

**BEFORE THE WAIKATO DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the submission point made by Ara Poutama Aotearoa (the Department of Corrections) regarding a rezoning request under the Proposed Waikato District Plan (Submitter No. 496 and Further Submitter No. 1210) – **Hearing 25**

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**STATEMENT OF EVIDENCE OF SEAN MORELL GRACE**

**PLANNER**

**ON BEHALF OF ARA POUTAMA AOTEAROA (THE DEPARTMENT OF CORRECTIONS)**

17 February 2021

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## **1.0 QUALIFICATIONS AND EXPERTISE**

- 1.1 My name is Sean Grace and I am a Principal and Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of Bachelor of Science (Physical Geography). I am a Full Member of the New Zealand Planning Institute. I have been a planner in local government or as a planning consultant based in Tauranga, Auckland and Wellington for over 15 years. As a consultant planner I have provided consultancy services for a wide range of clients around New Zealand, including central and local government authorities, land developers, and the social and network utility infrastructure sectors.
- 1.2 My experience as a consultant includes planning policy preparation and advice, expert evidence at Council hearings, Environment Court mediation, Notices of Requirement for designations, resource consenting and non-statutory planning work. As a local government planner my experience was in resource consent processing and planning monitoring and enforcement.
- 1.3 In this matter, I was engaged by the Ara Poutama Aotearoa (the Department of Corrections (“the Department”)). I have worked in a planning consultant capacity for the Department over the course of the past 11 years.
- 1.4 I have extensive experience in District Plan policy work, and have appeared on behalf of the Department in hearings and mediation for the Whangarei District Plan (Urban Plan Changes), Proposed Auckland Unitary Plan, Proposed Invercargill District Plan and the Proposed Ōpōtiki District Plan. I have reviewed and prepared submissions on behalf of the Department for numerous other Proposed District Plans and Plan Changes.

## **2.0 CODE OF CONDUCT**

2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

## **3.0 SCOPE OF EVIDENCE**

3.1 The scope of my evidence relates to proposed rezoning of the Spring Hill Corrections Facility (“SHCF”) site from ‘Rural Zone’ to ‘Corrections Zone’ under the Proposed Waikato District Plan (“PWDP”). This relates to the Department’s further submission point 1210.6.

3.2 My evidence contains a background on the SHCF site and designation, and the recent introduction of the Corrections Zone through the National Planning Standards. It outlines the key planning provisions sought by the Department through the Corrections Zone. My evidence includes:

- The proposed Corrections Zone provisions (refer to **Appendix 1**), using the format of the notified version of the PWDP; and
- An RMA s32 evaluation of the rezoning proposal (refer to **Appendix 2**), including consideration of the specific information set out in the Hearing 25 Zone Extents Framework Report.<sup>1</sup>

## **4.0 BACKGROUND**

### **4.1 The SHCF site and designation**

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<sup>1</sup> Report prepared by Dr Mark Davey, dated 19 January 2021

- 4.2 SHCF is located on Hampton Downs Road and Hall Road, on a large (212 ha) rural property, northeast of Te Kauwhata. It provides custodial accommodation for men under low to high security classifications. The facility was constructed between 2005 and 2007 and officially opened on 25 September 2007.
- 4.3 The site is subject to Designation ‘P1’ under the operative and proposed District Plans, which provides for the construction, operation, maintenance and upgrading of the SHCF. The SHCF designation was originally confirmed by the Environment Court in a decision made on 30 June 2004.
- 4.4 The spatial extent of the SHCF site and designation is shown in the image below (excerpt from the PWDP IntraMap viewer).



- 4.5 The designation is subject to a “Description of Works” and a comprehensive set of conditions.<sup>2</sup> The designation is focussed predominantly on the managing the secure aspects of the prison.

<sup>2</sup> The Department submitted a Notice of Requirement through the PWDP notification process which sought to modify the P1 conditions package, given that a number of conditions related exclusively to the original construction of the facility, and were therefore appropriate to be deleted or modified. Agreement was reached with Council on the format of the updated conditions package through the Hearing 15 (Designations) process – refer to: [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-by-laws/plans/district-plan-review/hearings/hearing-15/council-rebuttal/spring-hill-corrections-facility-conditions-memo-to-panel-4-may-2020a827e93e36f361b3b84dff0000681c44.pdf?sfvrsn=61d488c9\\_2](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-by-laws/plans/district-plan-review/hearings/hearing-15/council-rebuttal/spring-hill-corrections-facility-conditions-memo-to-panel-4-may-2020a827e93e36f361b3b84dff0000681c44.pdf?sfvrsn=61d488c9_2). A formal recommendation on the conditions under S171(2) RMA is yet to be released by the Hearings Panel or Council.

This is evident from the full wording of the “Description of Works” (Part B) of the designation conditions package, which reads as follows:

*The designation is for the construction, operation, maintenance and upgrading of a Corrections Facility and associated and ancillary activities and facilities, including but not limited to:*

- *Entry buildings*
- *Kitchen, laundry, workshop buildings*
- *Self-care accommodation (internal and external)*
- *Adult residential accommodation*
- *Youth residential accommodation*
- *Sports field*
- *Recreation buildings*
- *Education buildings*
- *Inmate receiving buildings*
- *Health unit*
- *Safe cells*
- *Separates Unit*
- *Visits buildings*
- *Fale buildings*
- *Atea*
- *Visitor / Iwi services building*
- *Staff facilities / Administration building*
- *External stores building*
- *Car parking*
- *Stormwater management ponds*
- *Internal roading*
- *Security fences and lighting*
- *Landscaping and buffer areas*
- *Earthworks*
- *All other associated or ancillary land use activities and structures and facilities associated with a Corrections Facility as more particularly described in Attachment 1 to the Notice of*

*Requirement confirmed by the Environment Court on 30 June 2004 (“NOR”).<sup>3</sup>*

4.6 As referred to under the final bullet point above, “*other associated or ancillary land use activities and structures and facilities*” are not specifically defined or outlined within the conditions package.

**4.7 Special Purpose Zones under the National Planning Standards**

4.8 In May 2019 the first set of National Planning Standards came into effect. They were introduced by the Ministry for the Environment to improve the consistency of Council plans and policy statements nationally. The National Planning Standards include a standardised set of ‘special purpose zones’, one of which is the ‘Corrections Zone’. Under the ‘Zone Framework Standard’ the standards provide the following description for the Corrections Zone:

*Areas used predominantly for the efficient operation and development of prisons and associated facilities and activities and the security requirements of prisons. The zone may also be used for new and changing approaches to prisoner reintegration and rehabilitation.*

4.9 As with the other zones specified within the Zone Framework Standard, the National Planning Standards do not go as far to establish or suggest the provisions that apply within the Corrections Zone. Mandatory direction 3 of the Zone Framework Standard simply states:

*3. An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:*

- a. are significant to the district, region or country*
- b. are impractical to be managed through another zone*

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<sup>3</sup> Wording provided is as per the designation conditions set agreed with Council through Hearing 15 (Designations) – refer to: [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-15/council-rebuttal/dept\\_of\\_corrections\\_designation\\_p1\\_changes\\_final\\_20200503.pdf?sfvrsn=46d588c9\\_2](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-15/council-rebuttal/dept_of_corrections_designation_p1_changes_final_20200503.pdf?sfvrsn=46d588c9_2)

*c. are impractical to be managed through a combination of spatial layers.*

4.10 It was my, and the Department's, assessment that all three of these criteria applied in terms of applying the Corrections Zone to the SHCF site. Due to the fact that the National Planning Standards came into effect following the close of the primary submission period for the PWDP, the Department made a further submission in July 2019 requesting the imposition of the Corrections Zone to the SHCF site (further submission point 1210.6).

## **5.0 PROPOSED CORRECTIONS ZONE PROVISIONS**

5.1 The application of the Corrections Zone is proposed to address difficulties the Department has experienced at SHCF (and at other prison sites nationally), particularly in seeking to introduce new forms of prisoner rehabilitation and reintegration within the constraining scope of the existing designation and underlying Rural Zone objectives, policies and rules. This is alluded to in the National Planning Standards' Corrections Zone description – refer to paragraph 4.7 above.

5.2 The Department's operations are highly specific and, by their nature, sit outside the framework of underlying Rural zoning. The Corrections Zone therefore offers a nuanced planning framework providing:

- For appropriate activities not explicitly provided for by the designation;
- A policy base for the activities which occur under the prison designation; and
- A basis for assessing the appropriateness of any future alteration(s) proposed to the designation.

5.3 The proposed Corrections Zone provisions are contained in **Appendix 1** to my evidence. These provisions largely adopt, and

cross-refer to, the Rural Zone provisions. There are however three key activities that are provided for through the proposed policy framework and activity rules, which differ to those provided for in the Rural Zone. I explain these four activities below.

5.4 With one exception, the ‘Land Use – Effects’ and ‘Land Use – Building’ standards for the Rural Zone apply to all activities proposed in the Corrections Zone. This means that all activities would be managed in the same manner as per the Rural Zone, which includes these standards:

- ‘*Land Use – Effects*’: noise, glare and artificial light spill, earthworks, hazardous substances, notable trees, signs, and indigenous vegetation clearance.
- ‘*Land Use – Building*’: number of dwellings within a lot, minor dwellings, buildings and structures in Landscape and Natural Character Areas, height, daylight admission, building coverage, building setbacks and heritage items.

5.5 As an aside, I note that the Corrections Zone provisions sought for SHCF under the PWDP are consistent with those currently being sought by the Department to apply to the Rolleston Prison site through the Proposed Selwyn District Plan process.<sup>4</sup> There are a number of similarities between SHCF and Rolleston Prison, with respect to them being located on large, rural-zoned landholdings, with designations applying to both.

## **5.6 Non-custodial rehabilitation activities**

5.7 Non-custodial rehabilitation activities refer to programmes generally undertaken outside of the secure perimeter of the prison, and can involve work-skills or cultural programmes.

5.8 An example of an existing activity undertaken at SHCF is the house refurbishment programme. Houses are temporarily located to a yard space to the north of the secure prison, where paihere

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<sup>4</sup> At the time of preparing this evidence a submission had been lodged by the Department on the Proposed Selwyn District Plan, but the Council is yet to release its summary of submissions.



(prisoners / offenders) work on them, learn building trade skills and work towards gaining trade qualifications.

5.9 At present this activity is subject to the ambiguous “*other associated or ancillary land use activities and structures and facilities associated with a Corrections Facility*” descriptor under the designation, and the underlying Rural Zone rules. To provide certainty for the Department around the continuing ability to undertake such activities, a permitted activity status is sought, subject to meeting the Rural Zone standards as well as specific standards around the hours that deliveries can occur and machinery operated.<sup>5</sup>

5.10 In my opinion this is an appropriate framework that provides certainty for the Department to undertake non-custodial rehabilitation activities, while managing the potential effects of such.

#### **5.11 Community corrections activities**

5.12 Community corrections activities<sup>6</sup> are service centres that provide for probation, rehabilitation and reintegration services. Paihere report to probation officers as required by the courts or as conditions of parole. The Department’s staff also 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. 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.

5.13 Community corrections activities also include community work facilities. 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

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<sup>5</sup> The restrictions proposed in relation to deliveries and machinery are consistent with those for a “home business” in the Rural Zone under the Council-recommended version of the Rural Zone provisions from Hearing 18 (Rural).

<sup>6</sup> The Council has recommended the inclusion of a definition for such through the Hearing 5 (Definitions) process, as follows: “*Community corrections activity: 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.*”

facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor.

5.14 At present there are no community corrections activities undertaken on the SHCF site, but the changing nature of non-custodial reintegration and rehabilitation programmes that the Department undertakes is such that elements of these activities may be proposed on the site in the future.

5.15 At present this activity would be subject to the ambiguous “*other associated or ancillary land use activities and structures and facilities associated with a Corrections Facility*” descriptor under the designation, and the underlying Rural Zone rules. To provide certainty for the Department around the ability to undertake such activities, a permitted activity status is sought, subject to meeting the Rural Zone standards as well as specific standards around the hours of operation.

5.16 In my opinion this is an appropriate framework that provides certainty for the Department to undertake community corrections activities, while managing the potential effects of such.

**5.17 Supported residential accommodation**

5.18 The Department operates residential units in the community throughout New Zealand. Whilst there is a range of housing, rehabilitation and support provided in these facilities (depending on the needs of the residents), generally the activity can be described as supported residential accommodation. This service provides housing and other support for people in the Department’s care following their release, to assist with their transition and integration back into the community and can also be used to accommodate those on bail or community-based sentences (such as home detention).

5.19 Supported accommodation units provide necessary facilities, such as sleeping, cooking, bathing and toilet facilities, which encompass a typical household living scenario; and a typical residential dwelling is utilised for such purposes. People living in supported

accommodation are not detained on site and are free to come and go from the community, the same as anyone else living in the community, except that some people are electronically monitored. In some instances, supervisory staff are present on-site to provide support on a “24/7” basis but do not reside there. In other instances, supervisory staff will provide support on a part time basis. A range of rehabilitation and support services may also be provided on site.

- 5.20 At present there are no supported residential accommodation units on the SHCF site, although there are “self-care units”, which differ in that these are units for paihere that are nearing the end of their custodial sentence. Having supported residential accommodation units provided for on prison sites is an increasingly common activity, with examples present at Whanganui Prison, Rimutaka Prison and Christchurch Men’s Prison (both large, rural sites subject to designations).
- 5.21 At present this activity is subject to the ambiguous “*other associated or ancillary land use activities and structures and facilities associated with a Corrections Facility*” descriptor under the designation, and the underlying Rural Zone rules. To provide certainty for the Department around the ability to undertake such activities, a permitted activity status is sought, subject to meeting the Rural Zone standards (excluding those for number of dwellings and minor dwellings – to avoid confusion) as well as specific standards around:
- Limiting the number of residents in supported residential accommodation to 30, in a maximum of five units; and
  - Restricting the location of the units to that specified for self-care units under the designation (as this is a location previously assessed as appropriate through the Environment Court designation process).
- 5.22 In my opinion this is an appropriate framework that provides certainty for the Department to undertake supported residential

accommodation activities, while managing the potential effects of such.

## **6.0 SECTION 32 EVALUATION**

6.1 The Section 32 evaluation of the rezoning proposal, as I have set out in **Appendix 2**, has established that the proposed Corrections Zone objectives are appropriate to achieve the purpose of the RMA, and the provisions (including policies and rules) in the proposal are the most appropriate way to achieve the proposed objectives.

## **7.0 CONCLUSION**

7.1 Rezoning of the SHCF site from Rural Zone to Corrections Zone, as set out in **Appendix 1**, is proposed consistent with the Zone Framework Standard of the National Planning Standards.

7.2 Rezoning is intended to provide a more tailored framework enabling additional non-custodial justice sector reintegration and rehabilitation activities on a site where activities of a similar character, scale, and intensity already exist and are enabled by way of designation. It also provides a basis against which any future alterations to the sites' designation can be assessed. In so doing it will futureproof the site and provide increased opportunity to provide for these activities in the District as important social infrastructure.

7.3 The activities enabled by the Corrections Zone will be subject to rules and standards that ensure activities are compatible with the character and amenity of the surrounding Rural Zone.



Sean Morell Grace  
Principal / Planner, Boffa Miskell Limited  
17 February 2021

# Appendix 1: Proposed Corrections Zone Provisions

## Notes:

- Numbering system used below is indicative only, but is based on the format used in the PWDP.
- Cross-references to the Rural Zone rules and standards are largely based on the Council-recommended provisions following Hearing 18 (Rural) – refer to: [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-18/additional-council-responses-and-reports/lu-hearing-18---rural---appendix-2---text-amendments.pdf?sfvrsn=ac888dc9\\_2](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-18/additional-council-responses-and-reports/lu-hearing-18---rural---appendix-2---text-amendments.pdf?sfvrsn=ac888dc9_2))

## Section B Objectives and Policies

### Chapter 9: Specific Zones

#### 9.1 Corrections Zone

##### 9.1.1 Overview – Corrections Zone

Ara Poutama Aotearoa the Department of Corrections operates a custodial prison facility located northwest of Te Kauwhata, known as the Spring Hill Corrections Facility. The prison is accessed via Hampton Downs Road, with the custodial facility located towards the southern end of a 212 hectare landholding.

Ara Poutama Aotearoa Department of Corrections is responsible for the operational management of the prison. The site is designated for the purpose of “Spring Hill Corrections Facility” and is gazetted for justice purposes.

The prison is a social infrastructure facility of regional importance. The facility plays a vital role in the region in allowing Ara Poutama Aotearoa the Department of Corrections to meet its responsibilities under the Corrections Act 2004 for enforcing sentences and orders of the criminal courts and the New Zealand parole board.

In accordance with Section 176 of the RMA, the provisions of the District Plan shall apply in relation to the land that is subject to the designation only to the extent that the land is used for a purpose other than the designated purpose. In addition, as required under Section 176 (1)(b), no person may, without the prior written consent of the requiring authority, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates.

While custodial correctional and ancillary activities are enabled under the designation, additional aligned non-custodial justice sector activities appropriate for the site are enabled by the Corrections Zone, while managing their potential effects on the surrounding environment. This includes non-custodial rehabilitation activity, community corrections activity and supported residential accommodation. The Corrections Zone otherwise generally adopts the same provisions as the surrounding Rural Zone.

### **9.1.2 Objectives – Continued operation and development of Spring Hill Corrections Facility**

- (a) Spring Hill Corrections Facility is recognised as regionally important ~~infrastructure~~ which contributes to the economic and social well-being, and health and safety of the region and district.
- (b) Spring Hill Correction Facility's ~~operational needs~~ and ~~functional needs~~ are provided for, while ensuring any adverse environmental effects of activities are managed so as to be compatible with the surrounding rural environment.
- (c) Use and development unrelated to the operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility occurs in a manner consistent with the Rural Zone provisions.
- (d) The safe and efficient operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility is not constrained or compromised by other activities.

#### **9.1.2.1 Policy – Operation and development**

- (a) Provide for the ongoing operation and development of custodial correctional activities and facilities.

#### **9.1.2.2 Policies – Compatible Activities**

- (a) Allow activities that are compatible with the role and function of the Corrections Zone, including:
  - (i) Those activities provided for as permitted activities in the Rural Zone.
  - (ii) ~~Non-custodial rehabilitation activity.~~
  - (iii) ~~Community corrections activity.~~
  - (iv) Supported residential accommodation.
  - (v) Custodial correctional facilities (in accordance with the designation).
- (b) Allow other activities which are otherwise compatible with the function and predominant character of the Rural Zone.

#### **9.1.2.3 Policy – Maintenance of rural character and amenity**

- (a) Ensure activities maintain rural character and amenity beyond the Corrections Zone to the extent practicable.

## Section C Rules

### Chapter 29: Corrections Zone

- (1) The rules that apply to activities in the Corrections Zone are contained in Rule 29.1 Land Use – Activities.
- (2) The rules that apply to noise, glare and artificial light spill, earthworks, hazardous substances, notable trees, signs, and indigenous vegetation clearance in the Corrections Zone are as per the Land Use – Effects rules for the Rural Zone, as contained in Rule 22.2.
- (3) The rules that apply to the number of dwellings within a lot, minor dwellings, buildings and structures in Landscape and Natural Character Areas, height, daylight admission, building coverage, building setbacks and heritage items in the Corrections Zone are as per the Land Use – Building rules for the Rural Zone, as contained in Rule 22.3.
- (4) The rules that apply to subdivision in the Corrections Zone are as per the Subdivision rules for the Rural Zone, as contained in Rule 22.4.
- (5) The activity status tables and standards in the following chapters also apply to activities in the Corrections Zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change.
- (6) The following symbols are used in the tables:
  - (a) P Permitted activity
  - (b) RD Restricted discretionary activity
  - (c) D Discretionary activity
  - (d) NC Non-complying activity

#### 29.1 Land Use – Activities

##### 29.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
  - (a) Activity specific conditions.
  - (b) Land Use – Effects rules in Rule 22.2 for the Rural Zone (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);
  - (c) Land Use – Building rules in Rule 22.3 for the Rural Zone (unless the activity rule and/or activity specific conditions identify a condition(s) that does not apply);

Activity		Activity specific conditions
P1	Any activity listed as a permitted activity in the Rural Zone	As per the applicable activity specific conditions for the Rural Zone.
P2	Non-custodial rehabilitation activity	<ol style="list-style-type: none"> <li>(a) Unloading and loading of vehicles or the receiving of deliveries only occur after 7:00am and before 7:00pm on any day;</li> <li>(b) Machinery can be operated after 7:30am and up to 7:00pm on any day.</li> </ol>
P3	Community corrections activity	The hours of operation are between 7:00am and 7:00pm on any day.
P4	Supported residential accommodation	(a) Land Use – Building in Rule 22.3 for the Rural Zone except:

		<ul style="list-style-type: none"> <li>(i) Rule 22.3.1 (Number of dwellings within a lot) does not apply;</li> <li>(ii) Rule 22.3.2 (Minor dwellings) does not apply.</li> </ul> <ul style="list-style-type: none"> <li>(b) No more than 30 residents are to be accommodated at any one time.</li> <li>(c) No more than five supported residential accommodation units to be provided within the site.</li> <li>(d) Supported residential accommodation units are to be located in the area identified for “external self-care units” in accordance approved designation plan RC03, Revision 3.</li> </ul>
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### 29.1.2 Restricted Discretionary Activities

(l) The activities listed below are restricted discretionary activities.

Activity		Matter of Discretion
RDI	Any activity listed as a restricted discretionary activity in the Rural Zone	As per the applicable matters of discretion for the Rural Zone.

### 29.1.3 Discretionary Activities

(l) The activities listed below are discretionary activities.

D1	Any activity listed as a discretionary activity in the Rural Zone.
D2	Any permitted activity that does not comply with an activity specific condition in Rule 29.1.1.
D3	Any permitted activity that does not comply with Land Use - Effects Rule 22.2 for the Rural Zone or Land Use - Building Rule 22.3 for the Rural Zone unless the activity status is specified as controlled, restricted discretionary or non-complying activity.
D5	Any restricted discretionary activity that does not comply with Rule 29.1.2 RDI.

### 29.1.4 Non-Complying Activities

(l) The activities listed below are non-complying activities.

NC1	Any activity listed as a non-complying activity in the Rural Zone.
NC2	Any other activity that is not listed as permitted, restricted discretionary or discretionary.



# Appendix 2: Section 32 Evaluation

## 1. Introduction

Section 74(1) of the RMA provides that a territorial authority must prepare its District Plan in accordance with –

- Its functions under section 31; and
- The provisions of Part 2; and
- Its obligation (if any) to prepare an evaluation report in accordance with section 32; and
- Its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
- A national policy statement, a New Zealand coastal policy statement, and a national planning standard; and
- Any regulations.

Section 74(2A) also provides that a territorial authority must take into account any relevant planning document recognised by an iwi authority.

Under section 75(3), a District Plan must give effect to any national policy statement, New Zealand coastal policy statement, national planning standard, and any regional policy statement. Under section 75(4), it must not be inconsistent with a regional plan.

An evaluation of rezoning Spring Hill Corrections Facility (SHCF) from Rural Zone to Corrections Zone in the Proposed Waikato District Plan (PWDP), as set out in Appendix 1, under these statutory requirements is provided in the following sections.

## 2. Functions under Section 31 RMA

The Corrections Zone has been developed cognisant of the functions of Waikato District Council as a territorial authority under section 31 of the RMA. In particular, the proposed zone will accord with its functions under section 31 to:

- Establish and implement objectives, policies, and methods to achieve integrated management of the effects of the use, development or protection of land, and associated natural resources (s31(1)(a) RMA).
- Control and actual or potential effects of the use, development or protection of land (s31(1)(b) RMA).

## 3. Provisions of Part 2 of the RMA

Part 2 of the RMA sets out the purpose of the Act (section 5) being the sustainable management of natural and physical resources to enable people to provide for their health, cultural, economic and social wellbeing.

Section 6 seeks to manage the use, development, and protection of natural and physical resources, to recognise and provide for identified matters of national importance. There are no section 6 matters of relevance that would be adversely impacted by rezoning the land to Corrections Zone.

Section 7 identifies Other Matters to which particular regard must be had including the maintenance and enhancement of amenity values and the quality of the environment. Section 8 requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account.

The Corrections Zone will implement tailored provisions to better manage the efficient use, development, and protection of the SHCF site for custodial and additional non-custodial justice sector reintegration and rehabilitation activities so as to enable people and communities to provide for their social and cultural well-being, and for their health and safety. Proposed provisions for the zone, will ensure this is achieved while avoiding, remedying, or mitigating any adverse effects of these activities on the environment surrounding the prison, thereby maintaining amenity values, and the quality of the environment.

Overall, the proposed Corrections Zone will give effect to Part 2 of the RMA.

## 4. Provisions of the Relevant Planning Documents

The following planning documents are of particular relevance to the evaluation of the proposed Corrections Zone:

- National Planning Standards 2019
- National Policy Statement on Freshwater Management 2020
- Waikato Regional Policy Statement (2016)
- Waikato Regional Plan
- Waikato-Tainui Environmental Management Plan (2013)
- The Vision and Strategy for the Waikato River
- Future Proof Strategy Planning for Growth 2017
- Waikato 2070

N.B. The National Policy Statement on Urban Development 2020 (NPS-UD) is not relevant to the evaluation, as Spring Hill Corrections Facility does not comprise part of the “urban environment” that falls within the scope of the NPS-UD.<sup>1</sup>

### 4.1 National Planning Standards 2019

The NPS have been developed by the Ministry for the Environment, with the purpose of improving the efficiency and effectiveness of the planning system through adopting consistent approaches to planning documents. They provide both mandatory and discretionary directions for some elements of district plans, and have been implemented through the hearings processes of the PWDP.

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<sup>1</sup> “Urban environment” means “any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.”

The Zone Framework Standard includes a standardised set of zones to be used in district plans. This includes a “Special Purpose Corrections Zone”, which is described as:

*“Areas used predominantly for the efficient operation and development of prisons and associated facilities and activities and the security requirements of prisons. The zone may also be used for new and changing approaches to prisoner reintegration and rehabilitation.”*

The Zone Framework Standard provides that only the zones listed in the standard may be used (with some exceptions). Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA.

The nature of the activities occurring on the land better align with the description of the Special Purpose Corrections Zone, than that for the Rural Zone, which is for areas used predominately for primary production activities. Potential future activities, including additional non-custodial justice sector reintegration and rehabilitation activities also align with the zone description. Applying the Special Purpose Corrections Zone to the SHCF site will therefore give effect to the National Planning Standards, as opposed to retaining the current Rural Zone.

#### 4.2 National Policy Statement on Freshwater Management 2020

The National Policy Statement on Freshwater 2020 (NPS-FW) sets out national objectives, policies and methods for the management of freshwater. Broadly, it seeks that freshwater is managed in a way that gives effect to the fundamental concept – Te Mana o te Wai. A National Objectives Framework (NOF) is required to be implemented through regional planning documents to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

The key provisions of the NPS-FW relevant to the evaluation of the proposed Corrections Zone seek:

- Natural and physical resources are managed in a way that prioritises; first the health and well-being of water bodies and freshwater ecosystems; second the health needs of people; and third the ability of communities to provide for their social, economic, and cultural wellbeing (Objective 1).
- Freshwater is managed in a way that gives effect to Te Mana o te Wai (Policy 1).
- Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole of catchment basis (Policy 3).
- There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted (Policy 6).
- The loss of river extent and values is avoided to the extent practicable (Policy 7).
- The habitats of indigenous freshwater species are protected (Policy 8).
- Freshwater is allocated and use efficiently, and all existing over-allocation is phased out, and future over-allocation is avoided (Policy 11).
- The national target for water quality improvement is achieved (Policy 12).
- Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with the NPS-FW (Policy 15).

Rezoning the site to Corrections Zone is unlikely to make any practical difference on how the NPS-FW is implemented, and will give effect to the NPS-FW.

SHCF relies on potable water supply from the municipal network. Changing the zoning will not promote a character, scale, or intensity of development significantly over and above that currently enabled the designation.

Subject to any future discharges of stormwater to land occurring in accordance with best practice treatment methods, and Regional Council requirements, they will not compromise freshwater quality in a way that would affect the ability of the national target for water quality to be achieved.

There are watercourses which run through the prison site, and the Waikato River is located approximately 2.2 km to the west of the site, however the proposed rezoning will not result in any changes to these waterbodies and the change in zoning does not avoid the need to apply for regional consents where required. It is not considered that the proposal will result in a loss of wetlands, rivers or the habitats of freshwater species.

#### 4.3 Waikato Regional Policy Statement (2016)

The Waikato Regional Policy Statement (WRPS) is the key guiding document for resource management issues in the region. The WRPS provides objectives, policies and methods to resolve the region's resource management issues, and to achieve the integrated management of the natural and physical resources of Waikato. The WRPS has been prepared to give effect to an implement higher order direction.

Key provisions of the WRPS relevant to the evaluation of the proposed Corrections Zone seek:

- Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes (Objective 3.12).
- Subdivision, use and development of the building environment, including transport, occurs in a planned and co-ordinated manner (Policy 6.1).

Rezoning the site to Corrections Zone will give effect to the WRPS. It will enable development of the prison site in a way that achieves development in a planned and co-ordinated manner. It will also enable custodial and additional non-custodial justice sector reintegration and rehabilitation activities, and the continued safe, effective, and efficient use of the prison which enables positive social, economic and cultural outcomes.

The proposed zone provisions, including objectives, policies, rules, and performance standards will ensure any development is designed in a way which ensures it maintains the character and amenity of the surrounding rural area, and avoids conflict between activities.

#### 4.4 Waikato Regional Plan

The Waikato Regional Plan (WRP) manages land and water resources in the Waikato to achieve the purpose of the RMA. Of particular relevance are the provisions of the WRP that manage the discharge of stormwater to land associated with the prison's operation; as well as large scale earthworks where undertaken as part of any new development at the prison.

The key provisions of the WRP relevant to the evaluation of the proposed Corrections Zone seek:

- Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes (Objective 3.12).
- Maintain or enhance the mauri and identified values of fresh water bodies (Objective 3.14).

The WRP is subject to Plan Change 1 (Healthy Rivers) which seeks to reduce the level of contaminants entering into the Waikato and Waipa catchments to achieve the vision and strategy of making the river swimmable and viable for food collection along the entire length of the river.

Rezoning of the site to Corrections Zone will be consistent with the WRP. The Corrections Zone will enable the development of the prison site in an integrated, sustainable and planned manner to positively contribute to economic, cultural, and social wellbeing. Changing the zoning will not promote a character, scale or intensity of development over and above that currently enabled by the designation.

Subject to any future discharges of stormwater to land occurring in accordance with good environmental practice and the WRP provisions, the achievement of the WRP's freshwater outcomes will be supported.

#### 4.5 Waikato-Tainui Environmental Management Plan (2013)

The Waikato-Tainui Environmental Management Plan (EMP) is an iwi document which is a long-term development approach to building the capacity of Waikato-Tainui marae, hapū and iwi and is designed to enhance Waikato-Tainui participation in resource and environmental management. The purpose of the EMP is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was when Kīngi Tāwhiao composed his maimai aroha.

The key provisions of the EMP relevant to the evaluation of the proposed Corrections Zone seek:

- Urban and rural development is well planned, and the environmental, cultural, spiritual, and social outcomes are positive (Objective 25.3.2).
- Land use and development has positive environmental and cultural effects (Objective 25.3.3).
- Infrastructure development, upgrade, and maintenance within the Waikato-Tainui rohe occurs in partnership with Waikato-Tainui (Objective 26.3.1).
- Infrastructure development, upgrade and maintenance manages economic, social, cultural, spiritual, and environmental effects (Objective 26.3.2).

Given its nature, rezoning of the site to Corrections Zone is unlikely to promote development that is at odds with the intent of the EMP.

The SHCF site has not been identified in the PWDP as a site of Significance to Māori, nor are there any recorded archaeological sites. Development on the site will therefore ensure Waikato-Tainui cultural heritage values, including wāhi tapu and other sites of significance are protected.

#### 4.6 The Vision and Strategy for the Waikato River

The Vision and Strategy document sets out objectives and strategies for restoring and protecting the health and wellbeing of the Waikato River. SHCF is located within the Waikato River catchment, approximately 2.2km from the river.

The key relevant objective is ensuring that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review (Objective 11). The rezoning will not result in any changes to the waterbodies on-site, and the change in zoning does not avoid the need to apply for regional consents where required. It is through any regional consents that may be required in the future that cumulative effects on the Waikato River can be assessed and appropriately avoided, remedied or mitigated.

#### 4.7 Future Proof Strategy Planning for Growth 2017

The SHCF site is located beyond the Settlement Pattern areas identified in the Future Proof Strategy. The site is serviced with infrastructure and access, which would continue to be relied upon for the limited range of non-custodial activities proposed through the rezoning. This is consistent with the applicable principles as per Sections 12.1 (Transport), 12.2 (Utilities and Infrastructure) and 12.3 (Three Waters).

#### 4.8 Waikato 2070

The SHCF site is located beyond the Development Plan areas identified in the Waikato 2070 Strategy. Notwithstanding, the rezoning proposal aligns with two of the high-level directions sought, namely:

- Promoting sustainable and cost-effective land-use patterns (Direction 03.1).
- Protecting the environment (Direction 03.3).

The proposal provides for an efficient and cost-effective use of an existing asset for non-custodial purposes that are fully aligned with a custodial prison, whilst being subject to specific development standards under the zone framework.

### 5. Section 32 RMA Evaluation

Section 32 of the RMA provides that an evaluation of a proposal must:

- Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act.
- Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
  - (i) identifying other reasonably practicable options for achieving the objectives; and
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and

- Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth that are anticipated to be provided or reduced; and employment that are anticipated to be provided or reduced; and if practicable, quantify the benefits and costs.
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- Summarise the reasons for deciding on the provisions.

## 5.1 Examination of Objectives

The proposed Corrections Zone includes four new objectives, as follows:

### **Objectives – Continued operation and development of Spring Hill Corrections Facility**

- (a) *Spring Hill Corrections Facility is recognised as regionally important infrastructure which contributes to the economic and social well-being, and health and safety of the region and district.*
- (b) *Spring Hill Correction Facility’s operational needs and functional needs are provided for, while ensuring any adverse environmental effects of activities are managed so as to be compatible with the surrounding rural environment.*
- (c) *Use and development unrelated to the operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility occurs in a manner consistent with the Rural Zone provisions.*
- (d) *The safe and efficient operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility is not constrained or compromised by other activities.*

No changes are proposed to the other objectives in the PWDP.

An evaluation of whether the objectives are the most appropriate way to achieve the purpose in section 5 of the RMA, is detailed in the following table.

Table 1: Evaluation of proposed Objectives

Objective	Evaluation of Appropriateness
<p><i>(a) Spring Hill Corrections Facility is recognised as regionally important infrastructure which contributes to the economic and social well-being, and health and safety of the region and district.</i></p>	<p>SHCF provides facilities and services which deliver important social and cultural benefits, which are not found elsewhere in the District. The prisons operations are highly specific and by their nature, sit outside the framework of the underlying Rural zoning.</p> <p>Objective (a) provides the basis for supporting zone provisions which are tailored to better manage the efficient use, development, and protection of the SHCF site for custodial and additional non-custodial justice sector reintegration and rehabilitation activities in recognition of its benefits. This is in contrast to the proposed Rural Zone objectives that do not recognise the benefits of these activities.</p> <p>Recognising these benefits will therefore better enable people and communities to provide for their social and cultural well-being, and for their health and safety under section 5(2) of the RMA.</p>

<p><i>(b) Spring Hill Corrections Facility's operational needs and functional needs are provided for, while ensuring any adverse environmental effects of activities are managed so as to be compatible with the surrounding rural environment.</i></p>	<p>SHCF is located in a rural area proposed to be zoned Rural in the PWDP. Surrounding rural activities comprise rural production / pastoral land, a landfill and the Hampton Downs Motorsport Park. Custodial activities at the prison are long established and have historically occurred in harmony with this surrounding rural and institutional context.</p> <p>Objective (b) provides the basis for supporting zone provisions which provide for custodial and additional non-custodial justice sector reintegration and rehabilitative activities, while ensuring adverse effects are managed to be compatible with the surrounding rural environment.</p> <p>Managing the effects of these activities will ensure the potential of natural and physical resources are sustained and adverse effects on the surrounding rural environment are avoided, remedied, and mitigated under section 5(2)(a) and (c) of the RMA.</p>
<p><i>(c) Use and development unrelated to the operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility occurs in a manner consistent with the Rural Zone provisions.</i></p>	<p>The PWDP currently proposes a Rural Zone over the prison site, which is consistent with the site's historical underlying zoning. The activities permitted under the Rural Zone are generally appropriate on the prison site and are consistent with the surrounding rural area.</p> <p>Objective (c) provides the basis for supporting zone provisions that allow activities currently provided for as permitted in the Rural Zone.</p> <p>Enabling continuation of appropriate rural activities will enable people and communities to provide for their social and cultural well-being under section 5(2) of the RMA, while ensuring the potential of natural and physical resources are sustained and adverse effects on the surrounding rural environment are avoided, remedied, and mitigated under section 5(2)(a) and (c) of the RMA.</p>
<p><i>(d) The safe and efficient operation, maintenance, upgrading, and expansion of Spring Hill Correction Facility is not constrained or compromised by other activities.</i></p>	<p>SHCF is of a considerable scale and provides facilities and services which deliver important social and cultural benefits, which are not found elsewhere in the District. Given these benefits, it is important that the operation of the prison is not constrained or comprised by other activities surrounding the prison; for example, any future residential development that has higher amenity expectations that could constrain future activities on the site.</p> <p>Objective (d) provides the basis for ensuring activities proposed through resource consent and plan changes in the surrounding the prison site are of a character, scale, and intensity that will not constrain or compromise the safe and efficient, operation maintenance, and expansion of the prison.</p> <p>Protecting the prison from incompatible activities will enable people and communities to provide for their social and cultural well-being, and for their health and safety under section 5(2) of the RMA, while ensuring adverse effects are avoided, remedied, and mitigated under section 5(2) and (c) of the RMA.</p>

Overall, based on the above assessment, the proposed objectives are the most appropriate way to achieve the purposes of the RMA.



## 5.2 Examination of Provisions

This section evaluates whether the proposed provisions are the most appropriate way to achieve the proposed objectives, by assessing efficiency and effectiveness of those provisions in comparison to other reasonably practicable options.

For the purpose of this evaluation, the reasonably practicable alternative options are:

- **Option 1:** The Rural Zone and associated provisions proposed in the notified version of the PWDP (the status quo).
- **Option 2:** The proposed Corrections Zone and associated provisions, while also continuing to enable those activities listed as permitted in the Rural Zone.

Option 2 differs from Option 1 insofar that it:

- Provides a more tailored policy framework against which additional non-custodial justice sector reintegration and rehabilitation activities, and any future alterations to the designation, can be assessed.
- Futureproofs the site in providing for additional non-custodial justice sector reintegration and rehabilitation activities, including non-custodial rehabilitation activities, community corrections activities, and supported residential accommodation as permitted activities, subject to compliance with performance standards that align with the surrounding Rural Zone. Permitted activity status for community corrections activity and supported residential accommodation aligns with the status of these activities in other zones.
- Provide through a resource consent process, for other activities which are compatible with the function and predominant character of the Rural Zone.

Consideration has also been given as to whether use of a Precinct would be a practicable alternative option instead of a bespoke Corrections Zone. Under the National Planning Standards, a Precinct can also be used to spatially manage an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone. While practicable, evaluating the use of a Precinct would be unlikely to provide any useful point of difference over a bespoke zone. The difference is merely the use of spatial method, rather than in the provisions themselves. Accordingly, the Precinct approach has not been evaluated.

For each option, Tables 2 and 3 below evaluate the costs, benefits and the certainty and sufficiency of information in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the proposed objectives.

*Table 2: Benefits and Costs Analysis of Option 1 (Rural Zone; status quo under the PWDP)*

Element	Benefits	Costs
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Less permitted change to the surrounding environment by restricting additional non-custodial justice sector reintegration and rehabilitation activities.</li> <li>• Provides for additional non-custodial justice sector activities to be assessed by way of a non-complying activity resource consent enabling consideration of</li> </ul>	<ul style="list-style-type: none"> <li>• Objectives, policies, and rules that are less tailored to managing the environmental effects of additional non-custodial justice sector reintegration and rehabilitation activities not enabled by the designation.</li> <li>• Objectives and policies are not tailored for assessing the</li> </ul>

	all potential environmental effects and relevant objectives/policies.	<p>environmental effects of future alterations to the designation.</p> <ul style="list-style-type: none"> <li>Increased likelihood that additional non-custodial justice sector activities will need to locate in other less-suitable locations in the District.</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>Potential increased perceived safety by surrounding community from restriction on additional non-custodial justice sector activities on the site.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced opportunities to provide for additional non-custodial justice sector activities in the District as critical social infrastructure.</li> <li>Reduced housing options to assist with transition of offenders into the community.</li> <li>Reduced ability to house persons at higher risk of reoffending on a prison site, where close supervision and support can be readily provided.</li> <li>Reduced certainty for the surrounding community of the outcomes anticipated on the site for additional non-custodial justice sector activities.</li> </ul>
<b>Economic – General</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced opportunity to provide for additional non-custodial justice sector activities in the District, and resulting reduced support to local services, and facilities in the surrounding area.</li> <li>Lack of future proofing the prison site for additional non-custodial justice sector activities, resulting in less efficient use of prison land.</li> <li>Increased consenting costs for the Department by requiring resource consent to develop to establish additional non-custodial justice sector activities, with less certainty of the outcome, i.e. through a more intensive consenting processes, and a higher likelihood that an application for any consents required being declined.</li> </ul>
<b>Economic Growth</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>Potential for slight decrease in employment opportunities associated with not providing for additional non-custodial activities on-site.</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>

Table 3: Benefits and Costs Analysis of Option 2 (Proposed Corrections Zone)

Element	Benefits	Costs
<b>Environmental</b>	<ul style="list-style-type: none"> <li>• Provides objectives, policies, and rules more tailored to managing the environmental effects of additional non-custodial justice sector reintegration and rehabilitation activities not enabled by the designation.</li> <li>• Provides tailored objectives and policies against which the environmental effects of future alterations to the designation can be assessed.</li> <li>• Enables additional non-custodial justice sector activities on a site where activities of a similar character, scale, and intensity are already enabled by way of designation.</li> <li>• Proposed performance standards for non-custodial rehabilitation activities, community corrections activities and supported residential accommodation ensure the bulk and location of these activities are compatible with the character and amenity values of the Rural Zone.</li> </ul>	<ul style="list-style-type: none"> <li>• Greater change to the surrounding environment could be introduced by enabling additional non-custodial justice sector activities on the land.</li> </ul>
<b>Social</b>	<ul style="list-style-type: none"> <li>• Increased opportunity to provide for additional non-custodial justice sector activities in the District as critical social infrastructure.</li> <li>• Increased housing options to assist with transition of offenders back into society.</li> <li>• Provides the ability to house persons at higher risk of offending on a prison site, where close supervision and support can be readily provided.</li> <li>• Increased certainty for the surrounding community of the outcomes anticipated on the site for additional non-custodial justice sector activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential perceived loss of safety for surrounding community from the enablement of additional justice sector reintegration and rehabilitation activities on the site.</li> </ul>
<b>Economic – General</b>	<ul style="list-style-type: none"> <li>• Increased opportunity to provide for additional non-custodial justice sector activities in an appropriate location in the District, and resulting additional support to local services, facilities within the surrounding area.</li> <li>• Futureproofs the prison site, enabling efficient use of existing prison land by enabling additional non-custodial justice sector activities.</li> <li>• Reduced consenting costs for the Department by enabling additional non-custodial justice sector</li> </ul>	<ul style="list-style-type: none"> <li>• None identified.</li> </ul>

	activities on the site, with greater certainty of outcome, i.e. through permitted activity status, and higher likelihood of any consents required being approved.	
<b>Economic Growth</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>Potential for slight increase in employment opportunities associated with additional non-custodial activities provided for on-site.</li> </ul>	<ul style="list-style-type: none"> <li>No change to existing situation.</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</li> </ul>

Table 4 below provides an overall evaluation of the proposal, including an assessment as to whether the proposed objectives are appropriate to achieve the purpose of the RMA, and provisions in the proposal are the most appropriate way to achieve the proposed objectives.

Table 4: Overall Evaluation of the Proposal

Criteria	Evaluation
<b>Extent to which the provisions of the proposal are the most appropriate way to achieve the objectives</b>	<p><b>Option 1</b>  <b>Efficiency:</b> This option is not an efficient method of achieving the desired outcomes of futureproofing the site by providing for custodial and additional non-custodial justice sector activities, given the costs identified above (particularly the environmental, economic and social costs), which are greater than the benefits.  <b>Effectiveness:</b> This option would not be effective in achieving the proposed objectives. The lack of enablement of custodial and additional non-custodial justice sector activities would not recognise SHCF as important social infrastructure or provide for the prison's operational and functional needs.</p> <p><b>Option 2</b>  <b>Efficiency:</b> This option is an efficient method of achieving the desired outcomes of futureproofing the site by providing for custodial and additional non-custodial justice sector activities, given the benefits identified above (particularly the environmental, economic and social benefits), which are greater than the costs.  <b>Effectiveness:</b> This option would be effective in achieving the proposed objectives. The enablement of additional non-custodial justice sector activities would recognise SHCF as important social infrastructure and provide for the prison's operational and functional needs.</p>
<b>Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions</b>	It is considered that there is sufficient information to act given the level of understanding of the environmental, economic, social and cultural effects of custodial correctional and non-custodial activities.
<b>Reasons for the selection of the preferred option</b>	Having undertaken an assessment of the proposed rezoning and provisions against the status quo Rural Zone option, the proposed objectives are the most appropriate way to achieve the purpose of the Act, and the proposed provisions are most efficient and effective for the SHCF site in achieving the proposed objectives.


## 6. Other Matters

Table 5 below outlines a number of other matters requiring assessment as per Appendix 10 ('RMA s32AA evaluation template') of the Hearing 25 Zone Extents Framework Report.<sup>2</sup> N.B. all other relevant matters set out in Appendix 10 of the Framework Report are outlined and assessed above.

Table 5: Assessment of other matters

Matter	Assessment
<b>Relevant objectives of the PWDP</b>	<p>The following is an assessment of the relevant objectives and policies in the PWDP, as set out in Appendix 2 of the Hearing 25 Zone Extents Framework Report, for Special Zoning requests.</p> <p><b>1. Growth occurs in defined growth areas (1.5.2(a))</b> The proposal will not result in urban growth per se; rather the limited range of non-custodial activities provided for will enable the Department to more-efficiently utilise its existing asset.</p> <p><b>6. Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance 1.12.8(b)(vi)</b> All such features on-site remain protected in accordance with the existing designation and proposed zone provisions.</p> <p><b>13. Infrastructure can be efficiently and economically provided (4.1.3(a))</b> Existing three waters and other infrastructure is provided to the SHCF site, and can be relied upon where necessary for any future connections required.</p> <p><b>15. (a) Subdivision, use and development within the rural environment where:</b> <b>(i) High class soils are protected for productive rural purposes;</b> <b>(ii) productive rural activities are supported, while maintaining or enhancing the rural environment;</b> <b>(iii) urban subdivision use, productive rural activities are supported and development in the rural environment is avoided (5.1.1(A)(i)(ii)(iii); 5.3.8)</b> All new built development which would result from the limited range of non-custodial activities provided for would be clustered together with the existing prison facilities and will be subject to the bulk and location requirements for the Rural Zone, thus avoiding discernible impacts on soil resources on-site. Productive rural activities continue to be provided for on-site.</p> <p><b>22. Meets district wide rules and any relevant overlays</b> Relevant objectives and policies from other chapters will continue to apply; these include:</p> <ul style="list-style-type: none"> <li>• Chapter 2: Tangata Whenua</li> <li>• Chapter 3: Natural Environment</li> <li>• Chapter 6: Infrastructure and Energy</li> <li>• Chapter 7: Historic Heritage</li> <li>• Chapter 10: Hazardous Substances and Contaminated Land.</li> </ul>

<sup>2</sup> Report prepared by Dr Mark Davey, dated 19 January 2021

<p><b>Scale and significance of the rezoning proposal</b></p>	<p><b>The spatial extent of the rezoning request</b></p> <p>The spatial extent of the rezoning request is a single, contiguous 212 hectare landholding, being the SHCF site. The extent is consistent with that designated to the Minister of Corrections for the purpose of “Spring Hill Corrections Facility”, designation P1, in the PWDP. The spatial extent is shown in the image below (excerpt from the PWDP IntraMap viewer).</p>  <p><b>The significance of the rezoning request</b></p> <p>The rezoning request is of district and regional significance. SHCF provides custodial and rehabilitative care for people from within the Waikato district and region, and beyond. It is one of only 15 men’s prison facilities in New Zealand. SHCF is a significant source of employment for the district, and further to the employment on-site provides numerous associated employment opportunities (e.g. building maintenance, property services, catering etc.).</p> <p><b>Changes to outcomes / character / amenity of the subject area and communities</b></p> <p>The rezoning will align with the anticipated outcomes, character and amenity of the subject area as the site is already designated, with custodial and ancillary activities already enabled under the designation. Additionally, the proposed provisions will assist in ensuring that the requested rezoning will not result in significant change in anticipated character and amenity values. For example, the following policies are proposed:</p> <ul style="list-style-type: none"> <li>• <i>Policy 9.1.2.2(b): Allow other activities which are otherwise compatible with the function and predominant character of the Rural Zone.</i></li> <li>• <i>Policy 9.1.2.3(a): Ensure activities maintain rural character and amenity beyond the Corrections Zone to the extent practicable.</i></li> </ul>
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	<p><b>Land use and transport integration matters</b></p> <p>The proposal will not have any implications in terms of land use and transport integration matters as SHCF is already established. Any further non-custodial development and activities provided for on-site will be largely similar to activity enabled by the existing designation, such that adjacent land uses (rural production, landfill and the Hampton Downs Motorsport Park) and the transport network (Hampton Downs Road and SH1) will not be adversely affected.</p> <p><b>Infrastructure servicing matters</b></p> <p>The SHCF has its own stormwater treatment system on-site. Potable water and wastewater disposal are provided via connections to the Council's municipal networks – namely the Whangamarino Water Treatment Plant and Te Kauwhata Wastewater Treatment Facility. The Department has a legal agreement in place with the Council which sets out terms for the water and wastewater connections. Any additional demand for water and wastewater flows created by development enabled by the proposed Corrections Zone would be minimal, but nonetheless would be subject to the terms of the agreement. In addition, the infrastructure provisions of the District Plan will apply with respect to any new development enabled by the proposed Corrections Zone.</p> <p><b>Anticipated future development planned for in the subject area</b></p> <p>The Department is unaware of any future development planned for in the subject area, other than the ongoing development and operation of the Hampton Downs Motorsport Park. Any additional development enabled by the proposed Corrections Zone would be minimal, but nonetheless would not affect the development of the Motorsport Park.</p>
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## 7. Conclusion

Rezoning of the SHCF site from Rural Zone to Corrections Zone is proposed consistent with the Zone Framework Standard of the National Planning Standards. Rezoning is intended to provide a more tailored framework enabling additional non-custodial justice sector reintegration and rehabilitation activities on a site where activities of a similar character, scale, and intensity already exist and are enabled by way of designation. It also provides a basis against which any future alterations to the sites' designation can be assessed. In so doing it will futureproof the site and provide increased opportunity to provide for these activities in the District as critical social infrastructure. The activities enabled will be subject to rules and performance standards that ensure activities are compatible with the character and amenity of the surrounding Rural Zone.

The rezoning is assessed as giving effect to, and being consistent with, the relevant planning documents. The Section 32 evaluation of the rezoning has found that the proposed objectives are appropriate to achieve the purpose of the RMA, and provisions in the proposal are the most appropriate way to achieve the proposed objectives.