

**UNDER**

the Resource Management Act 1991  
(“**RMA**”)

**IN THE MATTER**

of Waikato District Plan Review– Hearing 18  
Rural Zone.

**STATEMENT OF EVIDENCE OF REBECCA NANCY ANKA SANDERS ON BEHALF OF  
T&G GLOBAL LIMITED**

**[Submission 676, Further submission FS1171]**

**[PLANNING]**

**1. INTRODUCTION**

1.1 My full name is Rebecca Nancy Anka Sanders. I hold the position of Associate/Consultant Planner at Barker & Associates Limited, an independent planning consultancy based in Auckland; a position which I have held since June 2019. My qualifications and relevant experience are set out in **Attachment 1**.

1.2 I have been commissioned by T&G Global Limited (“**T&G**”) to prepare this statement of evidence to address matters raised by T&G’s primary and further submissions to Waikato District Council’s (“**WDC**”) District Plan review.

1.3 In preparing this statement I have reviewed:

(a) The Council’s Section 42A Hearings Report; and

**2. Code of Conduct**

2.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

**3. Scope of Evidence**

3.1 My evidence will address the following:

- (a) T&G's request to amend to the definition of "Farming" to allow for the processing of produce grown on other sites owned or leased by the same owner (Submission 676.5);
- (b) The appropriate wording of proposed *Policy 5.3.2 Density of dwellings and buildings within the rural environment* to ensure that the Plan recognises the need for workers accommodation to support the primary production sector; and
- (c) T&G's request to amend rule 22.3.1 to provide for workers accommodation up to 120m<sup>2</sup> for workers engaged in rural production activities as a Permitted activity (Submission 676.3 & 676.17).

#### **4. EXECUTIVE SUMMARY**

- 4.1 This evidence has been prepared in support of submissions and further submissions from T&G regarding the ability to undertake processing of primary produce in the Rural Zone as a permitted activity and provide workers accommodation.
- 4.2 T&G undertakes horticultural activities within the Waikato District which include growing under glass house cover, packing depots, transport the accommodation of horticultural workers and general administration and office functions.
- 4.3 In my view, the amendments T&G has requested to the definition of "Farming" will better enable the ability to undertake processing of primary produce at an appropriate scale within the Rural Zone. This is consistent with the proposed strategic direction within the NPS HPL and the higher order policy direction of the RPS which, seek to support the primary sector and provide for the continued operation and development of primary production activities.
- 4.4 The provision for workers accommodation within the Rural Zone will also assist with meeting strategic policy directions seeking to provide for the continued operation and development of primary production activities. To function effectively the horticultural sector requires access to labour and the provision, where necessary, of farm workers' accommodation that addresses permanent and seasonal worker accommodation needs.

#### **5. BACKGROUND**

- 5.1 T&G is one of the largest growers of fresh produce in New Zealand servicing both domestic and international markets. T&G are involved in all aspects of the fresh

produce supply chain including growing, packaging, shipping, sales/distribution and marketing.

- 5.2 T&G undertakes horticultural activities within the Waikato District. This includes growing under glass house cover, packing depots, transport the accommodation of horticultural workers and general administration and office functions.
- 5.3 T&G employs 2500 seasonal workers nationwide which includes local workers and seasonal workers from the Pacific Islands under the Recognised Seasonal Employer (RSE). T&G employs seasonal workers within the Waikato District.
- 5.4 T&G has made specific submission points on the rural chapter of the proposed plan and the associated definitions to efficiently and effectively achieve the objectives of the Proposed Plan as well as the higher order policy direction within Waikato Regional Policy Statement (RPS). In particular, T&G is seeking relief in relation to the provision of workers accommodation within the rural environment and the ability to undertake on site primary produce manufacturing.

## 6. STATUTORY AND POLICY CONTEXT

### Proposed National Policy Statement for Highly Productive Land

- 6.1 In August 2019 the Ministry for the Environment and the Ministry for Primary Industries released the proposed National Policy Statement for Highly Productive Land (**NPS – HPL**). The purpose of the proposed NPS-HPL is to improve the way that highly productive land is managed under the RMA. In particular it is proposed to set broad objectives which:
  - Recognise the value and long-term benefits of using highly productive land for primary production; and
  - Maintain the availability of highly productive land for primary production for future generations.
- 6.2 While the focus of the proposed policy statement is on the protection of highly productive land the broader focus of this policy direction is to support the contributions of the primary sector. The discussion document that was released with the NPS-HPL recognises that Primary sector activities (such as on a farm, orchard, vineyard or market garden) support employment and businesses across the primary sector value

chain<sup>1</sup>. The primary sector also has a crucial role in meeting consumer expectations through producing crops at yields which will maintain the value chain and not increase in the cost of vegetables over time<sup>2</sup>.

- 6.3 In addition to economic, employment and food security benefits the discussion document that was released with the NPS-HPL also recognises that the primary sector has a role in shaping a community's identity as anecdotal information suggests that communities take pride in living in an area that is well known for particular produce<sup>3</sup>. For instance, this identity is celebrated by the community through annual harvesting festivals and regular farmers markets.
- 6.4 The proposed policy statement is on the protection of highly productive land also recognises the relationship with growing operations and rural processing facilities and infrastructure. Access to and rural processing facilities and infrastructure is proposed to be one of the criteria to be considered by Council's in identifying highly productive land.

#### Waikato Regional Policy Statement

- 6.5 The Waikato Regional Policy Statement (RPS) became operative in May 2016 and includes strategic policies which seek to provide for the continued operation and development of primary production activities (Policy 4.4). The policy direction seeks to recognise the value and long-term benefits of primary production activities which support regionally significant industry (Policy 4.4 (b)). The policy direction also seeks to ensure the adverse effects of primary production are avoided, remedied or mitigated and that positive environmental outcomes are promoted (Policy 4.4 (c) & (g)).

#### Franklin District Operative Plan 2000

- 6.6 The northern portion of the Waikato District is subject to the Franklin District Operative Plan became operative in February 2000 and includes strategic objectives and policies which provide a high-level policy direction for rural areas. The policy direction seeks to enhance opportunities to utilise the productive potential of natural resources in an environmentally sustainable manner (Objective 17A(7)). Furthermore, the objectives and policies for the Rural Zone seek to provide for economic non-residential activities

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<sup>1</sup> Ministry for Primary Industries Discussion Document on a Proposed National Policy Statement for Highly Productive Land August 2019 Section 2.2

<sup>2</sup> Ministry for Primary Industries Discussion Document on a Proposed National Policy Statement for Highly Productive Land August 2019 Section 2.2

<sup>3</sup> Ministry for Primary Industries Discussion Document on a Proposed National Policy Statement for Highly Productive Land August 2019 Section 2.2

of an appropriate size and scale that maintain and/or enhance rural productivity (Objective 17C.2.1(9)). This is to be achieved by enabling a diversity of rural business activities that have a clear and genuine connection with the resources, communities or the character and amenity of the rural areas of the district, with a focus on horticulture produce packing, processing and appropriate manufacturing of goods (Policy 17C.2.2(3A)).

- 6.7 To implement this policy direction the Franklin District Operative Plan enables *On Site Primary Produce Manufacturing* as a permitted activity. On Site Primary Produce Manufacturing is defined as:

*“An activity, not defined as a Rural Industry or Service, which may utilise a Building for the manufacturing of goods from primary produce grown on the site on which the building is located, or grown on other sites within the same ownership as the subject site, or grown on other sites leased by the owner of the subject site on which the building is located and not exceeding 100m<sup>2</sup> in area for agricultural produce and 500m<sup>2</sup> in area for all other produce.”*

- 6.8 The high level policy direction for rural areas also seeks to enable limited opportunities for a subsidiary dwellings to support farming and horticulture by accommodating employees or seasonal workers engaged in farming or horticulture activities. To implement this policy direction subsidiary dwellings are provided for as a restricted discretionary activity within the Rural Zone (23A1.3.1(6)). Subsidiary dwellings must comply with the relevant development standards and are subject to assessment criteria (23A4.2.5) which assess:

- Use of subsidiary dwelling
- Size of dwelling
- Location of dwelling
- Dwelling not to be subdivided
- Subsequent use of the dwelling and ceasing of consent

#### Waikato District Operative Plan 2013

- 6.9 The remainder of the Waikato District is subject to the Waikato District Operative Plan became operative in March 2013 and also includes strategic objectives and policies which provide a high-level policy direction for rural areas. The policy direction seeks to ensure that the capacity of rural areas to support productive rural activities is

maintained (Objective 1A.6.1 & Policy IA.6.2). Furthermore, the policies seek to ensure that Productive rural activities, and appropriate rural-based activities directly associated with rural production, can establish and operate efficiently in rural areas, subject to avoiding, remedying or mitigating their adverse effects on the environment (Policy IA.6.4).

- 6.10 To implement this policy direction the Waikato District Plan enables *Productive Rural Activities* as a permitted activity. Productive Rural Activities is defined as:

*“Means those activities that use rural resources for economic gain and which cannot be carried out easily or appropriately in an urban setting. They include energy generation, access to and extraction of mineral resources including extractive industry, soil-based production and the processing of primary products.”*

## 7. PLANNING ANALYSIS

### Definition of “Farming” and the Provision for Processing Operations

- 7.1 The T&G submission sought amendments to the definition of “Farming” to allow for the processing of produce grown on other sites leased by the same owner<sup>4</sup>. T&G submitted that this approach provides for the more efficient use of resources by reducing the need for dispersed on-site produce manufacturing which can lead to greater environmental impacts across the district<sup>5</sup>.
- 7.2 The Council has recommended rejecting the request to expand the definition of “Farming” to include the processing of primary produce grown on other sites<sup>6</sup>. The reasoning Council has given within the Section 42A report for their recommendation is that the intent of the definition is to provide for only ancillary processing operations as a permitted activity<sup>7</sup>. The Council is of the view that processing which is directly related to the site where the produce is grown will only be of a scale which is inherently limited<sup>8</sup>. In contrast processing which is not only directly related to the site is likely to be a larger scale operation, and therefore more appropriately provided for through the restricted discretionary pathway for ‘rural industry’<sup>9</sup>.

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<sup>4</sup> Submission 676.5

<sup>5</sup> Submission 676.5

<sup>6</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 394

<sup>7</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 394

<sup>8</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 394

<sup>9</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 394

7.3 In my opinion this proposed approach to the permitted threshold for processing operations is inconsistent with the proposed strategic direction within the NPS HPL and the higher order policy direction of the RPS which, seek to support the primary sector and provide for the continued operation and development of primary production activities. Processing operations are a fundamental part of the network of activities that support primary production and therefore should be provided for within the rural environment. While I acknowledge that large scale processing operations may result in effects which will be more appropriately managed through the resource consent process, the permitted threshold needs to adequately reflect the scale of operation. This is to ensure rural areas are productive and enabling rural production activities.

I disagree with the Council's proposed permitted threshold which puts the emphasis on the ancillary nature of a processing operation for distinguishing between what is a small or large-scale operation. This proposed permitted threshold is inefficient for producers who grow produce on dispersed sites and is not effective as it does not reflect the scale of effects associated with an operation. In my view a more efficient and effective approach for distinguishing between what is a small or large-scale processing operation is relying on the land use and bulk and location rules of the Rural Zone. Processing activities which comply with the rules for the Rural Zone will be of a scale anticipated within the rural environment. Where an operation infringes these rules, this is an indication that the scale of activity may result in effects which need to be assessed as a discretionary activity through the resource consent process.

7.4 This approach is consistent with the Waikato District Operative Plan and the Franklin District Operative Plan where a maximum floor area and compliance with the zone rules is used to determine the permitted threshold. As previously discussed in paragraph 6.9 under the Waikato District Operative Plan *Productive Rural Activities* which includes "*the processing of primary products*" are permitted up to a maximum floor area of 1000m<sup>2</sup>. There is no requirement for the processing of primary products to be ancillary. As discussed in paragraph 6.6 the Franklin District Operative Plan also permits *On Site Primary Produce Manufacturing* to a maximum floor area of 500m<sup>2</sup>. *On Site Primary Produce Manufacturing* enables processing of produce from different sites if these are in the same ownership or leased by the same person.

7.5 I propose the following amendments (in red) to the Council's recommended definition of farming to reflect this approach to the permitted threshold for processing operations:

*Farming Means*

(a) Any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production; and it includes:

~~(b) Ancillary produce stalls;~~

(a) Includes initial processing, ~~as an ancillary activity~~ of farm produce grown on the same site land, such as cutting, cleaning, grading, chilling, freezing, packaging and storage;

(b) Includes any land and buildings used for the production of commodities from (a) and used for the initial processing of commodities in (b) and includes greenhouses, indoor hydroponics, pack houses and coolstores; but

(c) Excludes further processing of those commodities into a different product;

(d) Includes loading areas for helicopters and airstrips for top dressing and spraying the same site;

(e) Includes on-farm agricultural and horticultural research activities; (f) Excludes intensive farming.

#### Provisions for Worker's Accommodation

7.6 The Proposed Plan as notified included *Policy 5.3.4–Density of dwellings and buildings within the rural environment* which acknowledges the need for additional dwellings to support rural workers working in the rural environment:

5.3.4 *Policy - Density of dwellings and buildings within the rural environment*

(a) *Retain open spaces to ensure rural character is maintained.*

(b) *Additional dwellings support workers' accommodation for large productive rural activities.*

Despite this policy direction the Proposed Plan as notified did not incorporate any specific provisions for rural workers accommodation.

7.7 The T&G submission supported *Policy 5.3.4–Density of dwellings and buildings within the rural environment* as notified as it recognised the that additional dwellings are needed to support workers accommodation for productive rural activities<sup>10</sup>. T&G submitted seeking that specific provision is made within the Proposed Plan for worker accommodation up to 120m<sup>2</sup> for workers engaged in rural production activities<sup>11</sup>.

7.8 The Council has recommended amending Policy 5.3.4 to focus on rural character outcomes and the management of minor units<sup>12</sup>. The proposed wording now deletes

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<sup>10</sup> Submission 676.3

<sup>11</sup> Submission 676.17

<sup>12</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 272



the reference to workers accommodation<sup>13</sup>. The Council has also recommended rejecting submissions that seek provision for workers accommodation due to the strong strategic policy direction concerning urban growth<sup>14</sup>. The Council is concerned that providing yet another pathway for seasonal worker accommodation creates the potential to undermine these strategic directions<sup>15</sup>. Furthermore, the Council is of the view that defining and enforcing seasonal accommodation is problematic, and simply permitting additional residential units for farm workers could lead to a proliferation of new dwellings in rural areas<sup>16</sup>.

- 7.9 In my opinion these recommendations are inconsistent with the proposed strategic direction within the NPS HPL and the higher order policy direction of the RPS which, seek to support the primary sector and provide for the continued operation and development of primary production activities. The horticultural sector requires access to labour and the provision, where necessary, of farm workers' accommodation that addresses permanent and seasonal worker accommodation needs. Under the Recognised Seasonal Employer scheme, the need to provide workers accommodation for seasonal workers is a legal requirement as employers are required to take responsibility for the workers' 'pastoral care', which includes making sure they have appropriate accommodation.
- 7.10 I disagree with the Council's concern that the provision for workers accommodation can undermine the strategic direction for consolidating urban growth in centres. Workers accommodation is a bespoke type of accommodation that has a different role to a dwelling, and ensures the ongoing productivity of the primary sector. The sector's needs are well recognised and provided for in rural production areas throughout the country. This concern can be further alleviated by ensuring that provisions for workers accommodation cannot be subdivided from the parent site.
- 7.11 I also disagree with the view that defining and enforcing seasonal accommodation is problematic. There are many examples of provisions for workers accommodation in District Plans around the county see Attachment 2, including a workable example in the Franklin District Operative Plan discussed at Paragraph 6.7.
- 7.12 In my view *Policy 5.3.4–Density of dwellings and buildings within the rural environment* should be retained as notified and a new rule should be inserted into the Rural Zone

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<sup>13</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 284

<sup>14</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 264

<sup>15</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 264

<sup>16</sup> Section 42A Proposed Waikato District Plan Rural Zone: Paragraph 264

to provide for workers accommodation. This rule should be largely consistent with the proposed rule for minor residential units however, it should provide for a larger gross floor area. This is to recognise that workers accommodation is often of a more communal/dormitory style. For the reasons set out in paragraph 7.10 I also propose making it a prohibited activity to subdivide workers accommodation from the site on which the principal residential unit is located:

22.3.3 Workers Accommodation

<u>P1</u>	<u>(a) Workers accommodation not exceeding 120m<sup>2</sup> gross floor area (excluding accessory buildings).</u> <u>(b) Workers accommodation shall be located on the same Record of Title as an existing residential unit and shall:</u> <u>i. Be located within 100m of the existing residential unit dwelling;</u> <u>ii. Share a single driveway access with the existing residential unit dwelling.</u>
<u>D1</u>	<u>A worker's accommodation unit that does not comply with Rule 22.3.3 P1</u>
<u>Pr1</u>	<u>The subdivision of workers' accommodation from the site on which the principal residential unit is located.</u>

**8. CONCLUSION**

8.1 Overall, I consider that the proposed amendments to the definition of farming, the retention of the wording of Policy 5.3.4 as notified and the provision for workers accommodation up to 120m<sup>2</sup> more appropriately achieves the purpose of the RMA and the higher order objectives of the RPS.

**Rebecca Nancy Anka Sanders**

**8 September 2020**



Urban & Environmental



## REBECCA SANDERS: ASSOCIATE

BPlan (Hons); Int NZPI

Rebecca has 12 years experience as an urban planner working in all aspects of the profession, including policy development, spatial planning and consenting, in both the public and private sector.

Rebecca has experience at all stages of the RMA plan making process, from scoping plan reviews and plan changes through to the resolution of Environment Court appeals. Her work has seen her provide specialist planning input on a variety of planning projects across New Zealand, with a particular focus on urban development

### EXPERTISE

- **Plan reviews and resource management plan drafting**
- **Preparation of council initiated and private plan changes**
- **Community, stakeholder and political engagement**
- **Preparation of submissions on district plan changes and national policy documents**
- **Preparation of evidence and appearance at Council hearings**
- **Resolution of Environment Court appeals**
- **Preparation of non-statutory spatial plans and documents**

### AFFILIATIONS

- **Intermediate Member of the New Zealand Planning Institute**

### PROJECTS / KEY EXPERIENCE

**Auckland Unitary Plan Development:** Prepared and presented evidence, attended expert conferencing, mediation and direct discussions on behalf of Auckland Council on a variety of topics including the regional policy statement, residential, trees, zoning and precincts. Worked on the resolution of Environment Court appeals and the judicial review proceedings on submission scope.

**Auckland Unitary Plan Performance and Monitoring:** Project lead responsible for a series of four council initiated plan changes to improve the consistency of provisions across the Auckland Unitary Plan. Co-ordinated the monitoring of the Auckland Unitary Plan outcomes for urban growth.

**Drury Plan Changes:** Preparation of private plan changes for approximately 300 hectares for greenfield land in Drury East, the Drury South industrial area, and greenfield land in Papakura.

**National Policy Statement and Resource Management Act Reform:** Preparation of submissions on the Resource Management Reform Options Paper, the National Policy Statement for Urban Development and the National Policy Statement for Highly Productive Land for a variety of submitters.

**Newmarket:** Preparation of a private plan change application to enable greater development potential and height of a large brownfield redevelopment site.

**Whangarei District Plan:** Preparation of planning evidence for submitters on the commercial zone provisions proposed as part of the Urban and Services Plan Changes. Preparation of a private Plan Change to rezone 127ha and establish a new centre in the Ruakaka/Marsden Point area.

**Ponsonby Road Plan:** Project lead responsible for the development and delivery of the Ponsonby Road Plan, which seeks to provide a thirty-year placemaking vision for Ponsonby Road.

**Attachment 2: District Plan Provisions for Workers Accommodation**

Plan	Rules	Definition
<b>North Island</b>		
<b>Auckland Unitary Plan</b>	<p>Workers accommodation in rural coastal, mixed rural and rural production zones – Restricted Discretionary</p> <p>H19.10.12. Workers’ accommodation The following standards apply to workers’ accommodation (1) Workers’ accommodation must comply with all of the following: (a) no more than one workers’ accommodation building per site; (b) comply with all the relevant yards setback requirement, and height standards for buildings in the applicable zone as set out in standards H19.10.2 and H19.10.3; (c) be located on a site equal to or greater than 5ha and less than 40ha; (d) have a floor area equal to or less than 120m<sup>2</sup> excluding decks and garaging. The floor area may include a dormitory or equivalent; (e) only have a single kitchen facility; and (f) may accommodate a number of seasonal workers.</p> <p>Workers accommodation that does not comply with standards = Non-complying</p>	<p><b>Workers’ accommodation</b> A dwelling for people whose duties require them to live on-site, and in the rural zones for people who work on the site or surrounding rural area. Includes:</p> <ul style="list-style-type: none"> <li>• accommodation for rangers;</li> <li>• artists in residence;</li> <li>• farm managers and workers; and</li> <li>• staff</li> </ul>
<b>Waikato - Franklin District Plan</b>	<p>23A.4.2.5 SUBSIDIARY DWELLING</p> <p>1. Performance Standards Any SUBSIDIARY DWELLING shall comply with the relevant Performance and Development Standards-Rural Zone and Rural Countryside Living Zone set out in Rule 23A.2.1 and with the following performance standards, but shall otherwise be a noncomplying activity:</p> <p style="padding-left: 40px;">a) Use of Subsidiary Dwelling. Full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities on the SITE, or on sites associated by ownership, lease or contract with the SITE;</p> <p style="padding-left: 40px;">b) Size of Dwelling. The SUBSIDIARY DWELLING for SEASONAL WORKERS shall be no greater than 120 square metres in area excluding decks and may</p>	<p><b>SEASONAL WORKERS</b> means part time employees engaged in FARMING or HORTICULTURE activities, including those who are part of a recognised seasonal employers scheme, shearers, pickers or those processing produce.</p>

	<p>consist of a dormitory or equivalent with only a single kitchen facility accommodating a multiple number of seasonal workers.</p> <p>Location Of Dwelling / Eligible Site. The SUBSIDIARY DWELLING for full or part time equivalent employees and their family or SEASONAL WORKERS, engaged in FARMING or HORTICULTURE activities shall be located on a SITE with a size greater than 5 hectares</p> <p>Dwelling not to be Subdivided. The SUBSIDIARY DWELLING shall be held in the same certificate of title as the principal dwelling on the site. (Note under Rule 22.6 any subdivision of a SUBSIDIARY DWELLING from the principal DWELLING HOUSE is a Prohibited Activity).</p> <p>Subsequent Use of the Dwelling and Ceasing of Consent. In the event of a SUBSIDIARY DWELLING ceasing to be occupied by the person for which approval was given, then the building shall not be used for any other residential purposes or other activities other than those consistent with the definition of SUBSIDIARY DWELLING or in compliance with the zone provisions or the building shall be immediately removed from the site or modified to comply as a permitted activity accordingly.</p>	
<p><b>Waipa District Plan</b></p>	<p>Farm workers dwellings in the Rural Zone – Restricted Discretionary Farm workers dwellings that comply with the provisions of Rule 4.4.2.80:</p> <ul style="list-style-type: none"> <li>(a) One farm workers’ dwelling per holding; and</li> <li>(b) he minimum size of the holding shall be 40ha; and</li> <li>(c) The farm workers’ dwelling shall be relocatable; and</li> <li>(d) The farm workers’ dwelling shall not be located in whole or in part within the areas identified in Rule 15.4.2.43 with the exception that the dwelling can be located on high class soils.</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>(e) In the event that a farm workers’ dwelling constructed after 1 April 2015 is no longer required, the land surrounding the dwelling shall not be subdivided under the provisions of the</li> </ul>	<p><b>Farm worker dwelling</b> means a DWELLING established for employees required to live on the SITE for the purpose of employment as a direct result of the scale and intensity of the FARMING ACTIVITY.</p>

	<p>Subdivision of a Surplus Dwelling in the Rural Zone Rules 15.4.2.34 to 15.4.2.39.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>• Site suitability; and</li> <li>• Site layout and services; and</li> <li>• Landscaping; and</li> <li>• Potential reverse sensitivity effects on any adjoining rural activities; and</li> <li>• Proximity to farm effluent storage facilities; and</li> <li>• Justification for the additional dwelling; and</li> <li>• The extent to which the building is designed to be relocated.</li> </ul>	
<p><b>Hamilton City District Plan</b></p>		<p><b>Short-stay worker accommodation</b> – means the same as visitor accommodation (*) but for the exclusive use of employees or contractors.</p> <p>*Visitor accommodation – means any land or buildings used for day-to-day accommodation of visitors on a temporary basis (up to three months continuous occupation during any 12-month period). It includes motels, hotels, holiday or tourist flats, backpacker accommodation, motor or tourist lodges. It excludes camping grounds and motor camps.</p>
<p><b>Western Bay of Plenty</b></p>	<p>Seasonal workers accommodation for a maximum of 75 persons associated with the post harvest and/or kiwifruit or avocado orchard operations. This rule does not apply to Lot 3 DP 392756, Te Matai Road, Lots 1 and 2 DPS 35211, Rangiuru, and Lot 1 DPS 89976, Lot 2 and 4 DP 376727, Te Puna and Lots 4 and 5 DPS 18004, Kauri Point Road. = Permitted</p> <p>Seasonal worker accommodation shall:</p> <ul style="list-style-type: none"> <li>(i) Be constructed in accordance with the specific Code of Practice for Seasonal Worker Accommodation. The standard of construction for these facilities shall be no lesser than the Code requires;</li> <li>(ii) Be located no less than 100m from any dwelling , lawfully established prior to 7 February 2009 and which is located on any other site not zoned Post Harvest. This may be reduced with the written consent of neighbouring property owners;</li> </ul>	<p><b>Seasonal Worker Accommodation</b> is specific to post harvest and means accommodation directly associated with the seasonal labour requirements of the horticultural industry and includes detached buildings (lodges, dwellings , relocatable modular structures, caravans, mobile homes and house buses) and space within or attached to a post harvest building</p>

	<ul style="list-style-type: none"> <li>(iii) Provide an outdoor recreation area with a minimum area of 50m<sup>2</sup> per every ten workers accommodated or part thereof;</li> <li>(iv) Provide an indoor recreation or communal area with a minimum of 25m<sup>2</sup> per every ten workers accommodated or part thereafter;</li> <li>(v) Be located no closer than 10m from any other building located on the site where the seasonal worker accommodation is a detached building or buildings;</li> <li>(vi) Operate only for seasonal worker accommodation associated with the post harvest facility and/or kiwifruit and/or avocado orchard operations associated with that facility;</li> <li>(vii) Have a current Travel Management Plan for the purposes of minimising unnecessary traffic movements in relation to the facility and kept at the facility office for inspection upon request.</li> </ul> <p>Seasonal worker accommodation for more than 75 persons and/or where construction of the accommodation does not comply with the specified Code of Practice for Seasonal Worker Accommodation. - Discretionary</p>	
<p><b>Hastings District Plan</b></p>	<p>RZ10 Seasonal Workers Accommodation within specified limits – Permitted.</p> <p>5.2.6H SEASONAL WORKERS ACCOMMODATION</p> <ul style="list-style-type: none"> <li>• The maximum gross floor area of the seasonal workers accommodation is 125m<sup>2</sup>.</li> <li>• All new buildings which are part of the seasonal workers accommodation shall be relocatable in design.</li> <li>• The property upon which the workers accommodation is to be sited shall not be a lifestyle site (a site created through the subdivision provisions of the District Plan).</li> <li>• Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.</li> </ul>	<p><b>Seasonal Worker Accommodation</b> means any premises used for accommodation purposes directly associated with the seasonal labour requirements of the Districts horticulture, viticulture, and cropping industries and includes both new and existing permanent buildings and relocatable structures. Seasonal workers accommodation is defined as a sensitive activity.</p>

	<ul style="list-style-type: none"> <li>Outdoor storage and parking areas of seasonal workers accommodation shall be fully screened from adjacent residential activities in different ownership by fencing and/or planting.</li> </ul>	
<p><b>Napier District Plan</b></p>	<p>34.9 Supplementary Units, Residential Care Facilities, Day Care Centres, Education Facilities, Travellers Accommodation and Seasonal Workers Accommodation.</p> <p>Any one or more of the following are permitted activities:</p> <ol style="list-style-type: none"> <li>1. A supplementary unit</li> <li>2. A residential care facility, catering for up to 10 residents</li> <li>3. A day care centre, catering for up to 10 people<sup>1</sup></li> <li>4. An education facility, catering for up to 10 students</li> <li>5. Travellers accommodation catering for up to 5 guests<sup>1</sup></li> <li>6. Seasonal Workers Accommodation</li> </ol> <p>Provided that:</p> <ol style="list-style-type: none"> <li>a) A maximum of one of each of these activities shall be undertaken on any site.</li> <li>b) The combined gross floor area of these activities must not exceed 80m<sup>2</sup> (per site, not per activity)<sup>1&amp;2</sup>.</li> <li>c) Any outdoor storage associated with these activities must be screened from view of any adjacent sites and public open space.</li> <li>d) These activities shall share access with any primary dwelling onsite.</li> <li>e) Any building utilised for these activities shall be located a maximum of 25 metres from the primary dwelling.</li> <li>f) Any building associated with seasonal workers accommodation shall be sited a minimum of 15 metres from any road or adjoining property boundary.</li> <li>g) These activities shall comply in all respects with the relevant conditions in the Main Rural Zone activity and condition table</li> </ol> <p>Note 1: Travellers Accommodation or Day Care Centre within an existing dwelling will be exempt from the 80m<sup>2</sup> maximum floor area, provided that the existing residential activity does not cease. Seasonal Workers Accommodation within an existing dwelling will be exempt from the 80m<sup>2</sup> maximum floor area.</p> <p>Note 2: Seasonal Workers Accommodation – refer to the definition for clarification as to what is included within the gross floor area.</p>	<p><b>Seasonal Workers Accommodation</b> means any premises used for accommodation purposes directly associated with the seasonal labour requirements of the CITY'S HORTICULTURE, VITICULTURE, and cropping industries and includes permanent BUILDINGS and relocatable STRUCTURES, but does not include ablution or kitchen/common room facilities associated with this activity when those facilities are located in a separate BUILDING from the BUILDING providing the accommodation.</p>



	<p>Note 2: Seasonal Workers Accommodation – refer to the definition for clarification as to what is included within the gross floor area.</p> <p>Seasonal workers Accommodation that does not comply with the above defaults to non-complying.</p>	
<b>Hauraki District Plan</b>	<p>Rural Zone – Home/Farm Stay is a permitted activity pursuant to Rule 5.1.4.1(P17).</p> <p>Coastal Zone - Home/Farm Stay is a permitted activity pursuant to Rule 5.4.4.1(P5).</p>	<b>Home/Farm Stay</b> – means where a resident household offers for a daily tariff accommodation and meals within their own dwelling to visitors, provided that not more than six people exclusive of the members of the household are accommodated.
<b>Matamata-Piako District Plan</b>	<p>Residential zone – noise adjacent to residential zone shall not exceed 45dBA Mon-Friday and 35dBA at Saturday, Sunday and public holidays.</p> <p>Activity Table: Permitted – Rural, Rural-Residential and Residential Non-Complying – Industrial, Business, Kaitaki (Conservation)</p>	<b>Home occupation*</b> may include farm stay accommodation for up to 6 people at any one time *defined as means of occupation, craft, light industry, profession or similar activity that is conducted in conjunction with a household unit for commercial gain and shall include the sale of goods grown, prepared or manufactured on the site from the site or the dismantling and assembling of machinery on the site from the site.
<b>Opotiki District Plan</b>	<p><b>Rural Zone:</b> Permitted activity – up to 4 visitors per night (16.3.1(7)). Discretionary activity – more than 4 visitors per night (16.3.3(9)).</p> <p><b>Residential Zone:</b> Controlled activity – 1 to 4 visitors per night (13.3.2(2)) Discretionary activity – more than 4 visitors per night (13.3.3(10)).</p>	<b>Visitor accommodation</b> – means accommodation provided for payment or short-term visitors, and includes homestay, farmstay, motels, hotels, lodges and camping grounds.
<b>Whakatane District Plan</b>		<b>Accommodation facilities</b> – any form of residential activity which does not comply with the definition of a dwelling and includes boarding houses, hotels, hostels, motels, camping grounds and <b>accommodation for seasonal workers</b> .
<b>Wairoa District Plan</b>		<b>Accommodation facility</b> – means any form of residential accommodation that does not comply with the definition of residential activities/dwellings and <u>includes farmstays</u> . Occupancy of any accommodation facility shall be assessed on a person per bed basis.

<b>Stratford District Plan</b>	B1.2 Rules Rural Zone – Farmstay Accommodation (up to 5 paying guests) is permitted under B1.2.1.1	<b>Farmstay Accommodation</b> means the provision of accommodation on a property in the Rural Zone for up to 5 paying guests as an accessory to farming.
<b>South Island</b>		
<b>Tasman Resource Management Plan</b>	<p>Section 17.5 Rural 1 Zone Workers' Accommodation – Controlled, with the following conditions:</p> <ul style="list-style-type: none"> <li>• All buildings which are part of workers' accommodation are relocatable.</li> <li>• The site of the workers' accommodation has a minimum area of 12 hectares.</li> <li>• The site is not part of a cooperative living activity.</li> </ul> <p>Section 17.6 Rural 2 Zone Workers' Accommodation – Controlled, with the following conditions:</p> <ul style="list-style-type: none"> <li>• All buildings which are part of workers' accommodation are relocatable.</li> <li>• The site of the workers' accommodation has a minimum area of 50 hectares</li> <li>• The site is nor part of a cooperative living activity</li> </ul> <p>Section 17.7 Rural 3 Zone Workers' Accommodation – Controlled, with the following conditions:</p> <ul style="list-style-type: none"> <li>• All buildings which are part of workers' accommodation are relocatable.</li> <li>• The site of the workers' accommodation has a minimum area of 50 hectares in the Rural 3 Zone.</li> <li>• Matter of control: Effects relating to any on-site servicing</li> </ul>	<p><b>Workers' accommodation</b> means a collection of buildings that:</p> <ul style="list-style-type: none"> <li>(a) provides the functional requirements of one or more self-contained housekeeping units; and</li> <li>(b) locates in separate buildings, sleeping facilities from sanitary and eating facilities; and</li> <li>(c) is used for the residential accommodation of persons employed.</li> </ul>
<b>Buller District Plan</b>	<p>No explicit rules but an explanation of rules within Rural Zone mentions workers are allowed on site: 5.3.2.5.4. The provision of two dwellings per site will prevent conglomeration of housing on single lots but allow flexibility for those who have workers or relatives on the same site. The more permissive floor area and height standards also reflect this intent and the ability of the rural area to more easily integrate such development into the landscape setting.</p>	

<p><b>Ashburton District Plan</b></p>	<p>Permitted activity if it complies with - Site Standards  3.9.1 Residential Density  (a) Workers accommodation shall only be provided in the Rural B and Rural C zones, on sites of greater than 10 hectares</p>	<p><b>Workers Accommodation</b> means a residential unit for the use of farm workers or family members, additional to the first residential unit on a site, provided they are to be constructed on a farming unit to provide accommodation for persons employed on that farm and that no further subdivision is involved. Workers accommodation shall be legally encumbered to ensure that they are not separately subdivided from the main farming unit.</p>
<p><b>Hurunui District Plan</b></p>	<p>Rural – Hurunui Lakes Area  Farm dwellings are specifically referenced and is a permitted activity subject to the general 3.4.3 permitted activity standards</p> <p>Rural Zone and Hanmer Basin Management Area  Assumed to be a permitted activity if it complies with the general 3.4.3 permitted activity standards</p>	<p><b>Farm dwellings</b> are undefined.</p> <p><b>Worker’s accommodation</b> is only referenced in the <b>Building cluster</b> definition - includes that area of land which contains the principal dwelling house, other principal buildings, and <u>any worker’s accommodation</u> or accessory buildings, which are contained in an area of the property that is delineated by intensive shelter or amenity planting. A building cluster does not include any area which contains only holiday homes, baches, cabins, huts or similar buildings which are not permanently occupied and which are not associated with the farming operation on the property.</p>
<p><b>Christchurch District Plan</b></p>	<p>Provided for in terms of CER efforts / Temporary Earthquake Recovery Activities:  <b>6.4.2.1.3 Policy - Workers’ Temporary Accommodation</b>  Provide for workers' accommodation in temporary locations until 31 December 2022 through the:  temporary use of permanent buildings in appropriate areas;  temporary conversion of permanent buildings in appropriate areas;  establishment and use of temporary accommodation units, including multi-unit residential complexes, in appropriate areas; while managing significant adverse effects.</p>	
<p><b>Waimakariri District Plan</b></p>	<p>Provided for in terms of CER efforts  <u>Chapter 39 – Canterbury Earthquake Recovery</u>  <b>39.1 Workers’ temporary accommodation for the greater Christchurch rebuild</b>  <i>Entire chapter – excerpt below for permitted activity</i>  <u>Temporary use of permanent buildings for workers’ temporary accommodation</u></p>	<p>Accommodation building means residential unit, traveller or visitor accommodation, family flat, student or educational accommodation, elderly persons housing, retirement complex, or care home, or similar such activities, and any related accessory buildings, as provided for in the district plan.</p> <p>Workers’ temporary accommodation unit means a temporary building and related infrastructure used for workers’</p>

	<p>Permitted Activity – temporary use of permanent accommodation buildings for workers’ temporary accommodation</p> <p>2. The erection and/or use of any permanent accommodation building for temporary use for workers’ accommodation is a permitted activity if the following standards and terms are met:</p> <p>Standards and terms</p> <p>i. At the time the temporary use commences, the permanent accommodation building complies with all relevant District Plan requirements or resource consent for that permanent use; and</p> <p>ii. The temporary use for workers’ temporary accommodation is only for the period, or part of the period, up to 31 December 2022; and</p> <p>iii. The temporary use for workers’ temporary accommodation does not result in an existing activity on the site failing to comply or increasing the degree of non-compliance with a rule in the District Plan or resource consent; and</p> <p>iv. On-site management is provided for the workers’ temporary accommodation.</p>	<p>temporary accommodation for no more than 4 people operating as a household unit with shared facilities.</p> <p>Workers’ temporary accommodation complex means temporary building(s), facilities and related infrastructure used for workers’ temporary accommodation for 5 or more people either in a single unit or in two or more units on the same site. The complex may include provision of communal facilities such as dining and recreation.</p>
<p><b>Waimate District Plan</b></p>	<p>Farm activities (and therefore farm buildings) are permitted subject to compliance with the general Rule 7 Site Standards and Rule 8 Zone Standards</p>	<p><b>Farm Building:</b> means a building the use of which is incidental to the use of the site for a farming activity (refer definition) and <u>includes residential units and accommodation</u> used predominantly for people engaged in farming activity and their families</p>
<p><b>Central Otago District Plan</b></p>	<p>Seasonal workers accommodation to accommodate a maximum of 60 persons is a discretionary (restricted) activity. Council shall restrict the exercise of its discretion to the following matters: 1. Visual effects. 2. Management of the adverse effects of noise. 3. Management of the adverse effects of activities conducted on site that are incidental to the seasonal workers accommodation. 4. The effect on the safe and efficient operation of the roading network and the provision of parking. 5. The management regime for the operation of the seasonal workers accommodation. 6. The provision of water, wastewater, electricity and telecommunication services.</p>	<p><b>Seasonal workers accommodation</b> means accommodation units that are used for part of the year to meet labour requirements in the horticulture sector and which generally have sleeping and ablution facilities and a communal kitchen and eating area.</p>

	Setbacks for intensive farming activities from building designed to accommodate people (excluding any such buildings that are ancillary to the intensive farming activity itself).	
<b>Clutha District Plan</b>	RRA.3 An additional dwelling to accommodate the staff of a property owner is permitted where that dwelling remains on the same certificate of title and shares the same access as the main dwelling.	No definition.
<b>Southland District Plan</b>	<p>RURAL.1(2)(1) Dwellings outside of Rural Settlement Areas are permitted provided that:</p> <p>(a) Maximum number is one dwelling per Computer Freehold Register, with Additional Staff Dwellings as follows:</p> <p>(i) one dwelling per 50 hectare - 100 hectare property;</p> <p>(ii) two dwellings per 101 hectare - 150 hectare property;</p> <p>(iii) three dwellings per 151 hectare - 300 hectare property;</p> <p>(iv) four dwellings per 301 hectare - 1,000 hectare property;</p> <p>(v) five dwellings per 1,001 hectare property.</p>	<b>Staff Dwelling</b> means a dwelling for the residential use of farm owners, farm workers or family members, provided it is located on the property to which it relates.

### Attachment 3: Section 32AA Assessment

<u>Recommended Amendment</u>	<u>Options Evaluated</u>	<u>S32AA Assessment</u>
<p><b>Processing of farm produce:</b></p> <ul style="list-style-type: none"> <li>Amend the definition of “Farming” to include processing of farm produce.</li> </ul>	<ul style="list-style-type: none"> <li><b>Option 1:</b> Notified Provisions – do not include processing of farm produce within the definition of “Farming”.</li> <li><b>Option 2:</b> Council’s recommended revised definition – include processing of ancillary farm produce within the definition of “Farming”.</li> <li><b>Option 3:</b> Alternative Revision - include processing of farm produce within the definition of “Farming”.</li> </ul>	<p><b>Costs and benefits</b></p> <p><u>Economic</u></p> <p>Options 1 and 2 have the highest economic costs. These options do not recognise processing operations as a fundamental part of the network of activities that support primary production. While Option 2 enables limited opportunities for processing as an ancillary activity this does not provide producers who grow produce on dispersed sites.</p> <p><u>Environmental, Social and Cultural</u></p> <p>Option 3 has the highest environmental, social and environmental benefits. Through enabling processing operations Option 3 supports the primary production sector which creates social and cultural benefits for the wider community, including employment opportunities and maintaining food security. Option 3 permits processing activities which are a scale anticipated within rural environments. This will ensure processing operations do not result in environmental effects.</p> <p><b>Efficiency</b></p> <p>Options 3 is efficient in that it recognises processing operations as a fundamental part of the network of activities that support primary production. This option creates efficiencies for producers who grow produce on dispersed sites and reflects the scale of effects associated with an operation</p> <p><b>Effectiveness</b></p> <p>Options 1 and 2 are not effective at achieving higher order policy direction of the Waikato Regional Policy Statement which seeks to support the primary sector and provide for the continued operation and development of primary production activities. The imposition of a consenting regime provides an</p>

		<p>element of uncertainty or discouragement for processing operations which are a fundamental part of the network of activities that support primary production.</p> <p><b>Risks</b> There is no known risk due to insufficient information.</p>
<p><b>Workers Accommodation:</b> Amend the Rural Zone rules to provide for workers accommodation as a permitted activity.</p>	<ul style="list-style-type: none"> <li>• <b>Option 1:</b> Notified Provisions – do not include provision for workers accommodation.</li> <li>• <b>Option 2:</b> Alternative Revision - amend the Rural Zone rules to provide for workers accommodation as a permitted activity.</li> </ul>	<p><b>Costs and benefits</b></p> <p><u>Economic</u> Options 1 has the highest economic costs as it will not enable the horticultural sector to provide accommodation for seasonal and permanent workers. This may limit the ability for the sector to access the required labour, particularly with seasonal work.</p> <p><u>Environmental, Social and Cultural</u> Option 2 has the highest environmental, social and environmental benefits. Providing worker accommodation on-site creates opportunities for primary production industries to better manage their workforce and to enhance employee relationships. It also reduces the amount of car travel that workers will need to undertake to access their place of employment.</p> <p><b>Efficiency</b> Options 2 is efficient in that it recognises the horticultural needs to provide for workers accommodation in the rural environment particularly for seasonal workers under the Recognised Seasonal Employer scheme.</p> <p><b>Effectiveness</b> Options 1 is not effective at achieving higher order policy direction of the Waikato Regional Policy Statement which seeks to support the primary sector and provide for the continued operation and development of primary production activities. The horticultural sector requires access to labour and the provision, where necessary, of farm workers' accommodation that addresses permanent and seasonal worker accommodation needs.</p>

		<b>Risks</b> There is no known risk due to insufficient information.
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