

**BEFORE THE WAIKATO DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of the submission points made by Ara Poutama Aotearoa (the Department of Corrections) on the Industrial Zone provisions of the Proposed Waikato District Plan (Submitter No. 496 and Further Submitter No. 1210) – **Hearing 7**

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**STATEMENT OF EVIDENCE “HIGHLIGHTS PACKAGE” OF MATTHEW CRAIG ALLOTT**

**PLANNER**

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

13 January 2020

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- 1.1 The submission point made by the Department seeks permitted activity status for “community corrections activities” in the Industrial Zone (point number 496.8).
- 1.2 Community corrections sites include service centres and community work facilities, and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and give back to their community, and in return the community benefits from improved facilities. The Department considers that its services enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore those activities and services contribute to the sustainable management purpose of the RMA.
- 1.3 Community corrections sites support offenders living in that community. The Department therefore looks to locate its sites in areas accessible to offenders, and near other supporting government agencies. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations.
- 1.4 Light industrial areas provide suitable sites for community corrections activities, in particular the community work components, where large sites with yard-based activities such as job training, and large equipment and/or vehicle storage, are often required.
- 1.5 There are many examples of community corrections facilities being located in industrial zoned sites around the country, such as *Manurewa Community Corrections* (Auckland), *Greerton Community Corrections* (Tauranga) and *Invercargill Community Corrections*.<sup>1</sup>
- 1.6 I raise these examples to indicate that whilst there is no community corrections facility on an industrially zoned site in the Waikato District at present, this does not preclude one from potentially being established in the future, given that industrial areas are proven to be an appropriate zoning type nationwide for these facilities.
- 1.7 The Section 42A Report for Hearing 5: Chapter 13 Definitions<sup>2</sup> recommended accepting the relief sought by the Department, which involves the inclusion of a definition for “community corrections activity”, consistent with that from the National Planning Standards, within the definitions Chapter 13, as follows:

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<sup>1</sup> Additionally, the following recently operative District Plans identify “Community Corrections Activities” as permitted in industrial zones: Christchurch District Plan, Invercargill City District Plan, Opotiki District Plan

<sup>2</sup> Report prepared by Anita Copplestone and Megan Yardley, dated 5 November 2019

**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.

1.8 The Department tabled a letter dated 19 November 2019, in lieu of attending Hearing 5, supporting the Section 42A report’s recommendation with regards to the “community corrections activity” definition. This letter identified that an explicit reference to “community corrections activities” within the Industrial Zone chapter would be necessary to achieve the relief sought by the Department.

1.9 Permitted activity status for community corrections activities within the Industrial Zone would be achieved by way of the insertion of a new permitted activity rule under Industrial Zone Rule 20.1.1, as follows:

<b>Activity</b>		<b>Activity-specific conditions</b>
...	...	...
<u>P7</u>	<u>Community corrections activity</u>	<u>Nil</u>

1.10 The Council’s Hearing 7 Section 42A report has not recommended amending the Industrial Zone provisions to accommodate the permitted activity status explicitly for community corrections activities as sought by the Department. However, it has identified that a permitted status, through reference to another activity, would not be inappropriate. The reasoning from the Section 42A report outlines the following<sup>3</sup>:

*222. In my view, it is important to retain industrial land for industrial purposes unless there are compelling reasons. ... it may be that the submitter’s relief is already satisfied through Rule 20.1.1 P2 which permits trade and industry training activities. The submitter is invited to comment on this at the hearing.”*

1.11 I agree with the reporting planner in that it is important to retain industrial land for industrial purposes. As outlined earlier in my statement, community corrections activities are very much industrial in nature, in particular the community work components, where large sites with yard-based activities such as job training, large equipment storage and vehicle storage are required. It is for these reasons that

<sup>3</sup> Section 42A Hearing Report, Hearing 7: Industrial Zone & Heavy Industrial Zone, Part B Industrial Zone Rules, paragraphs 220-222

community corrections activities are a compatible and appropriate activity in the Industrial Zone.

- 1.12 The Section 42A report for the Definitions chapter has not included a definition for a “trade and industry training activity” (as identified as a permitted activity in the Industrial Zone under Rule 20.1.1 P2). It has however included a definition of “community corrections activity”. Whilst there *could* be scope to interpret community corrections activities as a “trade and industry training activity” (given there are elements of such training activities that are undertaken on the Department’s community corrections sites), I consider that there is still potential for interpretation issues to arise<sup>4</sup>. Given that the National Planning Standards, and the Section 42A Definitions report, have recommended the inclusion of a specific definition for community corrections activities, it follows that explicit references be included in throughout the District Plan to avoid any interpretation issues arising.
- 1.13 As such, I do not consider that the Department’s relief is unequivocally satisfied through Rule 20.1.1 P2, and the appropriate approach is to instead include a specific reference to “community corrections activity” as a permitted activity in the Industrial Zone.
- 1.14 The amendment sought is minor, but will result in avoiding any interpretation issues arising around community corrections activities in the zone in the future.

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<sup>4</sup> Page 3 (paragraph 3) of the letter provided as Appendix A outlines an example of an interpretation issue arising in an instance where no explicit definition was provided for a “community corrections activity” in a District Plan