

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Proposed Waimakariri District Plan,
including Variations 1 and 2 –
Hearing Stream 9

**PRIMARY EVIDENCE OF MAURICE DALE
ON BEHALF OF
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS
(SUBMITTER # 52 (PROPOSED PLAN), AND 56 (VARIATION 1))**

Planning

Dated 15 January 2024

1 EXECUTIVE SUMMARY

1.1 Ara Poutama Aotearoa, the Department of Corrections (**Ara Poutama**) made submissions on the definitions, policies, and rules on the Proposed Waimakariri District Plan (**PWDP**) including Variation 1 (**PWDP-V1**), as they relate to providing for “community corrections activity” in various commercial zones. These include:

- (a) Retention of policy TCZ-P2 which enables “community corrections activity” in the Town Centre (**TCZ**) zone.
- (b) Amendment of policy MUZ-P1 to enable “community corrections activity” in the Mixed Use (**MUZ**) zone.
- (c) Amendment of the rules for the TCZ and MUZ to provide for “community corrections activity” as a permitted activity (rather than discretionary).

1.2 The Council’s s42A Report dated 6 December 2023 for Hearing Stream 9 (**HS9**) recommends accepting the relief above in full, with the exception that it does not comment on or make a recommendation in regard to the request to make community corrections activities a permitted activity in the TCZ. The request was not captured in the Council summary of submissions.

1.3 I consider that community corrections activities should be provided as a permitted activity in the TCZ 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 the TCZ 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 them or any impact on the wider availability of commercial land in the TCZ.

- (d) Rangiora Community Corrections is located within the TCZ, and there are other examples nationally of where Councils provide for community corrections activities as a permitted activity in the TCZ.
 - (e) Making community corrections activities a permitted activity in will enable community facilities to meet local needs in Key Activity Centres with good accessibility to align with the objectives and policies of the NPS-UD, CRPS, and PWDP.
- 1.4 On this basis, I consider providing for community corrections activities as a permitted activity in the TCZ will be a more efficient, effective, and appropriate way to achieve the relevant PWDP objectives under s32(1(b) of the RMA.

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 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 My evidence on HS1 and HS2 (dated 1 May 2023) provides an overview of Ara Poutama's submissions on the PWDP and PWDP-V1, and the residential and community corrections activities provided by Ara Poutama in the community.
- 4.2 This evidence addresses matters raised in the Council's s42A Report on the points raised by Ara Poutama in relation to the commercial zones. To that end, my evidence:
- (a) Briefly summarises the relief sought by Ara Poutama relevant to HS9 (Section 5);
 - (b) Provides a planning analysis of Ara Poutama's request to make "community corrections activity" a permitted activity in the TCZ, and MUZ (Section 6).
- 4.3 In preparing this evidence, I have reviewed:
- (a) The proposed provisions of the PWDP, and associated s32 RMA reports.
 - (b) The relevant higher order directions of the NPS-UD and CRPS.
 - (c) The s42A Report of Mr Andrew Willis, dated 6 December 2023, and recommended changes to the PWDP provisions.

5 RELIEF SOUGHT

- 5.1 Ara Poutama lodged a submission on the PWDP dated 26 November 2021 (submitter number 52), and a submission on PWDP-V1 dated 9 September 2022 (submitter number 56).
- 5.2 Ara Poutama sought the following in relation to the matters being addressed as part of HS9:
- (a) The retention of policy TCZ-P2 which enables “community corrections activity” in the TCZ.
 - (b) The amendment of policy MUZ-P1 to enable “community corrections activity” in the MUZ.
 - (c) The amendment of the rules for the TCZ and MUZ to provide for “community corrections activity” as a permitted activity (where currently they would be a discretionary activity).
- 5.3 My evidence that follows addresses the amendments to provisions sought under points (b) and (c) above – collectively, the **community corrections relief**.

6 PROVISION FOR “COMMUNITY CORRECTIONS ACTIVITY” IN THE TOWN CENTRE AND MIXED USE ZONES

Introduction

- 6.1 As outlined in my evidence for HS1 and HS2, 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.
- 6.2 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.

6.3 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.

6.4 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 the definition of "community corrections activity" as defined in the National Planning Standards, as well as a permitted activity status for those activities in relevant commercial and industrial zones. For the PWDP those zones are the Mixed Use (**MUZ**), Town Centre (**TCZ**), Light Industrial (**LIZ**), and General Industrial (**GIZ**) zones.

Appropriateness in Commercial and Mixed Use Zones

- 6.5 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.
- 6.6 Location in those zones is appropriate to ensure that:
- (a) Community corrections activities remain accessible to areas with growing populations.
 - (b) Increased demand for community corrections activities brought about by that growing population can be adequately catered for under the respective plan provisions.
- 6.7 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.
- 6.8 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 district, 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.
- 6.9 The existing Rangiora Community Corrections site at 81 Ivory Street, Rangiora is located within the TCZ in the PWDP, and is designated by the Minister of Corrections for community corrections activity purposes (MCOR-1). The designation is not subject to any conditions. I consider this is indicative of the compatibility and appropriateness of this activity in this zone.

6.10 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 where they are a permitted activity in the Metropolitan Centre, Mixed Use, and Local Centre Zones.
- (b) The Proposed Selwyn District Plan where they a permitted activity in the Local Centre, Large Format Retail, and Town Centre Zones.
- (c) The Proposed Te Tai o Poutini West Coast District Plan where they are a permitted activity in the Commercial, Mixed Use, and Town Centre Zones.
- (d) Rāwhiti Community Corrections, 296 Breezes Road, Aranui, Christchurch – located in the Commercial Core Zone under the Christchurch District Plan.
- (e) Onehunga Community Corrections, 3-5 Newsome Street, Onehunga, Auckland – located in the Business Mixed Use Zone under the Auckland Unitary Plan.
- (f) Mangere Community Corrections, 24 Canning Crescent, Mangere, Manakau – located in the Business Town Centre Zone under the Auckland Unitary Plan.
- (g) Waitakere Ratanui Street Community Corrections, 17 Ratanui Street, Henderson, Auckland – located in the Business Metropolitan Town Centre Zone under the Auckland Unitary Plan.

6.11 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

6.12 The PWDP must give effect to the relevant provisions of the NPS-UD and CRPS.¹ In assessing the provisions of the PWDP, consideration must also be given to whether the provisions (in this case the permitted status of

¹ Resource Management Act, section 75(3).

community corrections activities in the TCZ and MUZ) is the most appropriate way to achieve the objectives of the PWDP.² This includes by assessing the efficiency (costs and benefits) and effectiveness of permitted status in achieving the objectives.

- 6.13 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.³ 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 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; ...*

² Resource Management Act, section 32(1)(b).

³ NPS-UD, Section 1.1 Interpretation: “**community services** means the following: (a) *community facilities ...*”

- 6.14 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.
- 6.15 I consider, the community corrections relief directly aligns 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 to achieve a well-functioning urban environment.
- 6.16 The CRPS contains little in the way of specific direction for provision or location of community services to give effect to the NPS-UD. The following provisions for centres are broadly relevant (emphasis added):

Objective 6.2.5 – Key Activity and Other Centres – *Support and maintain the existing network of centres below as the focal points for commercial, community and service activities during the recovery period:*

1. *The Central City*
2. *Key Activity centres*
3. *Neighbourhood centres*

These centres will be high quality, support a diversity of business opportunities including appropriate mixed use development, and incorporate good urban design principles.

- 6.17 Rangiora, Kaiapoi, and Woodend/Pegasus are defined as "Key Activity Centres" in the CRPS, and the TCZ and MUZ are only located within those centres. Accordingly I consider the community corrections relief would support these centres as focal points for community and service activities to align with objective 6.2.5.

- 6.18 In regard to the effectiveness of the community corrections relief under s32(1)(b) RMA, directions for activities within the TCZ and MUZ are contained in the following notified objectives of the PWDP (emphasis added):

SD-02 – Well-Functioning Urban Environments – Waimakariri District contains 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.

SD-03 – Urban Development – Urban development and infrastructure that:

2. That recognises existing character, amenity values, and is attractive and functional to residents, businesses, and visitors;

...

5. Supports a hierarchy of urban centres, with the District's main centres in Rangiora, Kaiapoi, Oxford and Woodend being:

- a. The primary centres for community facilities;
- b. The primary focus for retail, office and other commercial activity; and
- c. The focus around which residential development and intensification can occur.

...

MUZ-01 – Kaiapoi Regeneration Support – Development within the Mixed Use Zone supports the regeneration of the area and supports the role, function and continued viability and vitality of the Kaiapoi Town Centre.

TCZ-01 – Town Centre Activities and Function – Town centres:

1. Are the District's principal focal point for a wide range of commercial and community activities, supported by recreation, residential and service activities;

2. *Provide the primary retail destination for comparison and convenience shopping in the district with the greatest mix and concentration of activities;*
3. *Provide the greatest scale of built form of all zones; and*
4. *Are accessible by a range of modes of transport include public transport.*

6.19 I consider that the community corrections relief would:

- (a) Support the provision of community facilities in the primary centres of Rangiora, Kaiapoi, and Woodend to achieve a well-functioning urban environment, and subject to applying appropriate performance standards will recognise existing character and amenity values, consistent with strategic direction objectives SD-O1 and SD-O2.
- (b) In the TCZ, support the provision of community and service activities in locations which are accessible by range of transport modes, consistent with objective TCZ-O1.
- (c) In the MUZ, support the role, function, and continued viability of the adjoining Kaiapoi Town Centre, which is zoned TCZ, consistent with objective MUZ-O1.

6.20 Accordingly I consider providing a permissive pathway for community corrections activities in these zones is the most effective way to achieve the objectives of the PWDP under s31(b) RMA.

6.21 In regard to the benefits and costs, and therefore efficiency of the community corrections relief under s32(1)(b) RMA, I consider:

- (a) Environmental Benefits/Costs – The character, scale, and intensity of community corrections activities makes them a compatible and appropriate activity in the TCZ and MUZ as they are consistent with the existing and anticipated character and amenity and are not prone to reverse sensitivity, as evidenced by the location of the existing Rangiora Community Corrections and many examples nationally. The existing performance standards are appropriate to manage the effects of community corrections activities in these

zones. The environmental benefits therefore will outweigh any costs.

- (b) Economic Benefits/Costs – Due to their unique nature, and limited need for these facilities in a metropolitan area, there will not be an impact on the wider availability of commercial land from enabling the establishment of community corrections activities in these zones. The status quo results in increased consenting costs for the establishment of community corrections activities for no benefit. The economic benefits will outweigh any costs.
- (c) Social Benefits/Costs – Community corrections activities are important to the successful operation and to the wider functioning of the urban environment and are essential social infrastructure. Permitted activity status will enable community facilities to meet local needs in areas with growing populations supporting connectivity/accessibility between housing, jobs, and community services. The social benefits will therefore outweigh any costs.
- (d) Cultural Benefits/Costs – I consider there are no benefits or costs.

6.22 Accordingly I consider that the benefits of the community corrections relief will outweigh any costs, and that it will therefore be efficient under s31(b) RMA.

6.23 In conclusion, for the purposes of the further evaluation required under s32AA of the RMA, I consider the community corrections relief sought by Ara Poutama will be a more efficient, effective, and appropriate way to achieve the relevant PWDP objectives under s32(1)(b) of the RMA, when compared with not providing for them, or providing for them in other zones where effects arising from their scale and intensity (e.g. noise, traffic movements) may be incompatible (e.g. residential zones).

6.24 I propose that the changes set out in **Appendix A** be made to the policies and rules for the TCZ and MUZ accordingly.

REPORTING PLANNERS RECOMENDATION

6.25 The Council's s42A Report recommends accepting the relief making "community corrections activity" a permitted activity in the MUZ, including the associated amendment of policy MUZ-P1. The report

agrees that community corrections activities are appropriate in this zone, which seeks to enable a range of activities that can support regeneration of Kaiapoi, and the role and function of the Kaiapoi Town Centre (as set out in policy MUZ-P1).⁴

6.26 The s42A Report however does not comment on, or include any recommendation on the equivalent request to make community corrections activities a permitted activity in the TCZ. The request was not captured in the Council summary of submissions.

6.27 For the reasons above, I consider making them a permitted activity in the TCZ would be a more efficient, effective, and appropriate way to achieve the relevant PWDP objectives under s32(1)(b) of the RMA.

Maurice Dale

15 January 2024

⁴ Paragraphs 500, and 524, Officer's Report: Whaitua Arumoni Whaitua Ahumahi – Commercial, Mixed Use Chapters, dated 6 December 2023.

APPENDIX A

ARA POUTAMA PROPOSED AMENDMENTS

Black Text – Original wording of the PWDP.

Red Text – Additional changes proposed by Ara Poutama (additions underlined, deletions ~~crossed-out~~.)

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

Policies

MUZ-P1 Integration with the town centre

Provide for a mixture commercial, community and residential activities in the Mixed Use Zone where these:

1. Support the Kaiapoi Town Centre's identified function, role and amenity values;
2. Are of a scale, configuration or duration that do not result in strategic or cumulative effects on the efficient use and continued viability of the Kaiapoi Town Centre; and
3. Support the ongoing regeneration of the Kaiapoi township.

Activity Rules

<u>MUZ-RX</u>	<u>Community Corrections Activity</u>
<u>Activity status: PER</u>	<u>Activity status when compliance not achieved N/A</u>

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

Rules

<u><i>TCZ-RX</i></u>	<u><i>Community Corrections Activity</i></u>
<u><i>Activity status: PER</i></u>	<u><i>Activity status when compliance not achieved N/A</i></u>