

SUBMISSION ON

Draft Plan Change 16:

Improving consistency of provisions in Chapter H Zones, Chapter J Definitions of the Auckland Unitary Plan (Operative in Part)

31 January 2018

TO: Auckland Unitary Council

NAME OF SUBMITTER: Horticulture New Zealand



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Comments on Plan Change 16 (PC16)

Horticulture New Zealand (HortNZ) thanks Auckland Unitary Council for the opportunity to submit on the draft plan.

HortNZ could not gain an advantage in trade competition through this submission.

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

The details of HortNZ's submission and decisions we are seeking from Council are set out below.

1. Definition - Building:

Retention tanks are a requirement for stormwater management under the Auckland Unitary Plan. The proposed amendment would result in many tanks in the rural production and rural coastal environments being subject to yard setbacks of 12m and 20m. Even if a tank meeting the capacity threshold was only partially above ground and less than 1m, this would be captured by the proposed amendment.

The S32 report outlines concerns around bulk and visual appearance as the bases for the proposed amendment. Such a concern is relevant to managing amenity in the Rural Conservation and Countryside Living Zones. However, retention tanks are an important and necessary piece of infrastructure to support efficient operation of rural activities.

Policy H19.2.2.6 recognises that *a range of buildings and structures accessory to farming and forestry, and other operational structures for rural production activities are an integral part of rural character and amenity.*

Most smaller scale horticultural operations would require a tank greater than 250,000 litres. Typically, these structures are not buried deeper than 0.3m below ground level as this requires a larger pump of which the costs can be prohibitive. Also, plastic tanks are not designed to take external pressure so cannot be buried below ground.

Retention tanks are also generally located close to boundaries in order to maximise land for productive use.

As stated, retention tanks are integral infrastructure for horticultural activities. Such structures are anticipated within the rural environments, as outlined in the policy above.

Decision sought

Amend definition as it relates to retention tanks:

Tanks including retention tanks	Over 1m in height from ground level, inclusive of the height of any supporting structure or More than 25,000l capacity, where any part of the tank is above ground level. <u>Except that this shall not apply to retention tanks in the Rural Production, Mixed Rural or Rural Coastal Zones.</u>
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2. Worker accommodation:

HortNZ wishes to be heard in support of our submission and would be prepared to consider presenting our submission in a joint case with others making a similar submission at any hearing.

HortNZ agree's with the s32 report that providing for accommodation for those working "in the surrounding rural area" is too broad and subjective. However, this fails to recognise that most farming activities extend over more than one "site".

Generally, HortNZ finds the s32a report flawed. It is not clear what effects are intended to be managed removing the ability for workers to work off-site. In addition, horticulture is a significant industry to the Auckland region, contributing \$261 million to Auckland's economy annually. To the knowledge of HortNZ, there has been no consultation with the industry regarding potential issues.

Worker accommodation should be linked to activities that are appropriate to the zone in order to achieve consistency across zones and to manage potential effects on the environment. HortNZ recommends that the definition be amended to allow workers to work off-site, on properties that are associated with the activity taking place at the main site and which relate to those activities identified in the nesting table.

A means to manage traffic impacts could include requiring a Traffic Management Plan at time of consent and including the TMP as a matter to which discretion is restricted.

Seasonal worker accommodation

The 120m² floor area does not adequately provide for accommodation which is intended for seasonal workers. The horticulture industry is heavily dependent on seasonal workers to meet market demand, particularly at times of harvest and pruning. It is important to note that some seasonal work extends up to 10 months.

The industry struggles to employ local seasonal workers and is increasingly relying on the Recognised Seasonal Employer (RSE) scheme and staff from outside the Auckland region. The RSE scheme was established by the New Zealand Government to assist horticulture and viticulture industries to recruit workers from Pacific countries. The scheme is designed to improve the supply of seasonal workers when there are not enough New Zealanders able or willing to work.

In December 2017, the number of people able to be employed under the RSE was increased to 11,100. The increase was in recognition that there is a shortfall in workers for the horticulture and viticulture industries.

The attached cabinet minute and cabinet paper both recognise that the industry will need to provide purpose-built accommodation for RSE workers to reduce pressure on an already strained housing supply.

The minute and paper also require that businesses under the RSE scheme must demonstrate employment and pastoral care practices prior to qualifying. This includes the provision of an acceptable standard of accommodation.

When employing under the RSE scheme, most businesses tend to apply for large numbers of workers rather than just a few. One large horticultural operation in Auckland employs 120 seasonal workers made up of employees from within the region, from outside the region and from the RSE scheme. Other operations range from 40 to 90 seasonal workers which are

also predominately made up of foreign travellers, New Zealanders from outside Auckland and RSE employees.

HortNZ considers that the 120m² maximum floor area is not sufficient to provide an acceptable standard of living for larger numbers of staff required for seasonal work.

New Zealand Government is clear on the need to address the worker shortage for the horticulture industry and in the direction to provide pastoral care for seasonal workers and avoid exacerbating pressures on Auckland’s housing supply. This should be reflected in the Auckland Unitary Plan.

Currently, if worker accommodation does not meet the standards in H19.10.12 it is a non-complying activity. The 120m² restriction and current planning framework does not support the industry in meeting these requirements.

HortNZ seeks that a separate consenting pathway be provided for seasonal worker accommodation.

Rule H19.8.1 provides for camping as a restricted discretionary activity in the Rural Production, Mixed Rural and Rural Coastal Zones. Visitor accommodation is discretionary in Countryside Living, Rural Production and Rural Coastal, and restricted discretionary in the Mixed Rural Zone. There is no limitation on building or floor areas for these activities. The general matters of restricted discretion (H19.12.1) and general assessment criteria (H19.12.2.1) apply.

It is considered that these activities would likely generate similar, if not greater, effects than seasonal worker accommodation. The general matters and criterion listed in H19.12.1 and H19.12.2.1 would sufficiently manage any potential effects.

The definition sought is applied by Western Bay of Plenty and in the decision version of the Opotiki District Plan.

The standards are similar to those currently applied in Western Bay of Plenty and being discussed following the decision version of the Opotiki District Plan.

Decision sought

Amended definition - worker accommodation:

A dwelling for people whose duties require them to live onsite. In the rural zones, a dwelling for people who work on site for the activities set out in Nesting Table J1.3.6, or on sites associated with that same activity.

Insert new definition – Seasonal worker accommodation

The use of land and buildings for the sole purpose of accommodating the short-term labour requirements of a farming activity, rural industry or post-harvest facility.

Amend Table H19.8.1 to insert new activity

Activity	Activity status				
	Rural conservation zone	Countryside Living zone	Rural Coastal zone	Mixed Rural Zone	Rural Production Zone
Accommodation					
<u>(new A35) Seasonal</u>	<u>NC</u>	<u>D</u>	<u>D</u>	<u>RD</u>	<u>RD</u>

worker accommodation					
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Insert new standards – H.19.X Seasonal worker accommodation

- a The relevant Zone standards for yards, height, daylight protection and parking are complied with.
- b Comprise a communal kitchen facility and eating area, and separate sleeping and ablution facilities.
- c The facility shall be located on a site equal to, or greater than, 5ha.
- d The facility shall be located no less than 100m from any dwelling or minor dwelling established on an adjoining site. This may be reduced with the written consent of the owner of the neighbouring property.
- e Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008, if being used for this purpose.
- f A travel management plan shall be prepared and implemented for the movement of workers to and from the site. The travel management plan shall minimise the effects of unnecessary traffic movements on the surrounding road network.