

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Upper Hutt City District Plan
Intensification Planning Instrument
(IPI)

**PRIMARY EVIDENCE OF MAURICE DALE
ON BEHALF OF
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS
(SUBMITTER # 28)**

Planning

Dated 14 April 2023

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: Rachel Murdoch
(rmurdoch@greenwoodroche.com)

Submitter's Solicitor
Kettlewell House
Level 3, 680 Colombo Street
P O Box 139
Christchurch
Phone: 03 353 0574

1 EXECUTIVE SUMMARY

- 1.1 Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) made submissions on the definitions, objectives, policies, and rules on the Intensification Planning Instrument (**IPI**) to the Upper Hutt City District Plan (**UHCDP**) as they relate to providing for “community corrections activity” and “residential activities” in various residential, and commercial zones. These include:
- (a) Adding a definition of “household” to clarify that residential housing with support and/or supervision provided by Ara Poutama constitutes a “residential activity” and “residential unit”.
 - (b) Amending the rules to make “community corrections activity” a permitted activity in the Central City (CCZ), Town Centre (TCZ), and Mixed Use (MUZ) Zones.
- 1.2 The Council’s Evidence Report dated 6 April 2023 does not recommend implementing the relief in point (a) sought by Ara Poutama. The Council’s Evidence Report recommends implementing the relief sought by Ara Poutama in relation to point (b) which, subject to technical improvements, I support.
- 1.3 I agree with the Council’s Evidence Report that residential housing with support and/or supervision provided by Ara Poutama would be captured by the existing definition of “community care housing”, which is a permitted activity in both the GRZ and HRZ Zones.
- 1.4 However, while the definition of “household” requested by Ara Poutama is not necessary to enable such housing, I nevertheless consider that there is no meaningful effects basis for distinguishing residential activities which include support and/or supervision, from any other residential activity. In my opinion reliance on the National Planning Standard definitions of “residential activity” and “residential unit” together with the addition of a definition of “household” in the UHDP through the IPI is appropriate and will ensure the planning framework provides for, and meets the needs of, a variety of different residential activities and households.

- 1.5 I agree with the Council's Evidence Report that "community corrections activity" should be provided as a permitted activity in the Central City (CCZ), Town Centre (TCZ), and Mixed Use (MUZ) Zones given that:
- (a) Community corrections activities are important to the successful operation and to the wider functioning of the urban environment and are essential social infrastructure.
 - (b) Community corrections activities are a compatible and appropriate activity in commercial areas as they are consistent with the character and amenity and are not prone to reverse sensitivity.
 - (c) Due to their unique nature, and limited need for these facilities in a metropolitan area, there will not be a proliferation of "community corrections activity" or any impact on the wider availability of commercial land.
 - (d) There are other examples nationally of where Councils provide for community corrections activity as a permitted activity in commercial zones.
 - (e) Making "community corrections activity" a permitted activity in these zones will enable community facilities to meet local needs in areas with good accessibility to align with the NPS-UD, and the policy framework of the UHCDP and Regional Policy Statement for Wellington Region as amended by Plan Change 1.
 - (f) "Community corrections activity" should be provided for in separate rules from those for "education facilities" to provide clarity, and avoid any unintended association being made between "educational activities" and "community corrections activities" in interpreting the UHCDP framework.
- 1.6 On this basis, I support the relief, which is providing for "community corrections activity" as a permitted activity in the CCZ, TCZ, and MUZ Zones.

2 QUALIFICATIONS AND EXPERTISE

- 2.1 My name is Maurice Dale. I am a Senior Principal and Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and

landscape architects. I hold the qualifications of Bachelor of Resource and Environmental Planning from Massey University (1998), and have completed the Ministry for the Environment Making Good Decisions programme. I am also a full member of the New Zealand Planning Institute (NZPI). I have 24 years' experience in planning and resource management, gained at local authorities and consultancies in Aotearoa New Zealand and the United Kingdom.

- 2.2 As a consultant planner, I act for a wide range of clients around New Zealand, including central and local government authorities, land developers, and those in the social and electricity infrastructure sectors. My experience as a consultant includes planning policy preparation and advice, preparing Notices of Requirement for designations, resource consenting and non-statutory planning work, and providing expert evidence at Council hearings and the Environment Court. As a local government planner, my experience was in both policy preparation and resource consent processing.
- 2.3 I have assisted Ara Poutama as a planning consultant since 2015. I have reviewed and prepared submissions, and appeared at hearings on behalf of Ara Poutama for numerous Proposed District Plans and Plan Changes across New Zealand, including others in the Wellington Region.

3 CODE OF CONDUCT

- 3.1 I confirm that I have read the Code of Conduct for Expert Witnesses set out in the of the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral 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.

4 SCOPE OF EVIDENCE

- 4.1 This evidence addresses matters raised in the Council's Evidence Report on the points raised by Ara Poutama. To that end, my evidence:

- (a) Briefly summarises the relief sought by Ara Poutama on the IPI (Section 5);
- (b) Discusses Ara Poutama’s request for the addition of a definition of “household” which is recommended to be rejected by the Council’s Evidence Report (Section 6).
- (c) Discusses Ara Poutama’s request to make “community corrections activity” a permitted activity in the Central City (CCZ), Town Centre (TCZ), and Mixed Use (MUZ) Zones (Section 7).

5 RELIEF SOUGHT

- 5.1 Ara Poutama lodged a submission on the IPI dated 29 September 2022 (submitter number 28).
- 5.2 The Council’s Evidence Report addresses Ara Poutama’s following submission points on the IPI:
 - (a) **The addition of a definition of “household”** whereby Ara Poutama sought its inclusion to clarify that residential accommodation activities (with support) such as that provided by Ara Poutama are captured by the definition of “residential unit”.
 - (b) **Objectives UFDO2, GRZ-O3, HRZ-O2, and Policy GRZ-P1A** whereby Ara Poutama sought they be amended to specifically enable a variety of *households* in the General Residential (GRZ), and High Density Residential (HRZ) Zones.
 - (c) **The addition of a new Policy HRZ-P9** whereby Ara Poutama sought its inclusion to enable a variety of *households* in the High Density Residential (HRZ) Zone.
 - (d) **Objective MUZ-O1** whereby Ara Poutama sought it be amended to enable “community corrections activity” in the Mixed Use (MUZ) Zone.
 - (e) **The activity status of “community corrections activity”**, whereby Ara Poutama sought that it be provided as a permitted activity in the CCZ, TCZ, and MUZ Zones.

- 5.3 My evidence only addresses points (a), (d), and (e). Ara Poutama is comfortable with the Council Evidence Report recommendations on all other points.
- 5.4 I don't however agree with the Council Evidence Report's rejection of the request for the addition of a new Policy HRZ-P9 to enable a variety of *households* in the HRZ Zone under point (c). I consider the inclusion of this policy is mandated by Schedule 3, clause 6(2)(a) of the RMA, and note that the IPI already includes this policy in the equivalent GRZ Zone.

6 THE DEFINITION OF "HOUSEHOLD"

Background

- 6.1 Throughout Aotearoa, Ara Poutama delivers and manages residential housing in the community to assist people within its care with their rehabilitation, transition and/or reintegration into the community where they have been on custodial sentences, and to assist people with proactively participating in society where they are on community-based sentences. These homes accommodate people following their release from prison, those on bail and/or those serving community-based sentences (such as home detention).
- 6.2 In instances where more than one person resides at these homes, the group operates as a household participating in typical domestic activities, using the homes for sleeping, eating, cleaning, bathing and studying and the like. Depending on the needs of the residents, they receive varying levels of support and/or supervision from on-site providers, such as help with domestic duties and responsibilities (e.g. navigating daily household chores or getting a drivers licence), rehabilitation, and/or reintegrative support (e.g. assistance with finding employment).
- 6.3 Significant demand for Ara Poutama housing exists nationally. This is in part driven by the provisions of the Sentencing Act 2002, requiring sentencing judges give consideration to community-based sentences before considering custodial sentences.
- 6.4 In order to support this statutory requirement and for Ara Poutama to fulfil its own statutory mandate, it is imperative that such residential

activities are clearly provided for within the relevant plan definitions. To that end, Ara Poutama has sought, in the IPI and in other District Plans nationally, the consistent implementation of the National Planning Standards definitions and associated plan provisions for “residential activity” and “residential unit”.

- 6.5 The definition of “residential activity” entirely captures residential accommodation activities (with support), such as those provided for by Ara Poutama (i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama). Specifically, residential accommodation activities (with support) use “land and building(s) for people’s living accommodation” (as per the definition of “residential activity”) and these activities occur within “*a building(s) or part of a building that is used for a residential activity exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities*” (as per the definition of “residential unit”).
- 6.6 In my opinion, there is no meaningful effects basis for distinguishing residential activities which include varying degrees of support, such as those provided by Ara Poutama, from any other residential activity. Where consents for Ara Poutama’s activities are required in a residential context, in my experience, they tend to be strongly opposed by surrounding residents because of perceived safety and amenity concerns associated with those in Ara Poutama’s care.
- 6.7 However, the decision to accommodate those persons within the community has already been made by the Courts or the Parole Board through sentencing or release decisions. The District Plan should not afford Council Officers the opportunity to frustrate the statutory requirements under the Sentencing Act, Parole Act and Corrections Act. Imposing unnecessary consenting requirements on those activities, particularly when there is no material effects based differential, risks undermining the operation of the justice system and Ara Poutama’s ability to fulfil its statutory obligations.

“Household”: clarity of interpretation on what constitutes a “residential unit”

- 6.8 The National Planning Standards definition of “residential unit” is already incorporated in the UHCDP. To provide clarity of interpretation within

the UHCDP, Ara Poutama’s submission on the IPI sought the inclusion of a definition of “household”. The definition of “residential unit” contains a reference to household, but does not further define it. Ara Poutama sought inclusion of a definition of “household” which explicitly references the existence of support elements to avoid any misinterpretation. The proposed definition is set out below, and has been updated to include minor corrections in wording:

Household: *means a person or group of people who live together as a unit whether or not:*

- a. *any or all of them are members of the same family; or*
- b. *one or more members of the group ~~(whether or not they are paid)~~ provides receives day-to-day care, support and/or supervision to any other member(s) of the group (whether or not that care, support and/or supervision is provided by someone paid to do so).*

6.9 Inclusion of this definition was intended to ensure that the UHCDP provides for, and meet the needs of, a variety of different households including those housed by Ara Poutama and/or its service providers within the community.

Reporting Planners’ Recommendations

6.10 The Council’s Evidence Report has made the following assessment in relation to the inclusion of a definition of “household”:¹

“I consider the District Plan already provides for the residential ‘Ara Poutama’ activities within residential zones as a permitted activity via community care housing permitted activity rule GRZ-R4 – Rest homes and community care housing, which is defined as follows:

special care housing used for the rehabilitation or care of any group of persons.

On this basis, I consider inserting a definition for ‘household’ is not necessary to enable the submitter to implement Ara Poutama residential activities within the General Residential Zone or High Density Residential Zone. Should Ara Poutama activities include other activities that are not provided for as a permitted activity within these zones, the submitter would be required to apply for resource consent. I therefore recommend submission S28.2 - Ara Poutama Aotearoa – Department of Corrections be rejected.”

¹ Paragraphs 1241 – 1244, Council’s Evidence Report, dated 6 April 2023

- 6.11 I agree with the Council's Evidence Report that residential housing with support and/or supervision would be captured by the existing definition of "community care housing", which is a permitted activity in both the GRZ and HRZ Zones. I consider these are appropriate zones for this activity, being typical locations that Ara Poutama would look to establish residential housing.
- 6.12 However, while residential housing provided by Ara Poutama may be captured by that definition, as discussed above, it is my opinion separate rules that provide for "residential activities" and "community care activities" are unnecessary, and create the potential for different treatment under district plans, notwithstanding that there is no meaningful effects basis for distinguishing between these activities.
- 6.13 Instead, relying on the National Planning Standard definitions of "residential activity" and "residential unit" together with the addition of a definition of "household" would ensure the planning framework recognises the diversity of households within neighbourhoods and provides for, and meets the needs of, those households. I consider that inclusion of the definition of "household" would support the mandatory RMA schedule 3A, clause 6(1)(b) objective that a relevant residential zone provides for a variety of housing types to respond to housing needs, and which has been incorporated as objective UFD-O2 of the IPI.

PROVISION FOR "COMMUNITY CORRECTIONS ACTIVITY" IN THE CENTRAL CITY, TOWN CENTRE, AND MIXED USE ZONES

- 6.14 Community corrections activities (formally known as parole offices) are a vital part of Ara Poutama's justice system role in safely managing people serving Court or Parole Board ordered sentences/release orders within the community.
- 6.15 Such activities include non-custodial service centres and community work facilities. Service centres and community work facilities may be located separately or may be co-located on the same site. By way of further detail:
- (a) Service centres provide for probation, rehabilitation, and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Ara Poutama's

staff use service centres to undertake assessments and compile reports for the courts, police and probation officers. Service centres may also be used as administrative bases for staff involved in community-based activities or used as a place for therapeutic services (e.g. psychological assessments). The overall activity is effectively one of an office where the generic activities involved are meetings and workshop type sessions, activities which are common in other office environments.

- (b) Community work facilities are facilities that enable community work programmes to be implemented by Ara Poutama. Community work is a sentence where offenders are required to undertake unpaid work for non-profit organisations and community projects. Offenders will report to a community work facility where they may undertake jobs training or subsequently travel to their community work project under the supervision of a Community Work Supervisor. The community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage.

6.16 The establishment and operation of community corrections activities within, and their accessibility to, communities is important to their successful operation, and to the wider functioning of our urban environments. They are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore the activities and services they provide contribute to the sustainable management purpose of the Resource Management Act 1991.

6.17 As communities grow and change, community corrections activities need to be provided for within affected areas to ensure that accessibility to those services is secured. For that reason, Ara Poutama has generally sought the introduction and/or retention of the definition of "community corrections activity" as defined in the National Planning Standards, as well as a permitted activity status for those activities in areas proposed for intensification. For the UHCDP as amended by the IPI, those relevant areas are the CCZ, TCZ, and MUZ Zones.

Appropriateness in Commercial Zones

6.18 Ara Poutama's submission on the IPI sought:

- (a) "Community corrections activity" be provided for as a permitted activity in the CCZ, TCZ, and MUZ Zones (where currently they would be a discretionary activity).
- (b) Changes to MUZ Objective MUZ-O1 to enable "community corrections activities" in that zone.

6.19 Ara Poutama looks to locate community corrections activities in areas accessible to offenders, and near other supporting agencies where possible. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations, and in particular community work components which may involve job training, and large equipment and/or vehicle storage.

6.20 Such relief is appropriate in those zones to ensure that:

- (a) Community corrections activities remain accessible to areas with growing populations (enabled by intensification).
- (b) Increased demand for community corrections activities brought about by that growing population can be adequately catered for under the respective plan provisions.

6.21 Community corrections activities are a compatible and appropriate activity in commercial areas as the scale and nature of the activity is consistent with the character and amenity. They are also not "sensitive" to the effects of commercial zones (e.g. noise, high traffic movements, etc), and therefore are not prone to reverse sensitivity.

6.22 I also note that community corrections activities are a unique activity and only administered by Ara Poutama. No other entity delivers such services across the country. In any metropolitan area, there is only ever the need for a discrete number of such facilities, commensurate with demand. Accordingly, there will not be a proliferation of them or any impact on the wider availability of commercial land as might, for example, occur with other activities in these zones.

6.23 There are many examples around the country where community corrections activities are either located in, or provided for as permitted activities in commercial zones. For example:

- (a) The Proposed Porirua District Plan provides for “community corrections activity” as a permitted activity in the Metropolitan Centre, Mixed Use, and Local Centre Zones.
- (b) Wellington Community Corrections, 42 Adelaide Road, Newtown, Wellington – located in the Central City Zone under the Proposed Wellington District Plan.
- (c) The Proposed Selwyn District Plan provides for “community corrections activity” as a permitted activity in the Local Centre, Large Format Retail, and Town Centre Zones.
- (d) The Proposed Te Tai o Poutini West Coast District Plan provides for “community corrections activity” as a permitted activity in the Commercial, Mixed Use, and Town Centre Zones.
- (e) Rāwhiti Community Corrections, 296 Breezes Road, Aranui, Christchurch – located in the Commercial Core Zone under the Christchurch District Plan.
- (f) Onehunga Community Corrections, 3-5 Newsome Street, Onehunga, Auckland – located in the Business Mixed Use Zone under the Auckland Unitary Plan.
- (g) Mangere Community Corrections, 24 Canning Crescent, Mangere, Manakau – located in the Business Town Centre Zone under the Auckland Unitary Plan.
- (h) Waitakere Ratanui Street Community Corrections, 17 Ratanui Street, Henderson, Auckland – located in the Business Metropolitan Town Centre Zone under the Auckland Unitary Plan.

6.24 I raise these examples to indicate that other Councils have considered community corrections activities to be appropriate in commercial zones as a permitted activity.

Planning Analysis

- 6.25 I consider a more permissive pathway for “community corrections activity” in the CCZ, TCZ, and MUZ Zones is supported by the following objectives of the UHCDP as amended by the IPI, and as recommended to be further amended by the Council’s Evidence Report (emphasis added):

MUZ-O1 – Purpose of the Mixed Use Zones – *The Mixed Use Zone accommodates a wide range of activities, including commercial, recreational, entertainment, large format retail and car focused activities as well as compatible light industrial activities and residential activities. The non-residential activities service the needs of business and residential catchments.*

MUZ-P1 – Appropriate Activities – *Enable appropriate activities that*

1. *Are consistent with the anticipated role, function and character of the Mixed Use Zone;*
2. *Provide employment and services to businesses and surrounding residential catchments; and*
3. *Minimise any adverse effects on the amenity of adjoining residential, recreational and open space sites.*

MUZ-P4 – Inappropriate Activities – *Avoid activities that are incompatible with the anticipated scale and character of the Mixed Use Zone and the surrounding environment.*

TCZ-O1 – Purpose of the Town Centre Zones – *The Town Centre Zone is a medium to large scale commercial centre that services the needs of the immediate and neighbouring suburbs and accommodates a wide range of commercial and community activities as well as residential activities.*

TCZ-P1 – Appropriate Activities – *Enable appropriate activities that*

1. *Are compatible with the anticipated purpose, character and amenity values of the Town Centre Zone;*
2. *Service the needs of the immediate and surrounding suburbs; and*

3. Minimise any adverse effects on the amenity of adjoining residential, recreational and open space sites.

TCZ-P4 – Inappropriate Activities – Avoid activities that are incompatible with the anticipated purpose, character and amenity values of the Town Centre Zone and the surrounding environment.

CCZ-O1 – Purpose of the CCZ – City Centre Zone – *The City Centre is Upper Hutt’s principal commercial, civic and cultural centre. It is vibrant and attractive and accommodates a wide range of commercial, community, recreational and residential activities.*

CCZ-P1 – Appropriate Activities -

1. Enable a wide range of activities that are compatible with the anticipated purpose, planned urban built form, and amenity values of the CCZ City Centre Zone.
2. *Encourage activities with a strong pedestrian focus to locate along roads with active street frontage requirements to create a vibrant interface and active public spaces.*

CCZ-P6 – Inappropriate Activities – Avoid activities that are incompatible with the anticipated purpose, character and amenity values of the City Centre Zone.

6.26 I consider that providing for “community corrections activity” as a permitted activity would:

- (a) In the Mixed Use (MUZ) Zone, support the provision of a wide range of compatible activities that service surrounding residential catchments, and subject to applying appropriate performance standards will minimise adverse effects on the amenity of adjoining residential, recreational, and open space sites consistent with Objective MUZ-O1, and policies MUZ-P1, and P4.
- (b) In the Town Centre (TCZ) Zone, support the provision of compatible community activities to service the needs of immediate and neighbouring suburbs, and subject to applying appropriate performance standards will minimise adverse effects on the

amenity of adjoining residential, recreational, and open space sites consistent with Objective TCZ-O1, and policies TCZ-P1, and P4.

- (c) In the City Centre (CCZ) Zone, support the provision of compatible community activities consistent with Objective CCZ-O1, and policies CCZ-P1, and P6.

6.27 The Regional Policy Statement for the Wellington Region as amended by notified Plan Change 1 (**WRPS PC1**) contains the following higher order policy for regionally significant centres (emphasis added):

Policy 30: Maintaining and enhancing the viability and vibrancy of regionally and locally significant centres – *District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of:*

(2) Other regionally significant centres:

(ii) Upper Hutt:

6.28 I consider a more permissive pathway for “community corrections activity” in the CCZ and MUZ Zones would enable a range of activities in these zones in the centre of Upper Hutt consistent with policy 30.

6.29 Under the NPS-UD, community corrections activities fall within the ambit of “community services” as they are also included in the definition of “community facilities” under the National Planning Standards.² The NPS-UD’s framework of objectives and policies contain the following provisions of relevance with regard to community services, including community corrections activities (emphasis added):

Objective 1: *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community*

² NPS-UD, Section 1.1 Interpretation: “**community services** means the following: (a) *community facilities ...*”

services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) *the area is in or near a centre zone or other area with many employment opportunities*
- (b) *the area is well-serviced by existing or planned public transport*
- (c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

...

- c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; ...*

6.30 As set out above, Objective 1 provides a general objective to provide for the health and safety of people and the community, which is an overarching objective of the services provided by Ara Poutama's community corrections activities. Objective 3 provides direction for community services such as community corrections activities to be provided for in appropriate areas under District Plans, and Policy 1 directs that community services are provided in areas that are accessible to housing.

6.31 I consider, Ara Poutama's submission points made in relation to community corrections activities directly align with the purpose and intent of Objective 3 and Policy 1. These provisions of the NPS-UD support the need for more permissive treatment of community corrections activities in response to the intensification proposed by the IPI.

6.32 I also consider the effects of "community corrections activity" are compatible with the CCZ, TCZ, and MUZ Zones as noted above. The existing performance standards that apply to activities in these zones are appropriate to manage the effects of community corrections

activities to ensure they are consistent with the character and amenity of these areas.

- 6.33 Accordingly I consider providing a permissive pathway for community corrections activities in these zones is the most efficient and effective, and therefore appropriate way to achieve the objectives and policies of the UHCDP when compared with not providing for them, or providing for them in other zones where effects arising from their nature and scale (e.g. noise, traffic movements) may be incompatible (e.g. residential zones).

Reporting Planners' Recommendation

- 6.34 The Council's Evidence Report has made the following assessment in relation to the amendment of the activity status of "community corrections activity" in the CCZ, TCZ, and MUZ Zones, and the related change to Objective MUZ-O1:³

"Community corrections activities is a National Planning Standards definition that has been incorporated into the District Plan as part of giving effect to the National Planning Standards. Notwithstanding its inclusion in the District Plan, the term has not thus far been used in any provisions. The definition is as follows: means the use of land and buildings for non-custodial services for safety, welfare and community purposes, including probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, administration, and a meeting point for community works groups.

I have considered the above definition comparatively with other activities that are enabled as permitted activities within these zones. I am of the opinion community corrections activities would result in similar effects as many other commercial activities provided for as permitted activities within the CCZ, TCZ and MUZ such as commercial service activities, community facilities, and educational facilities. Accordingly, in my opinion, providing for them as a permitted activity within these zones would be consistent with relevant zone purpose as described by the objectives.

In terms of the technical amendments available to enable community corrections activities within the CCZ, TCZ, and MUZ, I have considered the existing permitted activity rules and their associated matters of discretion to determine whether community corrections activities could be added to an existing rule. In my opinion, an expedient and appropriate amendment to the IPI would be to incorporate community

³ Paragraphs 914 – 920, Council's Evidence Report, dated 6 April 2023

corrections activities into the permitted activity rules for education facilities. I consider that the standards and matters of discretion for education facilities would address the same actual and potential effects as those likely to be relevant to education facilities within each of the zones.

I have therefore recommended amendments to rules CCZ-R15, TCZ-R9, and MUZ-R9 to enable community corrections activities as permitted activities within these zones. I have also reviewed the relevant objectives and policies for each of these zones to identify the need for consequential amendments. I do not consider there to any need for consequential amendments, including the requested amendment by submission S28.8 to refer to community correction activities within objective MUZ-O1.

With regard to scope, I consider that the inclusion of community corrections activities into the relevant zone rules is a consequential amendment on the proposed creation of the centres hierarchy to enable the Council to more effectively give effect to the requirements of NPS-UD Policy 3(a), and (d). In this regard, I consider the amendment to be included in the IPI on the same basis as all other proposed rules within the centres and mixed use zones.

On this basis I recommend submission S28.8 - Ara Poutama Aotearoa – Department of Corrections be accepted in part, and the IPI be amended as set out in the 'Recommended Amendments to IPI' section below."

- 6.35 I agree with the Council's Evidence Report that "community corrections activity" would result in similar effects as many other activities provided for as permitted activities within the CCZ, TCZ, and MUZ zones, such as commercial service activities, community facilities, and education activities. As outlined above, I also agree that providing for them as a permitted activity would be consistent with the relevant zone objectives.
- 6.36 While I agree with the permitted activity status of community corrections activities in the CCZ, TCZ, and MUZ Zones recommended by the Council's Evidence Report, I consider that activity status should be provided for in separate "community corrections activity" specific rules, rather than incorporated in rules CCZ-R15, TCZ-R9, and MUZ-R9 for "educational facilities". I consider this will be clearer and avoid any unintended association being made between "educational activities" and "community corrections activities" in interpreting the UHCDP framework, noting also that all other activities are consistently subject to their own individual rules rather than grouped together under a single rule.

- 6.37 I therefore propose that the changes set out in Appendix A be made to the rules for the CCZ, TCZ, and MUZ Zones to provide for “community corrections activity”. I agree with the Council’s Evidence Report that standards and assessment matters that apply to rules CCZ-R15, TCZ-R9, and MUZ-R9 are appropriate to apply to “community corrections activity”, and therefore I have adopted those in the proposed new rules. I agree with the Council’s Evidence Report that no consequential changes are necessary to the objectives and policies of the UHCDP as amended by the IPI, including objective MUZ-O1.
- 6.38 On this basis, I support the relief sought by Ara Poutama, which is providing for “community corrections activity” as a permitted activity in the CCZ, TCZ, and MUZ Zones, rather than discretionary.
- 6.39 For the purposes of the further evaluation required under s32AA of the RMA, I consider this relief , and the inclusion of the definition of “household”, will be a more efficient, effective, and appropriate way to achieve the relevant UHCDP objectives under s32(1)(b) of the RMA. I consider there is sufficient information to support this change given the good understanding of the environmental, economic, social, and cultural effects of corrections activities, for the purposes of s32(2) of the RMA.

Maurice Dale

14 April 2023

APPENDIX A

ARA POUTAMA PROPOSED AMENDMENTS

Black Text – Original wording of the proposed plan change or UHCDP.

Red Text – Additional changes proposed by Ara Poutama.

(Additions underlined, deletions ~~crossed-out~~.)

Part 1 – Introduction and General Provisions / 3 Interpretation / 3.1 Definitions

Household

means a person or group of people who live together as a unit whether or not:

- a. any or all of them are members of the same family; or
- b. one or more members of the group receives care, support and/or supervision (whether or not that care, support and/or supervision is provided by someone paid to do so).

Part 3 – Area Specific Matters / Zones / Commercial and Mixed Use Zones / MUZ-Mixed Use Zone

Rules

<u>MUZ-RX</u>	<u>Community Corrections Activity</u>
<p><u>1. Activity status: Permitted</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a. <u>The gross floor area per facility does not exceed 500m²; and</u> b. <u>Compliance is achieved with MUZ-S6 (Landscaping and Screening).</u> <p><u>2. Activity status: Restricted discretionary</u></p>	

Where:a. Compliance is not achieved with MUZ-RX-1.aMatters of discretion are restricted to:

1. The extent to which the intensity, size and scale of the **activity** may adversely impact on the amenity of the Mixed Use Zone or adjacent **properties**.
2. The **effects** of the intensity, size and scale of the **activity** on the existing and anticipated function and role of the Mixed Use Zone.
3. The potential of the intensity, size and scale of the **activity** to compromise **activities** that are enabled in the Mixed Use Zone.
4. The potential of the location of the **activity** in the Mixed Use Zone to undermine the role and function of the City Centre Zone.
5. The extent to which the adverse **effects** of the intensity, size and scale of the **activity** can be avoided, or appropriately remedied or mitigated.

b. Compliance is not achieved with MUZ-RX-1b.Matters of discretion are restricted to:

1. The matters of discretion of the infringed standard.

Notification:

- An application under MUZ-RX-2.b is precluded from being publicly notified in accordance with section 95A of the RMA

Part 3 – Area Specific Matters / Zones / Commercial and Mixed Use Zones / TCZ-Town Centre Zone

Rules

<u>TCZ-RX</u>	<u>Community Corrections Activity</u>
<p data-bbox="491 309 916 342"><u>1. Activity status: Permitted</u></p> <p data-bbox="552 389 651 423"><u>Where:</u></p> <p data-bbox="552 470 1430 548"><u>a. The gross floor area per facility does not exceed 500m²; and</u></p> <p data-bbox="552 595 1430 674"><u>b. Compliance is achieved with TCZ-S8 (Landscaping and Screening).</u></p> <p data-bbox="491 721 1126 754"><u>2. Activity status: Restricted discretionary</u></p> <p data-bbox="552 801 651 835"><u>Where:</u></p> <p data-bbox="552 882 1209 916"><u>a. Compliance is not achieved with TCZ-RX-1.a</u></p> <p data-bbox="612 963 1123 996"><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li data-bbox="612 1043 1430 1178"><u>1. The extent to which the intensity, size and scale of the activity may adversely impact on the amenity of the Town Centre Zone or adjacent properties.</u> <li data-bbox="612 1225 1430 1359"><u>2. The effects of the intensity, size and scale of the activity on the existing and anticipated function and role of the Town Centre Zone.</u> <li data-bbox="612 1406 1430 1541"><u>3. The potential of the intensity, size and scale of the activity to compromise activities that are enabled in the Town Centre Zone.</u> <li data-bbox="612 1588 1430 1722"><u>4. The potential of the location of the activity in the Town Centre to undermine the role and function of the City Centre Zone.</u> <li data-bbox="612 1769 1430 1904"><u>5. The extent to which the adverse effects of the intensity, size and scale of the activity can be avoided, or appropriately remedied or mitigated.</u> <p data-bbox="552 1928 1209 1962"><u>b. Compliance is not achieved with TCZ-RX-1b.</u></p>	

Matters of discretion are restricted to:

1. The matters of discretion of the infringed standard.

Notification:

- An application under TCZ-RX-2.b is precluded from being publicly notified in accordance with section 95A of the RMA

Part 3 – Area Specific Matters / Zones / Commercial and Mixed Use Zones / CCZ-City Centre Zone

Rules

<u>CCZ-RX</u>	<u>Community Corrections Activity</u>
<p><u>1. Activity status: Permitted</u></p>	