industrial buildings refitted for residential purposes.

These differing accommodation types raise different issues and have a variety of effects. For employers the issues raised revolve around the logistics of getting staff from various locations around the district to their place of work. The spread of accommodation also makes it more difficult for employers to fulfill their pastoral care obligations. The location of the accommodation is also important to the workers as they can feel unsafe in certain environments.

The issues for Council raised by the varying types of accommodation are around the effects of amenity for residential areas where there are larger numbers of workers on-site. These types of effects include noise and traffic generation. Another important effect is the potential impact that housing workers in residential dwellings, has on the already squeezed rental market.

Within the rural environment the Council is concerned over the loss of versatile soils from production. The Council has a duty under the RMA to sustainably manage the soil resources for the benefit of future generations.

3.0	<h2>GROWTH NEEDS</h2>
	<p>As previously stated the future anticipated growth in horticultural production is significant. If this eventuates, this will result in the need to supply substantial levels of accommodation which will be unable to be met through existing means. RS Employers have been investigating the accommodation models that best meet their needs and those of their workers.</p> <p>The models outlined at the December meeting were:</p> <ol style="list-style-type: none"> An on-site model where accommodation is provided for on the properties where the labour is required. These are usually smaller units clustered around a shared communal and cooking facility. This model would typically cater for 80 -100 workers. It would be self sufficient in terms of infra- structure servicing. A number of the providers said that this is the model that both the workers and the employers preferred as it means that the workers are close to the sites that they are working on and also they feel safer being located on site. The second model is that of a large standalone camp which could cater for up to 300 workers and would have recreation facilities attached. This would be on an independent site and would require to be serviced by council infrastructure services.
4.0	<h2>DISTRICT PLAN IMPLICATIONS</h2> <p>The current provisions of the Proposed District Plan as they relate to RSE accommodation and the potential options for providing for these accommodation models are outlined below.</p> <p>In order to understand the rules that apply to RSE accommodation it is necessary to have an appreciation of the philosophy behind the zones. The Rural and Plains Production zones form the economic backbone of the Hastings District. The Plains Production Zone covers the fertile Heretaunga Plains which is renowned for its versatile soils and horticultural/viticultural productivity. The hill areas behind the Plains is the Rural Zone. These zones provide for primary production activities and the environmental outcomes that are sought in these zones is to ensure that the valuable land resource remains available for future generations. The objectives and policies of the zone reflect this and the need to limit other activities that would remove land from production.</p> <p>The Proposed District Plan provides for seasonal workers accommodation as a permitted activity within the Rural Zone and the Plains Production Zone. In order to qualify as a permitted activity the maximum floor area cannot exceed 125m² per site, it must be located a minimum of 15 metres away from the boundary and if it is a new building it must be relocateable.</p> <p>If any one of the standards cannot be met a resource consent application will be required and this would have the activity status of restricted discretionary. The Plan sets out the matters to which the Council will restrict its discretion. These are;</p> <ul style="list-style-type: none"> • The effect of the building on the efficient use of land for primary production • The effects of the scale and design of the building on the character of the area. • The effect on the amenity of the adjoining property including the potential noise effects. • Whether soil values have been taken into account in the siting of the building. • The effects of traffic generation on the road network. <p>In other zones within the District with the exception of the residential zones, seasonal workers accommodation is not provided for as a permitted activity and therefore resource consent will always be required as a non-complying activity. As a non-complying activity there is a higher threshold test for the activity to pass.</p> <p>Within the residential zones RSE accommodation within existing dwellings is considered to be a permitted activity. The only exception is where the scale is large and they are not housed in dwellings.</p>



5.0 BUILDING ACT REQUIREMENTS

The Building Act 2004 (the “Act”) and the New Zealand Building Code requirements may be triggered when a building is proposed to be used for RSE accommodation. The purposes of the Act include setting performance standards to make sure people using buildings can do so safely and without endangering their health, and that they can escape if the building is on fire.

If an owner proposes to use an existing home (dwelling or sleep out) for the purpose of RSE accommodation then the owner must engage with a suitably qualified person to determine if a change of use will occur.

Under section 115 of the Act an owner must not change the use of a building unless the territorial authority (Council) has given written notice to the owner agreeing to the change of use. The Act sets out criteria for the Council to consider when making a decision. Council may agree to the change of use without the building undergoing any alterations, however this is unlikely as usually the proposed new use will have additional building requirements for the proposed new use. If the additional building work required is not exempt under Schedule 1 of the Act, then a building consent is required before the work may be carried out (and the change of use can occur).

The Hastings District Council aims to foster a common sense approach to the requirements for RSE accommodation. As an example the Council was involved in developing the Code of Practice for Seasonal Workers Accommodation that outlines agreed industry practice for access and sanitary facilities.

In order to ensure an efficient path through the building consent process it is important that practitioners (architects and designers) provide quality building consent documentation that clearly demonstrates Building Code compliance. This along with a pre-application meeting and a detailed design brief will greatly assist all parties in the process.

6.0 ASSESSMENT OF PROPOSED MODELS

The two accommodation models raised at the December meeting would both require resource consent in whatever zone they were to be constructed. The following outlines the level of effects that would likely be experienced as a result of the construction of the models in the various zones. This will assist in:

- a) Working out where the larger off site model would best be located to ensure that they have the least possible impact, while meeting the needs of the workers/employers.
- b) Providing certainty as to the consenting requirements and processes.

The two models discussed were:

1. ON-SITE MODEL

This model comprises a group of accommodation units clustered around a central facilities building and catering for up to 80 people. Given that most of the orchard and viticultural blocks are located on the Heretaunga Plains this model is most likely to be constructed within the Plains Production Zone. As stated in section 4.0 of this discussion paper the Plains Production Zone’s main objective is to protect and maintain the versatile land of the Heretaunga Plains for the benefit of future generations.

As a result it places limits on building and activities within the zone that would prevent the productive use of the land.

It does however provide for buildings and activities that are directly linked to the primary production activities with limits on their scale. An example of this is wineries and industries processing primary produce, where the floor limit is 2500m² gross floor area.



DISCUSSION

One option for the provision of the on-site model is for the District Plan to provide for seasonal workers accommodation and processing industries combined to a total of 2500m² gross floor area as a restricted discretionary activity.

This would provide consistency of rules in the Plains Production zone which is important in ensuring that the plan rules are transparent in their effects based approach. Under the restricted discretionary activity status for rural processing industries, the Council restricts the matters which it will consider, when assessing such applications. The following are those matters that could be appropriate for the assessment of seasonal workers accommodation;

- Whether the activity is of such a scale that it is better to be established in an Industrial zone (where infrastructure is more readily available and the receiving environment is less sensitive).
- The effects of the proposal on versatile land. This includes whether the seasonal workers complex can be located on a part of the site where the versatility of the land has already been compromised.
- Whether the activity will utilise any existing buildings.
- Whether the site is in close proximity to an established area that is more appropriately zoned.
- Any legal mechanism (ie restrictive covenant) offered by the applicant to limit the use of the buildings to seasonal workers accommodation.
- The impact of the scale, character and/or effects of the activity and its compatibility with surrounding activities.
- The potential for the activity to generate adverse effects in the environment in terms of stormwater quality and quantity.
- Whether the proposal will significantly compromise the the visual amenity of surrounding area, recognising that it is a rural working environment.
- The potential for the activity to generate significant adverse effects on the environment in terms of noise, dust, glare and road safety.

Question: Would this type of approach and floor limits be an acceptable means of providing for the on-site model within the Plains Production Zone? Are the assessment criteria fair?

2. OFF SITE - CAMP MODEL

The off-site model put forward as an example at the meeting, comprises large dormitory size buildings housing up to 300 workers with large community facilities, such as kitchen/dining and recreation areas. The model also provides for large areas of outdoor recreation. This model therefore calls for larger areas of land and the scale of this type of development is not compatible with the amenity or objectives of the Plains Production Zone which aims to retain the versatile soils of the Plains Production zone to the greatest degree.

The question then becomes where would this type of activity be most appropriately located? From the developers perspective it should meet certain criteria such as being central to the sites that the workers are servicing so that transporation is reduced to the greatest degree.

Given the scale of the development it would also ideally be able to connect with Council, water wasterwater services. Lastly it would need to be in an area where potential conflicts with adjoining land uses could be reduced to the greatest extent possible.

In consideration of all of these matters the most appropriate location for this accommodation model is an industrial zone. The Council has recently rezoned additional industrial land at both Omahu and Irongate. The Irongate area has a public water and wastewater supply, and stormwater is to be dealt with on-site. The Omahu zone is more centrally located and provides for smaller sites that are more suited to the type of development proposed.

The activity status could be restricted discretionary which provides a greater level of certainty to the developer that notification will not be required.



The matters over which Council could exercise its discretion could be:

- The ability of the existing infrastructure to provide water, wastewater and stormwater disposal.
- Whether safe and efficient vehicle access can be provided to the site.
- Whether the proposal can provide sufficient on site carparking
- Whether the landscaping can appropriately screen the site from adjoining properties and maintain amenity.
- Whether the activity is likely to have adverse noise impacts on adjoining activities.
- Whether the site layout and building design of the proosal provides for future conversion to industry activities on the site.
- The proposed accommodation management plans and practices.

Question: Would this proposed location and activity status be an acceptable means of providing for the off-site camp model? Are the matters over which Council would exercise discretion fair?

Note: At the December meeting it was pointed out that this type of development was currently going through a consenting process in Marlborough. The Marlborough District Council has made the decision to not specifically regulate seasonal workers but to instead rely on the regulation of other existing activities (i.e., residential activity (which includes in most zones a limit of one dwelling per property), commercial activity, visitor accommodation and the like). They took this approach to recognise that that RSE workers are housed in a wide variety of circumstances and this approach acknowledges the flexibility in accommodation types. The larger purpose built accommodation facilities are typically processed as discretionary activities.

7.0 SUMMARY

The future accommodation needs of seasonal workers is central to the on-going prosperity of the district. Council has a duty to ensure that the provision of this accommodation is balanced against ensuring the effects that it creates. These effects include not only effects on adjoining properties such as noise, traffic and amenity, but also the effects of the buildings on the physical resources such as the versatile soils of the Heretaunga Plains.

The following table summarises the proposed approach to seasonal accommodation in the Proposed District Plan:

PERMITTED ACTIVITY	RESTRICTED DISCRETIONARY ACTIVITY	FULL DISCRETIONARY ACTIVITY
Seasonal workers accommodation 125m ² or less in gross floor area within the Plains or Rural Zone .	a) Seasonal workers accommodation within the Plains or Rural Zone with up to 80 persons and in buildings with a total of less than 2500m ² in gfa linked to a cumulative threshold with processing activities. b) Seasonal workers accommodation within the Industrial Zones with up to 300 persons and with connection to council water, and wastewater infrastructure.	Seasonal workers accommodation that does not comply with the specific performance standards.





Hastings District Council would appreciate your feedback to the matters and questions raised in this discussion document.

Send your feedback via email to **rowanw@hdc.govt.nz** by 31 July 2018.

Please provide your contact details for future correspondence on this matter.