

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Plan Change 21 to the Mackenzie
District Plan

**PRIMARY EVIDENCE OF MAURICE DALE
ON BEHALF OF
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS
(SUBMITTER # 84)**

Planning

Dated 3 March 2023

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1 EXECUTIVE SUMMARY

- 1.1 Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) made submissions on the definitions, objectives, policies, and rules on Plan Change 21 (**PC21**) to the Mackenzie District Plan (**MDP**) as they relate to providing for “community corrections activity” and “residential activities” in various residential, commercial, and industrial zones. These include:
- (a) Adding a definition of “household”.
 - (b) Retaining or amending various objectives, policies, and rules in the Large Lot Residential (**LLRZ**), Low Density Residential (**LRZ**), and Medium Density Residential (**MRZ**) zones that provide for “residential activity” and “residential units” in these zones.
 - (c) Retaining various objectives and policies in the Town Centre (**TCZ**), Mixed Use (**MUZ**), General Industrial (**GIZ**), and Metropolitan Centre (**MCZ**) zones that provide for “community corrections activity” in these zones.
 - (d) Adding a definition of “community corrections activity”, and making “community corrections activity” a permitted activity in the Town Centre (**TCZ**), Mixed Use (**MUZ**), and General Industrial (**GIZ**) zones.
- 1.2 The Section 42A Report: Plan Change 21 – Implementation of the Spatial Plans, dated 17 February 2023 (the **PC21 S42A report**) recommends implementing the relief sought by Ara Poutama in relation to points (b) and (c) above in full or in a form that is appropriate, which I support.
- 1.3 The PC21 S42A report does not recommend implementing the relief in point (a) adding a definition of “household”. Furthermore, while it supports the relief in point (d) adding a definition of “community corrections activity”, it makes it a permitted activity in the TCZ and GIZ zones by way of the “community facility” rules rather than separate rules for “community corrections activity” as sought by Ara Poutama. In addition it recommends “community corrections activity, be a restricted discretionary in the MUZ zone.

- 1.4 In my view, a definition of "household" should be included in the MDP as amended by PC21 given the definition of "residential unit" references "household" but does not define it. The inclusion of this definition will ensure that the MDP clearly references, provides for, and meets the needs, of a variety of households including those housed by Ara Poutama and/or its service providers within the community.
- 1.5 I consider "community corrections activity" should be provided as a permitted activity under separate rules in the TCZ and GIZ zones given that:
- (a) Community corrections activities are essential social infrastructure, and are a compatible and appropriate activity in commercial and industrial areas, as evidenced by other examples nationally where Councils provide for community corrections activity as a permitted activity in commercial and industrial zones.
 - (b) Community corrections activities are separately defined in the National Planning Standard, and are distinguishable from, and not a sub-set of a "community facility". Accordingly community corrections activities should be provided for in separate rules from those for community facilities under the MDP to provide clarity, certainty, and avoid any misinterpretation.

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 Canterbury 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 Note2023. 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 PC21 S42A report. To that end, my evidence:
- (a) Briefly summarises the relief sought by Ara Poutama on PC21 (Section 5);
 - (b) Confirms Ara Poutama’s support for the retention or amendment of definitions, objectives, polices, and rules that provide for “community corrections activity” and “residential activity” in various zones, as recommended by the PC21 S42A report (Section 6); and
 - (c) Discusses Ara Poutama’s request for a definition of “household” which is recommended to be rejected by the PC21 S42A report (Section 7).

- (d) Proposes technical improvements as to how “community corrections activity” are provided for in the Town Centre (TCZ), Mixed Use (MUZ), and General Industrial (GIZ) Zones, as recommended by the PC21 S42A report (Section 8).

5 RELIEF SOUGHT

5.1 Ara Poutama lodged a submission on PC21 dated 23 November 2022 (submitter number 84).

5.2 The PC21 S42A report addresses Ara Poutama’s following submission points on PC21:

- (a) **The definitions of “community activities and facilities”**, whereby Ara Poutama sought the deletion of references to *probation and detention centres* from the existing definition **and the addition of a separate definition of “community corrections activity”** consistent with the National Planning Standards.
- (b) **The definitions of “residential activity” and “residential unit”**, whereby Ara Poutama sought their amendment to align with the National Planning Standards, **and the addition of a definition of “household”** to clarify supported residential housing such as that provided by Ara Poutama are captured by the definition of “residential unit”.
- (c) **Objectives LLRZ-O1, LRZ-O1, and MRZ-O1**, whereby Ara Poutama sought that they be retained as they appropriately support “residential activity”, **and Policies LLRZ-P1, LRZ-P1, and MRZ-P1**, whereby Ara Poutama sought they be amended to specifically enable a variety of *households* in those residential zones.
- (d) **Rules LLRZ-R1, LLRZ-R4, LRZ-R1, LRZ-R4, MRZ-R1, and MRZ-R3**, whereby Ara Poutama sought that they be retained as they appropriately provide for “residential activity”, and “residential units” in these zones.

- (e) **Objectives MUZ-O1, TCZ-O1, and GIZ-O1, and policies MUZ-P1, TCZ-P1, and GIZ-P1**, whereby Ara Poutama sought that these be retained as they appropriately provide for “community corrections activity” in these zones.
- (f) **The activity status of “community corrections activity”**, whereby Ara Poutama sought that it be provided as a permitted activity in the MUZ, TCZ, and GIZ zones.

6 SUPPORT FOR REPORTING PLANNERS’ RECOMMENDATIONS

- 6.1 PC21 (as notified) proposes separate new definitions of “residential activity” and “residential unit” consistent with the wording in the National Planning Standards, which will apply to those parts of the plan that are within the scope of PC21. I support those new definitions, and consider that they should ultimately apply to the remainder of the MDP when that is reviewed, replacing the existing equivalent definitions.
- 6.2 The PC21 S42A report recommends retention of the existing definitions of “community activities and facilities”, “residential activity”, and “residential unit” unchanged for all chapters outside the scope of PC21.¹ While not consistent with the relief sought by Ara Poutama, I support this recommendation insofar that these unchanged definitions will only apply to those parts of the MDP that are outside the scope of PC21.
- 6.3 Objectives LLRZ1-O1², LRZ-O1³, and MRZ-O1⁴ are recommended to be retained or amended as set out in the PC21 S42A report. I support these recommendations insofar that the objectives and policies as notified or recommended to be amended by the PC21 S42A report are appropriate to enable “residential activity” and “residential units” in these zones.
- 6.4 The PC21 S42A report recommends Policies LLRZ-P1, LRZ-P1, and MRZ-P1 be retained as notified. While not consistent with the relief sought by Ara Poutama, I support this recommendation insofar that the S42A report acknowledges that supported residential housing such as that provided by Ara Poutama are a “residential activity” for the purposes of

¹ PC21 S42A report, paragraph 31.

² PC21 S42A report, paragraph 35-40.

³ PC21 S42A report, paragraph 34.

⁴ PC21 S42A report, paragraph 34.

the MDP and therefore are appropriately enabled by these policies as notified.

- 6.5 The PC21 S42A report recommends that Rules LLRZ-R1 & R4, LRZ-R1 & R4, and MRZ-R1 & R3 be retained as notified, which is consistent with the relief sought by Ara Poutama. I support this recommendation as “residential activity” and “residential units” are essential to provide a range of residential activities to meet community needs, and are appropriately located in these zones.
- 6.6 The PC21 S42A report recommends Objectives MUZ-O1, TCZ-O1, GIZ-O1 and Policy GIZ-P1 be retained as notified. I support these recommendations insofar that the objectives and policies as notified are appropriate to enable “community corrections activities” as essential social infrastructure in these zones.

7 **THE DEFINITION OF “HOUSEHOLD”**

Background

- 7.1 Throughout Aotearoa, Ara Poutama delivers and manages residential housing in the community to assist people within its care with their 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 sentences. These homes accommodate people following their release from prison, those on bail and/or those serving community-based sentences (such as home detention).
- 7.2 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).

- 7.3 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.
- 7.4 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 PC21 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" (both of which are included in PC21, and thus supported).
- 7.5 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").
- 7.6 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.
- 7.7 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.

Clarity of interpretation on what constitutes a "residential unit"

- 7.8 To provide clarity of interpretation within the above definitions, Ara Poutama's submission on PC21 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).*

- 7.9 Inclusion of this definition will ensure that the MDP 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' Recommendation

- 7.10 The PC21 S42A report has made the following assessment in relation to the inclusion of a definition of household: ⁵

"I do not consider the proposed amendment, and associated definition necessary. In my view, residential housing provided by Corrections to assist with transition and or integration into the community, following an individual's release from prison, would fall within the definition of residential activity (any land and buildings for people's living accommodation). While the NP Standard definition of

⁵ PC21 S42A report, paragraph 43.

residential unit specifically refers to one household, I do not consider it necessary to define such a term. Household is not defined in the NP Standards and is not defined in other District Plans reviewed and, in my view, would generally include any individuals living within a residential unit no matter their relationship. I therefore recommend that the submission from Corrections is rejected and that the submission in support of MRZ-P1 from TL&GL is accepted."

- 7.11 As set out above, while I agree with the PC21 S42A report that residential housing provided by Ara Poutama would fall within the definitions of "residential activity" and "residential unit", it is my opinion that providing a definition of "household" which explicitly references the existence of support elements is necessary to avoid any misinterpretation. The term "household" is not universally defined in other District Plans and it is for these reasons that Ara Poutama is seeking this relief through its submissions nationally.
- 7.12 While the National Planning Standards do not include a definition of "household" those standards do not preclude Council's including additional defined terms in their District Plans where they are a sub-category of, have a narrower application, and do not have the same or equivalent meaning as a definition in the National Planning Standards.⁶ I consider the requested definition of "household" meets these requirements.
- 7.13 On this basis, I support the relief sought by Ara Poutama, which is providing a definition of "household" in the MDP to apply to the residential, commercial, mixed, use, and industrial zones that fall within the scope of PC21.

8 PROVISION FOR "COMMUNITY CORRECTIONS ACTIVITY" IN THE TOWN CENTRE (TCZ), MIXED USE (MUZ), AND GENERAL INDUSTRIAL (GIZ) ZONES

Background

- 8.1 Community corrections activities 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 National Planning Standards, section 14 Definitions Standard, point 1.

- 8.2 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.
- 8.3 The establishment and operation of community corrections activities within, and their accessibility to, communities is important to their successful operation. 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.
- 8.4 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 community corrections activities as defined in the National Planning Standards, as well as permitted activity status within appropriate zones in District Plans. This includes light and general industrial zones.

Appropriateness in Commercial and Industrial Zones

- 8.5 Ara Poutama's submission on the PDP sought the inclusion of a specific definition of "community corrections activity" consistent with the National Planning Standards and that it be provided for as a permitted activity in the TCZ, MUZ, and GIZ Zone, rather than a discretionary activity (being the default activity status for activities not otherwise provided for in those zones).
- 8.6 Ara Poutama looks to locate community corrections activities in areas accessible to offenders, and near other supporting government agencies. 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.
- 8.7 Ultimately Ara Poutama requires a wide opportunity to be provided for community corrections activities to accommodate the unique, many, and varied activities provided, which are particularly appropriate for commercial and industrial zones. There are also many examples around the country where Councils have provided for community corrections activities as permitted activities in commercial and industrial zones. For example:
- (a) Blenheim Community Corrections, 1A Park Terrace, Blenheim – located in the Industrial 1 Zone under the Proposed Marlborough Environment Plan.
 - (b) Christchurch Community Corrections (Annex Road), 209 Annex Road, Middleton, Christchurch – located in the Industrial Heavy Zone under the Christchurch District Plan.

- (c) North Shore Community Corrections, 71 – 73 Wairau Road, Wairau Valley, Auckland – located in the Business - Light Industry Zone under the Auckland Unitary Plan.
 - (d) Rāwhiti Community Corrections, 296 Breezes Road, Aranui, Christchurch – located in the Commercial Core Zone under the Christchurch District Plan.
 - (e) Wellington Community Corrections, 42 Adelaide Road, Newtown, Wellington – located in the Central City Zone under the Proposed Wellington District Plan.
- 8.8 As community corrections activities are only administered by Ara Poutama and 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 industrial or commercial land as might, for example, occur with other activities in these zones.

Reporting Planners' Recommendation

- 8.9 The PC21 S42A report has made the following assessment in relation to the inclusion of a definition of, and the activity status of "community corrections activity" in the TCZ, MUZ, and GIZ zones:⁷

"Within the TCZ, offices and community facilities are permitted. This reflects that this zone is expected to provide for a range of commercial and community-focused activities. While I agree that community corrections activities are consistent with the zone purpose, it is not clear to me if the submitter considers that community corrections activity falls outside the definition of a community facility. My view is that they are already captured in the definition and therefore a new standalone rule in TCZ is not required.

Within the MUZ, commercial and community activities are also anticipated, but only on a small scale. This reflects that they are located in small settlements. New community facilities are a restricted discretionary activity. Regardless of whether community corrections activities already falls within the definition of a community facility, I consider this activity status to be the most appropriate to apply to community corrections activities, given the smaller size of this zone and the need to manage the effects of activities within it to reflect

⁷ PC21 S42A report, paragraphs 225 - 258.

that scale and its setting within a residential area. Therefore I do not agree with providing a permitted activity status within this zone.

Within the GIZ, the intent of the zone is to provide primarily for industrial activities and other compatible, or those supporting the functioning to the zone. Community facilities are proposed to be a discretionary activity. In part, this reflects that the definition for such facilities are broad, and some types of community facility may align with the zone purpose, while others may not. Based on the information provided in the submission, I am comfortable that community corrections activities would be compatible in the zone, similar to other activities that are anticipated in the zone, and would not result in reverse sensitivity effects with activities anticipated in the zone. I therefore consider it appropriate to provide a permitted activity status for them within the GIZ. This consequentially requires the inclusion of the NP Standards definition for community corrections activities. Based on my understanding that these activities are a sub-set of community facilities, I also recommend a consequential addition to the Definitions Nesting Table to reflect this.

Overall, I recommend the submission points relating to the MUZ and TCZ are rejected, and those relating to the GIZ and inclusion of a new definition, are accepted."

8.10 In summary, I understand the PC21 S42A report, considers:

- (a) Providing for community corrections activities as a permitted activity is appropriate in the TCZ zone, however it is considered that they are already provided as such by being captured by the definition of "community facility". Accordingly no change to the MDP is required.
- (b) Providing for community corrections activities as a permitted activity is inappropriate in the MUZ zone due to this zone applying to small settlements, where is a need to manage the scale and effect of such activities on surrounding residential activities. Community corrections activities are captured under the definition of "community facility" which are a restricted discretionary activity in this zone. No change to the plan is recommended.
- (c) Providing for community corrections activities as a permitted activity is appropriate within the GIZ zone. It is recommended to add a definition of "community corrections activity" as a subset of

the definition of “community facility” and add an associated new permitted activity rule, to read:

GIZ-R5	Community Facilities	
General Industrial Zone	Activity Status: PER	Activity status when compliance is not achieved with R5.1: DIS
	Where: 2. <u>The facility is a community corrections activity⁷⁵ or emergency service facility.⁷⁶</u> Activity Status: DIS	

8.11 As set out earlier in my statement, it is my opinion that commercial and industrial zones are appropriate locations for community corrections activities. I therefore support the PC21 S42A recommendations that they be provided for as a permitted activity in the TCZ and GIZ zones. I also support the PC21 S42A report recommendation to include the associated National Planning Standard definition of “community corrections activity” in the MDP.

8.12 I consider providing for “community corrections activity” as a permitted activity in the TCZ and GIZ zones is supported by the following objectives and policies of PC21 as recommended to be amended by the PC21 S42A Report (emphasis added):

Objective TCZ-O1 – Zone Purpose – *The Town Centre Zone is the primary retail destination for comparison and convenience shopping in the District, and is a focal point for the community, providing for a range of commercial and community-focused activities, along with activities that support the vibrancy of these areas.*

Objective GIZ-O1 – Zone Purpose – *The General Industrial Zone provides primarily for industrial activities and other compatible activities, as well as activities that support the functioning of industrial areas.*

Policy GIZ-P1 – Industrial Activities – *Enable a range of industrial activities and activities of a similar scale and nature to industrial activities, to establish and operate within the General Industrial Zone.*

8.13 The PC21 S42A report considers community corrections activities should be a restricted discretionary in the MUZ zone to manage the scale and effects of such activity on surrounding residential activities. I note that

the locations of the proposed MUZ zones are limited to three small settlements – Burkes Pass, Kimbell, and Albury. These are isolated small settlements which are unlikely locations to establish a “community corrections activity”. Ara Poutama considers there is no longer a need to enable community corrections activities in this zone as a permitted activity as originally sought in its submission. Such activities will therefore be discretionary activities, being the default activity status for activities not otherwise provided for in the MUZ zone.

8.14 While I agree with the permitted activity status of community corrections activities in the TCZ and GIZ zones recommended by the PC21 S42A report, I consider that activity status should be provided for in separate “community corrections activity” specific rules, rather than captured by the “community facility” rules as recommended in the PC21 S42A report.

8.15 The National Planning Standards provide that where terms defined in the standard are used in the District Plan, and the term is used in the same context as the definition, then Council’s must use the definition in the standard.⁸ In this regard “community corrections activity” are therefore required to be defined separately from “community facility”.

8.16 In the National Planning Standards:

(a) “Community corrections activity” is defined as:

“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.”

(b) “Community facility” is defined as:

“means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility”.

⁸ National Planning Standards, section 14 Definitions Standard, point 1.

- 8.17 While the references to *safety, health, and welfare* within the definition of “community facility” are in part consistent with the nature of community corrections activities, I consider the definition of “community corrections activity” is more explicit and definitive. Community corrections activities also provide unique and varied activities compared to community facilities, and include yard based activities which have an industrial nature and character.
- 8.18 Given the above I consider “community corrections activity” is not a subset of “community facility”, and that the definition of “community corrections activity” should form the basis of any associated rules in the MDP. I also consider that having separate “community corrections activity” specific rules will be much clearer and certain, and avoid any misinterpretation. It will remove any ambiguity as to whether they are captured as a “community facility”, something Ara Poutama has faced in other District’s.
- 8.19 I consider a consequential amendment to Policy TCZ-P1 is also necessary to include specific reference to “community corrections activity” to ensure that community corrections activities remain consistent with the intended policy framework for that zone, noting that community corrections activities in the TCZ zone would be appropriate under objective TCZ-O1.
- 8.20 Therefore, I propose the following additional changes be made to the definitions, policy TCZ-P1 and the TCZ and GIZ zone rules as recommended in the S42A report to provide for “community corrections activity” (additions underlined, deletions ~~crossed-out~~):

Definitions Nesting Table

The following table sets out where any term defined in the Definitions Chapter is a subset of another definition. Where any rule lists a primary activity set out in the table below, the rule applies to all of the subset activities, unless any subset activity is otherwise specified in the rule framework for that chapter.

Primary Activity	Subset Activities	Subset Activities
Community facilities	Community corrections activities Emergency service facilities	

Town Centre Zone

Objectives and Policies

Policies	
TCZ-P1	Commercial and Community Activities
Enable a wide range of commercial activities, community facilities, <u>and community corrections facilities</u> to establish and operate within the Town Centre Zone.	

Rules

<u>TCZ – RX</u>	<u>Community Corrections Activity</u>	
<u>Town Centre Zone</u>	<u>Activity Status: PER</u>	

General Industrial Zone

Rules

GIZ-R5	Community Facilities	
General Industrial Zone	Activity Status: PER Where: 2. The facility is a community corrections activity or	Activity status when compliance is not achieved with R5.1: DIS

	<i>emergency service facility</i>	
<u>GIZ – RX</u>	<u>Community Corrections Activity</u>	
<u>General Industrial Zone</u>	<u>Activity Status: PER</u>	

8.21 On this basis, I support the relief sought by Ara Poutama, which is providing for “community corrections activity” as a permitted activity in the TCZ and GIZ zones, rather than discretionary. Ara Poutama no longer have a need to enable community corrections activities in the MUZ zone as a permitted activity.

8.22 For the purposes of the further evaluation required under s32AA of the RMA, I consider this relief will be a more efficient, effective, and appropriate way to achieve the relevant PDP 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

3 March 2023