

17 April 2019

Miriam Taris
Chief Executive
Western Bay of Plenty Regional Council
Barkes Corner
Greerton
Tauranga 3143

Via email to Miriam.Taris@westernbay.govt.nz

Dear Miriam

Re: Access and facilities for people with disabilities in relation to seasonal accommodation

As you may be aware, we have been working with the Western BOP Council building team on the building consent requirement for access and facilities for people with disabilities in relation to change of use from existing dwellings to seasonal accommodation.

On 14 February, we sent an email to Nigel Mogford which referenced MBIE determination 2008/111 which considered the requirement for access and facilities for people with disabilities on a property that provided kitchen and ablution facilities for seasonal workers. The determination found that seasonal temporary staff employed at an orchard are required to be physically capable in all respects, and that, consequently, no provision is required for wheelchairs access or for persons who have an ambulant disability. We asked that Council take note of the determination and look at exempting the requirement for access and facilities for people with disabilities. We have had no response to this email.

On 22 February, we met with Mayor Webber and Rachel Davies where we were given assurances that Council would take a pragmatic approach to the issue and would be in touch. We have heard nothing further.

On 27 March, I spoke to Chris Nicholson who advised that Council had obtained legal advice to support the position on not applying an exemption. He agreed to formulate a letter and send this to me within a week. To date, I haven't received the letter.

On 1 April, my Senior Policy Analyst followed up with Chris on the timeframe of the letter. We were given assurances that it would be sent early week beginning 7 April. The letter hasn't arrived.

Yesterday, we received correspondence from a consultant working with a grower on the establishment of seasonal accommodation. The correspondence shows confirmation from

Nigel Mogford that Council have agreed to exempt the access and disability requirements for seasonal workers based on the findings of determination 2008/111. We have also been made aware that Council are seeking feedback from an unknown group of people to establish policy in order for the exemption to be applied. The emails date back to 1 April. We have not been consulted by Council on the establishment of this policy.

NZKGI is very much aware of the difficulties caused by lack of seasonal worker accommodation. We have obtained commitment from a range of employers to establish new accommodation, but we know that there is a general lack of understanding on the requirements. We have been trying to work with Council to understand and communicate the requirements so that seasonal accommodation developments can progress. We understand that there are requirements that Council has to work with and our focus is on making sure that these are communicated well and consistently applied. In the case of access and disability requirements, the Western BOP Council approach appeared to be inconsistent with MBIE Policy and with application in other regions and that is why we sought clarification.

I am disappointed that Western BOP Council appears to be consulting externally on policy relating to disability access requirements and have chosen not to involve the kiwifruit industry through NZKGI. We have actively sought engagement from Council on this issue at several levels. I understand that Nigel has set a timeframe of yesterday for feedback on the policy. I ask that the timeframe for consultation is extended and that NZKGI is directly consulted on the policy before any decision is made.

Please be assured that NZKGI understands and respects the role that Council has and ultimately, we are both focussed on the same thing - more accommodation for seasonal workers. We are looking for opportunities to openly discuss the requirements and establish a system that both meets requirements and worker needs and is cost effective in establishing new seasonal accommodation so that we can see progress on this important issue.

I am at your disposal to meet and discuss this and any other issues you may have.

Kind regards,



Nikki Johnson
Chief Executive