
Proposed Hastings District Plan

Proposed Variation 7: Seasonal Workers Accommodation

Section 32AA Further Evaluation Report

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1 Introduction

1.1 Purpose of this Report

This report presents a further evaluation of proposed Variation 7 to the Proposed Hastings District Plan (Proposed Plan), in accordance with Section 32AA of the Resource Management Act 1991 (RMA) following the hearing of submissions.

This further evaluation report is required for the changes that have been made to Variation as a result of the hearing of submissions on the Variation.

1.2 Outline of Proposed Variation 7 to the Proposed Hastings District Plan

The purpose of Proposed Variation 7 is to better provide for seasonal workers accommodation within the Proposed District Plan to ensure that the environmental effects of seasonal workers accommodation are appropriately considered and to give a greater level of certainty to seasonal worker employers.

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.

2 Section 32AA Evaluation Requirements

Clause 10 of Schedule 1 of the RMA, requires that in making decisions on provisions and matters raised in submissions the decision must include a further evaluation of the proposed plan (including any proposed variation to a proposed plan) in accordance with section 32AA, and may include:

- i) Matters relating to any consequential alterations necessary to the proposed plan (variation) arising from the submissions; and
- ii) Any other matter relevant to the proposed plan (variation) arising from the submissions.

Further evaluations under Section 32AA must include a record of any further work that has been done, and the reasons why the proposed changes are the most appropriate methods. As for the Section 32 evaluation, the further evaluation aims to communicate the thinking behind the proposal to the community from the decision-makers. The evaluation also provides

a record for future reference of the process, including the methods, technical studies, and consultation that underpin it, including the assumptions and risks.¹

The further evaluation report under Section 32AA is required

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

2.1 Section 32 Requirements for The extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));

As stated a further evaluation under Section 32AA, must cover the matters set down in Section 32 (1) to (4) This includes :

- whether the provisions in the proposal are the most appropriate way in which to achieve the objectives by identifying other reasonably practicable options for achieving the objectives; assessing the efficiency and effectiveness of the provisions in achieving the objectives; and summarizing the reasons for deciding on the provisions (s32(1)(b)).

The evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c)).

Such an evaluation must take into account:

- the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment that are anticipated to be provided or reduced (s32(2)(a)) and, if practicable, quantify them (s32(2)(b)); and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s32(2)(c)).

¹ Ministry for the Environment. 2014. *A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Management Amendment Act 2013*. Wellington: Ministry for the Environment.

Variation 7 is an ‘amending proposal’ in that it will amend the Proposed Hastings District Plan (PDP) (which is an ‘existing proposal’). Therefore under s 32(3), the examination must relate to the provisions and objectives of Variation 7 and the objectives of the Proposed District Plan which are relevant to Variation 7 and will remain in place if Variation 7 takes effect. As a further evaluation only those objectives policies and methods that have been altered as a result of the Hearing of submissions will be subject to this evaluation. The original section 32 evaluation (dated July 2019) will remain valid for all other content.

The ‘provisions’ to be further evaluated are:

- i) Setting limits on the number of workers within the Industrial Zones.
- ii) A performance standard to mitigate potential reverse sensitivity effects.
- iii) Amended assessment criteria for seasonal workers accommodation to ensure that cumulative effects of seasonal workers accommodation are taken into account.
- iv) Amending limits on the number of seasonal workers that define residential activity.

Evaluating the provisions of the proposal in terms of efficiency and effectiveness, the evaluation has to address:

- *‘Whether the proposed amended provisions are the most appropriate way to achieve the objectives of Variation 7*

The overall approach of the plan section is to achieve the sustainable management of the Iona Special Character Zone by managing the effects of land use activities and development.

The following evaluation fulfils Council’s statutory obligations under Clause 10 of Schedule 1 of the RMA, in accordance with section 32AA, for proposed Variation 7 to the Proposed Plan.

3 Statutory Basis for Addressing Long Term Land-Use & Infrastructure Issues in the District Plan

In terms of managing long-term land use associated with urban growth and associated strategic infrastructure, Section 74 of the RMA 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.

3.1 Part 2 (Purpose & Principles) of the RMA

Managing the provision for long term land-use and infrastructure aligns closely with the purpose of the RMA, 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 their health and safety, while:

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably 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.”

Proposed Variation 7 directly relates to providing for seasonal workers accommodation which is a vital resource for the sustainable management of land based primary production in the Hastings District. Part 2 requires that this occurs in a way and at a rate which enables people and communities to provide for their social, economic and cultural wellbeing, and meeting the reasonably foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water, soil and ecosystems; and addressing adverse effects on the environment.

Section 7 identifies other matters requiring particular regard. Of particular relevance are:

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- 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;*
 - i) the effects of climate change.*
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The purpose of Variation 7 is to ensure that the versatile land resource that significantly contributes to the base of the Hastings District economy can operate in an efficient manner. Being unable to appropriately provide for the accommodation needs of workers means that the sustainable management of the land will not be achieved and the community will be less able to provide for its social, economic and cultural wellbeing.

Seasonal and RSE accommodation has a direct influence on housing availability within the Hastings District. The season requires workers for up to 8 months of the year and this impacts on the established rental housing market. Variation 7 will facilitate the provision of purpose built seasonal and RSE worker accommodation thereby taking pressure off the existing residential rental market.

3.2 Part 4 (Functions, Powers & Duties) of the RMA

The particular statutory functions of the District Council in giving effect to the Act as contained in section 31 of the Resource Management Act 1991 also provide a clear mandate for addressing long term provision for urban growth and provision of associated strategic infrastructure issues in a District Plan.

In particular:

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- “(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 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:*
 - ...*
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- (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 water in rivers and lakes:*
- (2) *the methods used to carry out any functions under subsection (1) may include the control of subdivision.”*
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Proposed Variation 7 expressly seeks to establish and implement plan provisions to achieve integrated management of the versatile land of the Heretaunga Plains.

The variation will also indirectly assist in achieving the objectives and policies that relate to ensuring that there is sufficient development capacity to meet the housing needs of Hastings District as a medium growth authority under the National Policy Statement for Urban Development Capacity. Better provision for seasonal worker accommodation is likely to result in less pressure being put on traditional residential rental property. However the variation also includes rules that assist in ensuring that land is used in the most efficient and effective manner. While there is a need to provide for on-site seasonal worker accommodation the effects on the versatile soil form part of the assessment criteria, to ensure that loss of versatile land is avoided to the extent practicable.

3.3 Hawke’s Bay Regional Policy Statement

In addition, Section 75 of the RMA states that a district plan ‘*must give effect to*’ any regional policy statement (RPS).

Of particular relevance in terms of long term provision for urban growth and strategic infrastructure, the Hawke’s Bay Regional Policy Statement dedicates a whole chapter to issues, objectives, policies, methods and anticipated environmental results for urban development and the strategic integration of infrastructure across the Region, and particularly within the Heretaunga Plains, titled ‘*Managing the Built Environment*’ (Chapter 3.1B of the RPS).

This includes planned provision for urban development and integration of land use with significant infrastructure. Of particular relevance, the RPS places priority on:

- establishing a compact and strongly connected urban form (OBJ UD1);
- provides for residential growth through higher density development in suitable locations. (OBJ UD2);
- Objective UD2 Provide for residential growth in the Heretaunga Plains sub-region through higher density development in suitable locations.
- Objective UD3 Identify and provide for the land requirements for the growth of business activities in the Heretaunga Plains in a manner that supports the settlement pattern promoted in Obj UD1
- Objective UD4 Enable urban development in the Heretaunga Plains sub-region, in an integrated planned and staged manner
- retention of the versatile land of the Heretaunga Plains, efficient utilization of existing infrastructure and planned infrastructure (POL UD1);
- Relevant Anticipated Environment Results in the RPS include:

AER UD1	<i>Availability of sufficient land to accommodate population and household growth, as and where required, while retaining versatile land for existing and foreseeable future primary production.</i>
AER UD2	<i>Balanced supply of affordable residential housing and locational choice in the Heretaunga Plains subregion.</i>
AER UD3	<i>More compact, well-designed and strongly connected urban areas.</i>
AER UD6	<i>The retention, as far as is reasonably practicable, of the versatile land of the Heretaunga Plains for existing and foreseeable future primary production.</i>
AER UD7	<i>Efficient utilisation of existing infrastructure.</i>
AER UD9	<i>Increased use of public transport and active transport modes (cycling, walking), reduced dependency on the private motor vehicle and reduced energy use.</i>
AER UD12	<i>Urban development is avoided in areas identified as being at unacceptable risk from natural hazard (flooding, coastal inundation, coastal erosion, liquefaction, land instability).</i>
AER UD13	<i>New development is appropriately serviced by wastewater, stormwater, potable water and multi-modal transport infrastructure.</i>

The preparation of proposed Variation 7 to the Proposed Hastings District Plan is therefore subject to a statutory obligation to give effect to the above.

In summary, the RPS sets a vision for planned, compact and well-designed urban development within defined urban limits on the Heretaunga Plains, with limited encroachment on the versatile soils of the Plains. Accommodation for seasonal workers sits somewhat outside objectives and policies related to urban development, as it is directly related to carrying out land based primary production.

Providing for seasonal worker accommodation within the Industrial Zones also results in the efficient utilization of existing infrastructure without the effects of complete on-site services.

‘Giving effect to’ the RPS is addressed in the following sections of this report.

4 Background to Proposed Variation 7

4.1 Overview

The Proposed District Plan currently provides specifically for seasonal workers accommodation only within the Plains Production Zone. This provision was provided through the last review of the District Plan. Provision for a building of up to 125m² was provided for as a permitted activity. One of the standards to be met as a permitted activity is for the building to be relocatable and it must also be located a minimum distance of 15 metres from the boundary. If those standards (or other general or specific performance standards) are not met, the activity becomes restricted discretionary. There is presently no scale limit beyond which the proposal requires discretionary or non-complying consent.

The review of the District Plan also provided a definition of Seasonal Workers accommodation which is;

“Seasonal Worker Accommodation: 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.”

The overriding objective of the Plains Production strategic management areas is that the land based productive potential and open nature of the Plains environment is retained.

■ **General Industrial Zone**

Within the General Industrial Zone seasonal worker accommodation is not specifically provided for and as such it is a non-complying activity.

Proposed Variation 7 will change provisions both within the Plains Production Zone and also within the General Industrial Zone and the Light Industrial zone to make provision for seasonal worker accommodation that is more 'fit for purpose' while also ensuring that the appropriate level of environmental mitigation is achieved.

■ **Residential Zones**

The scale of the activity is the important determinant for seasonal workers accommodation within residential zones. Up to a certain scale there is no differentiation in the level of effects between this type of activity and traditional residential activities such as a larger family, or flatting situation.

Currently seasonal workers accommodation is interpreted as a residential activity up to a certain threshold, and as an activity not provided for if the scale of the activity is considered not in keeping with residential amenity. However this approach is not legally set out in the Proposed District Plan and the variation will amend the definition of residential activity within the Plan to provide a fixed level of seasonal workers accommodation that is comparable to other residential activity in terms of scale. The identified level is 8 persons, on the basis that this is equivalent to a large household, or a 4 bedroom house. Beyond that level, the scale of accommodation is considered to go beyond what is reasonably anticipated as residential activity in residential zones, and full assessment would be required as a non-complying activity (as an activity not provided for in the zone).

○ **Strategies and Plans relevant to Variation 7**

The Rural and Urban Strategy section of the Proposed District Plan is relevant to Variation 7 as the aim of the provisions for seasonal worker accommodation in the Plains Production zone is to protect the versatile land resource while enabling the sustainable operation of primary production activities.

Urban Strategy

- To reduce the impact of urban development on the resources of the Heretaunga Plains in accordance with the recommendations of the adopted Heretaunga Plains Urban Development Strategy.
- To retain and protect the versatile land resource that is the lifeblood of the local economy from ad hoc development.

Rural Strategy

- To promote the maintenance of the life-supporting capacity of the Hastings District's rural resources at sustainable levels.
- To enable the effective operation of primary production activities within established amenity levels in the rural areas of the Hastings District.

- **Heretaunga Plains Urban Development Strategy (HPUDS)**

The guiding principles of the HPUDS document that are relevant are:

“Community and physical infrastructure that is planned, sustainable and affordable”, and

“Productive value of its versatile land and water resources are recognised and provided for and used sustainably.” and

“Quality living environments with high levels of amenity and thriving communities.”

“A growing and resilient economy which promotes opportunities to Live, Work, Invest and Play.”

This last guiding principle is of particular relevance to the provision for seasonal worker accommodation as it recognises the significance of the land based economy and encourages its further development. However it also recognises that while there should be opportunities to utilise the versatile soil resources, the loss of versatile land for productive purposes must be minimised.

While HPUDS does not specifically consider seasonal workers accommodation, it is a form of residential use that needs to be catered for in considering the growth needs of the district. This proposal is consistent with all of the above-mentioned Objectives and Guiding Principles. It is an efficient way of providing accommodation needs in the District that will mitigate the effect on the traditional housing stock which is already in short supply. It will also assist with ensuring that the productive value of the district’s versatile land are managed in a sustainable manner.

Hastings Long Term Plan 2018-2028

The recently adopted Long Term Plan 2018-2028 sets out the following objective for Future Focus and Investment.

“Ensure a range of housing options are available to meet the need of a changing community whilst protecting our valuable soils”

Seasonal worker accommodation is a component of the housing needs of the district and has a direct impact on the availability of housing for the wider community. It is evident that without specific provision for seasonal worker accommodation the impacts on the existing rental market are significant. The variation will also assist in placing an appropriate limit on the amount of versatile land that might be utilized for seasonal workers accommodation.

5 Appropriateness, Efficiency & Effectiveness of Proposed Variation 7 in Achieving the Purpose of the RMA

5.1 Is the Proposal the Most Appropriate Way to Achieve the Purpose of the RMA?

As outlined in section 2.1 of this report, the first part of this further evaluation is:

‘Whether the amended objectives of Variation 7 are the most appropriate way to achieve the purpose of the Resource Management Act’.

There are no amended objectives or policies as a result of the hearing of submissions on Variation 7.

5.1.1.1 Key Issues

The Key issues raised through the Hearing process and resulting in amendments to the Variation were:

1. Maximum number of seasonal workers to be accommodated on the site in the Industrial Zones.
2. Consideration of effects of seasonal workers accommodation on the groundwater resources.
3. Consideration of performance standards to mitigate reverse sensitivity effects.
4. Ensuring that the buildings are removed from the site in the Plains Production and General Industrial zones once seasonal worker accommodation use ceases.

The explanations of these issues are as follows:

1. Maximum numbers in the Industrial Zones
The issue was raised that unlike the Plains Production zone there was no maximum for the number of seasonal workers able to be accommodated within the Omahu and Irongate industrial zones under the restricted discretionary activity status. A figure of 300 residents was put forward in the submission as the suggested limit, which aligns with the size of the 'camp models' that the industry has put forward.
2. Seasonal workers accommodation in the Plains Production Zone will be required to have on site services for their water, wastewater and stormwater services. Concern has been raised over the effects that the onsite infrastructure associated with accommodation facilities with up to 80 residents, might have on the ground water resource. These effects will be part of the consideration of discharge to land applications with the HB Regional Council. However the cumulative effects of land use is an issue that is required to be taken into account by the Hastings District Council and is pertinent to the consideration of seasonal workers accommodation.
3. Traditionally residential and industrial activities are not considered to be compatible activities and in industrial zones residential activity with the exception of the caretaker accommodation is not provided for. Seasonal workers accommodation is not considered to be incompatible as it is directly related to the horticulture industry and it is designed to be of a temporary nature with the buildings required to be relocatable. The submitters have voiced concerns over the effects that the residential activity may have on the ability of the industrial activity to appropriately undertake their operations. This is commonly referred to as reverse sensitivity.
4. One of the principal issues for the supply of seasonal workers accommodation in the zones proposed under the Variation is the effects that it has on the principal purpose of the zone, ie that it occupies land that is zoned for other purposes. As a result a performance standard has been imposed that requires that the buildings associated with the seasonal workers accommodation are relocatable or able to be re-purposed to a use associated with land based primary production. This reflects the desire that the buildings can be removed so that the land can used for its original zoned use. One of the submitters has asked that a condition be imposed that the buildings be removed after use has ceased.

ISSUE 1 : Maximum number of Seasonal Workers in the Industrial Zones						
<i>Option Method</i>	<i>Effectiveness rating</i>	<i>Reason for Effectiveness Rating</i>	<i>Costs</i>	<i>Benefits</i>	<i>Efficiency rating</i>	<i>Reason for Efficiency Rating?</i>
1 Status Quo – do not have a maximum number of residents	Medium	<p>The retention of the status quo where no maximum number of seasonal workers is applied to any site size in the Omahu and Irongate General Industrial zones is considered to have a medium to high level of effectiveness. While the Irongate area has a performance standard linked to the wastewater infrastructure this standard does not deal with effects on amenity values.</p> <p>The proposal would be less effective in achieving the existing Objectives of the General Industrial Section of the District Plan, particularly Objective IZO3, which seeks to ensure that acceptable amenity levels are maintained.</p>	<p>Environmental –environmental costs as a result of higher densities than the infrastructure was design to cater for.</p> <p>Environmental –Lack of certainty for the community in the size of sites and the level of amenity that they may expect.</p> <p>Economic – Uncertainty in planning for the provision of infrastructure to meet the resident numbers.</p>	<p>Economic – This option would have economic benefits to the employers by achieving economies of scale.</p> <p>Economic – This option could have economic benefits to landowners/seasonal employers by only having to address the restricted range of matters outlined in the RD status.</p>	Medium	While greater economic benefits might be achieved in terms of the employers and landowners being able to take advantage of the economies of scale from having no limits on the number of workers under the restricted discretionary activity status, this is not considered to be an overly efficient method in achieving the objectives.
2 Establish a maximum of 300 residents for restricted discretionary activity status.	High	This option has a high effectiveness rating as it provides a greater level of certainty for both landowners and seasonal worker employers who wish to establish accommodation facilities. It effectively meets the objectives for the General Industrial zone.	<p>Economic – Would constrain the number of seasonal workers able to be accommodated on the site thereby unable to utilise economies of scale.</p> <p>Economic – Restricting worker numbers would reduce flexibility and may place economic constraints on seasonal worker employers.</p> <p>Environmental – There could be a higher level of regulatory costs associated with a discretionary activity status.</p>	<p>Economic – This option could potentially result in less impacts on the infrastructure.</p> <p>Environmental- It would ensure a higher level of amenity for landowners adjoining the development by retaining larger sites on the boundaries that would be complementary to the existing built environment.</p> <p>Environmental – This option would provide certainty to the adjoining landowners and the wider community on the number of workers that might be expected within the development.</p>	High	This option results in a greater level of certainty for both seasonal employers and adjoining landowners.
3 Establish a maximum of 160 residents for restricted discretionary activity status.	High	<p>This option has the same level of effectiveness in meeting the objectives relating to ensuring acceptable amenity levels for the industrial environments.</p> <p>This option would however be less effective in meeting the purpose of the variation, part of which is to remove the pressure on the residential rental market.</p>	<p>Environmental – This option would constrain the number of seasonal workers able to be accommodated on the site thereby unable to utilise economies of scale.</p> <p>Economic – Would reduce flexibility in the number of workers able to be accommodated and place economic constraints on employers.</p> <p>Environmental – This option may push the workers accommodation back into the residential zones which is what the variation is attempting to avoid.</p>	<p>Economic- The lower numbers of seasonal workers in the industrial zone will retain more industrial land for industrial activity.</p> <p>Environmental – This option could result in a lower level of environmental effects and infrastructure effects as a result of fewer seasonal workers on site.</p> <p>Environmental- It would ensure a higher level of amenity for landowners adjoining the development.</p>	Medium	<p>The efficiency of this option is affected by the additional costs that would be incurred for the employer by having to make consent for a non-complying activity if they are wishing to provide for more than 160 workers.</p> <p>Part of the purpose of the proposal is reducing the number of seasonal workers in the residential zones and this option would not be efficient in this achieving this resulting in a higher cost to society as a result of a higher level of residential rental accommodation being occupied by seasonal workers.</p>

CONCLUSION:						
While both Options 1 and 2 are both appropriate and reasonably efficient. It is considered that Option 3 provides greater balance in maintaining the amenity of the zone while allowing for a level of development which would meet the needs of seasonal employers, and taking pressure of residential rental housing.						
ISSUE 2 : Consideration of effects of seasonal workers accommodation on the groundwater resources						
<i>Option Method</i>	<i>Effectiveness rating</i>	<i>Reason for Effectiveness Rating</i>	<i>Costs</i>	<i>Benefits</i>	<i>Efficiency rating</i>	<i>Reason for Efficiency Rating?</i>
1 Status Quo – do not have any provisions that reference effects on groundwater	Low/Medium	The effects of seasonal workers accommodation on groundwater are of particular relevance in the Plains Production Zone where the smaller models providing up to 80 workers on-site are proposed. While there are no new objectives added to the Plains Production zone as a result of Variation 7 there is an existing Objective PPO7 <i>To ensure the integrated management of the land and water resources on the Heretaunga Plains.</i> The accompanying policy PPP19 <i>Work collaboratively with the Hawke's Bay Regional Council to manage land uses that impact on water quality and quantity</i> , reinforces Objective PPO7. There are provisions relating to groundwater effects in the Hazardous Substances section of the District Plan but the lack of provisions in the Plains Production zone does reduce the effectiveness of meeting the objectives.	Environmental –the lack of direction on expectations around the effects of servicing the seasonal workers accommodation could result in significant environmental costs to the Heretaunga Plains unconfined aquifer. Economic – The whole economic base of the horticulture industry on the Heretaunga Plains is reliant on a quality water resource and any risk to this resource is a cost to the economy.	Economic – This option reduces potential confusion among landowners developers on the legal responsibility for the management of the quality and quantity of the aquifer water resource on the Heretaunga Plains.	Low/Medium	This option does not achieve a high efficiency rating as the cost to the community overall could be significant if there were adverse effects on the unconfined aquifer and there are other lower cost options that would better achieve the objective. While the Hawkes Bay Regional Council does have overall responsibility for the management of the groundwater resource it is of benefit to the community if the District Plan provides guidance and signals of the responsibility of land owners to meet regional council rules.
2. Include Policy that reflects the wording of the Proposed Regional TANK Plan Change	Medium/High	The Regional Council requested that policy regulating activities within the unconfined aquifer be included that is the same or similar to that of the Proposed Regional TANK Plan Change. While this policy would be effective in achieving the objectives set out under Option 1 it may not be effective in the long run if the Regional Council happened to make change changes to the Policy before it is notified. This could leave the District Council policy being inconsistent with that of the Regional Plan which would not be effective in meeting the objectives.	Environmental – there could be environmental costs if the Policy within the District Plan is not consistent with the policy in the Regional Plan. Economic – There is a cost to the Council if changes were needed to be made to the District Plan as a result of Regional Council making changes to its draft TANK policy.	Environmental – There would be environmental benefits as a result of the policies of both the Regional Plan and District Plan being aligned. Economic – There would be economic benefits to any seasonal accommodation providers resulting from uniformity in the assessment of any policies for resource consent applications.	High	This option would achieve a high level of efficiency as it would meet the objectives while ensuring that the overall benefit to the community would be a high level of certainty, but only if the TANK process was final. As it is yet to be notified there is not the level of certainty to provide confidence of achieving a high level of efficiency.
3 Include Assessment Criteria that requires consideration to be given to groundwater effects.	High	This option provides a high level of effectiveness in meeting objective PPO7 and Policy PPP19 as it ensures that any resource consent application for seasonal workers accommodation	Economic – Will place additional cost on the resource consent process for seasonal workers accommodation as the cumulative effects on the	Environmental – there will be benefits to the environment as a result of consideration of the cumulative effects. If considered as stand alone facilities the full	High	This option has a high level of efficiency in achieving the objectives as it will ensure that the cumulative effects on groundwater are properly considered as part of the application ahead of any

		must be assessed against the cumulative effects and especially those on groundwater. It would also ensure that the purpose of the variation is met by ensuring that the effects on Plains Resource is protected.	groundwater resource will need to be assessed as a part of the application. Economic – the cost to the employers if the assessment of cumulative effects proves that the site is not suitable and an alternative needs to be found.	environmental effects of the proposals may not be properly considered. Economic- A cleaner environment can have economic benefits for the whole community.		application being made to the Regional Council. This would mean that the application would be considered in an integrated way. It will ensure that the effects are not considered on an individual basis which will have the highest benefit to the community as a whole.
CONCLUSION: Options 3 provides both a high level of effectiveness in meeting the objectives and is also highly efficient for the community by ensuring that the effects on the groundwater are considered in an integrated way taking into account the cumulative effects of land use on the groundwater resource. While option 2 could be equally effective and efficient the TANK Plan change is yet to be notified and therefore there is uncertainty around this option.						
ISSUE 3 Consideration of performance standards to mitigate the effects of reverse sensitivity						
<i>Option Method</i>	<i>Effectiveness rating</i>	<i>Reason for Effectiveness Rating</i>	<i>Costs</i>	<i>Benefits</i>	<i>Efficiency rating</i>	<i>Reason for Efficiency Rating?</i>
1 Status Quo – do not have any provisions that mitigate reverse sensitivity effects in the General Industrial Zone	Low	The introduction of seasonal workers accommodation into the general industrial zones is based on the premise that it is temporary and linked to the horticulture industry. The workers are away for the day during the operational time of most industry when the effects that might be experienced take place. However health and safety considerations need to be taken into account and therefore not providing any provisions to mitigate reverse sensitivity effects would not be effective in meeting <i>Objective IZO3 Industrial activities shall maintain acceptable amenity levels or be safeguarded from incompatible uses within surrounding environments.</i>	Environmental - the effects on the seasonal workers from noise at night could affect their long term health. Environmental- the visual effects of the accommodation facilities on adjoining activities. Environmental – The pastoral care of the seasonal workers would not be met.	Economic – there would be fewer compliance costs for the proposed developers.	Low	This option has a low level of efficiency as it does not achieve the Objective IZO3, despite the low cost involved in implementing the provisions.
2. Have a wide range of mitigation measures to protect against reverse sensitivity in the General Industrial zone	High	Having a wide range of mitigation measures to prevent reverse sensitivity effects from arising is effective in meeting objective IZO3, however the objective talks about maintaining acceptable levels of amenity and having a wider range may lead more to enhancement than maintenance.	Economic – the high costs to the seasonal accommodation providers. Economic – the costs would not be comparable with what would be expected for temporary activities.	Environmental – There will be a higher level of environmental protection for both the seasonal workers and the landowners in the general industrial zone.	Low /medium	This option could not be judged to be efficient as this level of standards is not warranted for the type of activity and its temporary nature and it would result in a much higher cost to society as a whole to monitor compliance with provisions that are not warranted given the temporary nature of the activity. The measures could also have the potential for consequential effects on industrial uses within the zone.
3 Adopt limited but effective mitigation measures to protect against reverse sensitivity in the General Industrial zone	High	This option revolves around being specific on the type of effects that are likely from the seasonal workers accommodation and what reverse sensitivities could arise. This would result in addressing only those effects that are warranted with the seasonal worker accommodation activity and would also recognise the temporary	Economic – the costs would be comparable with what would be expected for temporary activities.	Environmental – the environmental effects associated with seasonal workers accommodation would be commensurate with the true level of effects that is likely to be experienced. Economic- this option will result in the actual and reasonable costs associated	High	This option has a high level of efficiency as it is the option most likely to achieve the objectives of the plan and the variation at the least total cost to accommodation providers and the community.

		nature of the activity. This option would be effective in maintaining acceptable amenity levels as set out in Objective IZO3.		with mitigating the effects of the seasonal workers accommodation.		
CONCLUSION:						
Option 3 provides greater balance in mitigating the effect on adjoining activities within the zone, without being too onerous and placing high costs on the seasonal employers.						
ISSUE 4 Consideration of provisions for removal of seasonal worker accommodation buildings from the site						
<i>Option Method</i>	<i>Effectiveness rating</i>	<i>Reason for Effectiveness Rating</i>	<i>Costs</i>	<i>Benefits</i>	<i>Efficiency rating</i>	<i>Reason for Efficiency Rating?</i>
1 Status Quo – do not have any provisions that relate to the removal of buildings from the site.	Medium	<p>The issue relates to the condition that requires the seasonal workers accommodation to be relocatable. The issue is that there is no mechanism to require the buildings to be relocated off the site after the use is no longer required.</p> <p>In the Plains Production zone the relevant objective is <i>PPO1 To ensure that the versatile land across the Plains Production Zone is not fragmented or compromised by building and development.</i></p> <p>In the General Industrial zone it is objective <i>IZO1 To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District</i></p> <p>The seasonal workers accommodation is temporary and while there is a condition that requires the buildings to be relocatable this option is only partially effective in meeting the objectives.</p>	<p>Environmental – Potential for buildings to remain permanently on site with issues around future use.</p> <p>Economic – potential for the seasonal workers accommodation to permanently occupy land for zoned for other purposes.</p>	<p>Economic – that there is the potential for buildings to be removed from the site, thereby allowing the land to be used for its zoned purpose, as a result of the condition requiring them to be relocatable.</p> <p>Economic – There is no cost to the landowner/seasonal employer to compulsorily remove the buildings.</p>	Medium	<p>This option has a medium/high level of efficiency for landowners as there is no cost to remove the buildings and they can apply to re-use them for other purposes should their use a seasonal workers accommodation no longer be required.</p> <p>However the efficiency of this option is also lowered by the fact that it will be difficult to fully meet Objective PPO1 and IZO1 without an additional condition to remove the buildings from the site as buildings will remain on the site in the Plains Production zone and the optimum long term use of the industrial sites will not be achieved when the seasonal workers accommodation is a temporary use.</p>
2. Include assessment criteria that relate to the removal of buildings from the site.	Medium /High	<p>This option is highly effective in ensuring that the objective PPO1 is met as it will reduce the degree to which Plains Production land is compromised by building development.</p> <p>Given that seasonal worker accommodation is proposed as a temporary measure this option will also be effective in ensuring that the land can be used for the purpose for which the land was zoned i.e. that the land reverts to a Plains Production use or a an Industrial use.</p>	Economic – Applying assessment criteria allows Council the flexibility to consider a removal condition according to the physical attributes that apply to an individual site.	<p>Environmental - the visual benefits from the removal of the buildings from the site.</p> <p>Economic – the benefits from the increased production from removal of buildings no longer in use and re-use of the land for the purpose originally intended.</p> <p>Environmental – the reduction in the potential effects on groundwater from sites that are unserved.</p>	High	This option is highly efficient in that it will achieve the highest net benefit to all of the community by returning the land to the use that it was originally zoned for. This is especially so in the Plains Production zone as the regional economy is significantly based around land based primary production and use of the land for this purpose benefits the wider community.
3. Include a performance standard that requires the removal of the buildings from the site	High	Like option 2 this option would be highly effective in achieving objective <i>PPO1 To ensure that the versatile land across the Plains Production Zone is not</i>	Economic – The cost incurred by the seasonal employer for the removal of the buildings from the site.	Environmental - the visual benefits from the removal of the buildings from the site.	Medium	This option is less efficient than Option 2

		<i>fragmented or compromised by building and development</i> , and the General Industrial zone objective <i>IZO1 To facilitate efficient and optimum use and development of existing industrial resources within the Hastings District</i> , as it will provide absolute certainty that the buildings will be removed from the site.		<div>Economic – the benefits from the increased production from removal of buildings no longer in use and re-use of the land for the purpose originally intended.</div> <div>Environmental – the reduction in the potential effects on groundwater from sites that are unserved.</div>		
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CONCLUSION

While both Options 2 and 3 are both appropriate and equally effective in achieving the objectives it is considered that Option 2 provides a greater level of flexibility allowing individual site circumstances to be taken into account in the assessment of the applications. This results in Option 2 have a higher degree of efficiency than Option 3 and makes it the preferred option overall.

5.2 Risks of Acting or Not Acting

Section 32(2)(c) of the Resource Management Act requires that the assessment of the efficiency and effectiveness of the provisions in achieving the objectives must ‘assess the risks of acting or not acting if there is insufficient information about the subject matter of the provisions’. This requirement also applies to the assessment of any changes under Section 32AA.

The proposal to better provide for seasonal workers accommodation within the district through Variation 7 also aims to give certainty to seasonal employers.

Submissions received on Variation 7 raised concerns over the effects of seasonal workers accommodation on groundwater in the Plains Production zone and in ensuring that buildings were removed from site when they were no longer used for seasonal workers. As a result changes were made to the provisions in the Plains Production zone to ensure that assessment criteria include consideration of the cumulative effects on groundwater and also the need to consider the end use of buildings should they no longer be required for seasonal workers accommodation.

It is considered that the risk of not acting on these changes is significant, as it would result in the potential for harm to the groundwater resource upon which the whole social and economic base of our community is founded. The removal of the buildings from the site once their use for seasonal worker accommodation is no longer required while not a significant risk does have risk from the point that it could result in a more rapid use of the zoned land, which in turn could result in the need to rezone further land.

Should the amended provisions not proceed, there is the risk of less sustainable development occurring across the Heretaunga Plains. This would be as a result of a lack of consideration of the impacts of the servicing of these sites and the effect on land supply in the long term. Failure to address these issues would contradict the policy direction for land development within the district under both the Regional Policy Statement and the District Plan.

It is considered that there is adequate information on which to make a decision, costs in not acting, and benefits in acting. Accordingly the proposed amendments to the Variation arising through the hearing of submissions should be undertaken, on the basis of the options favoured by the overall assessment.

