

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Plan Change 56 to the Hutt City
District Plan

**SUPPLEMENTARY EVIDENCE OF MAURICE DALE
ON BEHALF OF
ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS
(SUBMITTER # 111)**

Planning

Dated 17 April 2023

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1 INTRODUCTION

- 1.1 My name is Maurice Dale. I am a Senior Principal and Planner at Boffa Miskell Limited. I hold the qualifications and experience set out in my primary evidence dated 29 March 2023 (**primary evidence**).

2 CODE OF CONDUCT

- 2.1 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.

3 SCOPE OF SUPPLEMENTARY EVIDENCE

- 3.1 This supplementary evidence provides a further evaluation under s32AA of the Resource Management Act 1991 (**RMA**) in respect of the following relief sought by Ara Poutama:

- (a) The amendment of the definition of "residential activity", and the addition of a definition of "household" (the **residential definitions relief**).
- (b) The addition of a definition of "community corrections activity", and associated objectives, policies, and rules that provide for community corrections activities in the Central Commercial, Petone Commercial (Area 2), Suburban Mixed Use, and General Business Activity Areas (the **community corrections relief**).

4 THE RESIDENTIAL DEFINITIONS RELIEF

- 4.1 My primary evidence supported Ara Poutama's residential definitions relief, requested for inclusion in the Hutt City District Plan (**HCDP**) as part of PC56. As set out in that evidence, the requested amendment to the definition of "residential activity" will achieve alignment between the HCDP and the National Planning Standards in respect of that definition. The addition of the definition of "household" will provide clarity that the

definitions of "residential activity" and "residential unit" capture residential housing where residents receive support and/or supervision within the community.

- 4.2 Section 32AA(1)(c) of the Resource Management Act specifies that a further evaluation under the Act must be undertaken at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects anticipated from the changes.
- 4.3 In my opinion, the residential definitions relief is minor in scale and significance and does not result in the amendment of land uses enabled in the relevant Activity Areas.
- 4.4 In particular, the National Planning Standards definition of "residential activity" is only slightly different to the existing HDCP definition of "residential activity". Alignment of that definition with the National Planning Standards' version will therefore not amend the land uses already enabled via that definition. Similarly, Ara Poutama's proposed definition of "household" simply clarifies and provides certainty that residents who receive support or supervision within their homes also fall within the definitions of "residential activity" and "residential unit".
- 4.5 In accordance with section 32AA of the RMA, I consider that this will be an efficient, effective, and appropriate way to achieve the relevant objectives under s32(1)(b) of the RMA. In particular, it will better support implementation of the relevant MDRS/PC56 objectives to provide a variety of housing types that respond to housing needs and demands (proposed objectives 4F 2.3 and 4G 2.3), and will help enable people and communities to provide for their wellbeing (proposed objective 1.10.1A).

5 THE COMMUNITY CORRECTIONS RELIEF

- 5.1 My primary evidence supported Ara Poutama's request to include the National Planning Standards' definition of "community corrections activity" in the HDCP, and provide for it as a permitted activity in the Central Commercial, Petone Commercial (Area 2), Suburban Mixed Use, and General Business Activity Area.

- 5.2 Section 32AA(1)(b) specifies that a further evaluation must be undertaken in accordance with section 32(1) to (4), which provides that the an evaluation must:
- (a) Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.
 - (b) 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 (by identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions).
- 5.3 As noted in my primary evidence, community corrections activities are already provided for as a permitted activity (being the default activity status) in the Central Commercial and General Business Activity Area. Accordingly, I consider that no further evaluation under section 32AA is required in respect of enabling community corrections activities in these Activity Areas.
- 5.4 As noted in my primary evidence, in my opinion, no change to the objectives of the HCDP as amended by PC56 is required to make community corrections activities a permitted activity in the Petone Commercial (Area 2), and Suburban Mixed Use Activity Areas. Accordingly, no examination of the appropriateness of any proposed objectives in achieving the purpose of the Act is required for the purposes of section 32(1)(a) of the RMA.
- 5.5 I consider that the status quo of providing for community corrections activity as a discretionary activity in the Petone Commercial (Area 2) Activity Area and a non-complying activity in the Suburban Mixed Use Activity Areas; and the proposed community corrections relief are the

only reasonably practicable options to achieve the objectives for the purposes of section 32(1)(b)(i).

5.6 In regard to the benefits and costs, and therefore efficiency of the community corrections relief under section 32(1)(b), I consider:

(a) Environmental Benefits/Costs – The scale and nature of community corrections activities makes them a compatible and appropriate activity in these Activity Areas 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 Lower Hutt Community Corrections site and many examples nationally. The existing performance standards are appropriate to manage the effects of community corrections activities in these Activity Areas. 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 Activity Areas. 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 within growing populations (enabled by intensification) supporting connectivity/accessibility between housing, jobs, and community services. The social benefits will therefore outweigh any costs.

(d) Cultural Benefits/Costs – No benefits or costs identified.

5.7 Overall, I consider that the benefits of the community corrections relief will outweigh any costs, and that it will therefore be efficient.

- 5.8 In regard to the effectiveness of the community corrections relief in achieving the objectives of the HCDP as amended by PC56 under section 32(1)(b), I consider it will:
- (a) Support the provision of a range of compatible activities, consistent with the character and amenity values of in the Petone Commercial (Area 2) Activity Area, consistent with objective 5B1.1.2A and policies 5B1.1.2A(a) and (f).
 - (b) Support the provision of good access to community services to serve local needs in the Suburban Mixed Use Activity Area, consistent with objective 5E2.1 and policy 5E3.1.
- 5.9 Overall, I therefore consider the community corrections relief will be effective in achieving the objectives.
- 5.10 In conclusion, for the purposes of the further evaluation required under s32AA of the RMA, I consider the community corrections activity relief sought by Ara Poutama will be a more efficient, effective, and appropriate way to achieve the relevant HCDP objectives under s32(1)(b) of the RMA, compared to the status quo. I consider there is sufficient information to support this change given the good understanding of the environmental, economic, social, and cultural effects of corrections activities.

Maurice Dale

17 April 2023