

BEFORE THE FAR NORTH DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Far North District Plan,
Hearing 15B – Rezoning Requests for
new Special Purpose Zones

STATEMENT OF REBUTTAL EVIDENCE OF SEAN GRACE

PLANNER

**ON BEHALF OF ARA POUTAMA AOTEAROA THE DEPARTMENT OF
CORRECTIONS (SUBMITTER NUMBER 158 / FURTHER SUBMITTER
NUMBER 42)**

13 August 2025

- 1.1 My name is Sean Grace and I am a Senior Principal and Planner at Boffa Miskell Limited.
- 1.2 My qualifications and expertise are set out in Section 1 of my primary evidence, prepared on behalf of Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) in relation to Hearing 15B (Rezoning Requests for new Special Purpose Zones) for the Proposed Far North District Plan (**PFNDP**), dated 8 May 2025.
- 1.3 I confirm that I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2023, and agree to comply with it as set out in Section 2 of my primary evidence.
- 1.4 This statement of rebuttal evidence responds to the officer recommendations in the Section 42A Report for Hearing 15B (**the S42A Report**) as they relate to the Corrections Special Purpose Zone. These recommendations, authored by Jerome Wyeth, are outlined in section 3.2.1 of the S42A Report, with the recommended provisions for the Corrections Special Purpose Zone outlined in Appendix 3.1 to the S42A Report.
- 1.5 Firstly, I confirm my support for Mr Wyeth's assessment of the proposed Corrections Special Purpose Zone (and the associated supporting information and evidence), as well as Mr Wyeth's recommended set of provisions for the Corrections Special Purpose Zone.
- 1.6 There is however an amendment that I wish to seek to one rule in the recommended Corrections Special Purpose Zone provisions. This relates to *Rule CORZ-R5 Supported residential care activity*. As currently drafted, this rule enables the establishment of up to 10 units (or accessory buildings) within the zone which provide for supported residential care activities¹ as permitted. Where more than 10 units

¹ 'Supported residential care activity' is defined in the PFNDP as "... land and buildings in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents."

are proposed for this purpose, then the activity status reverts to discretionary.

1.7 Ara Poutama instead seeks a ‘cascading’ approach to this rule, whereby:

- a. up to 10 units would remain as a permitted activity; but
- b. between 11 and 20 units would be a restricted discretionary activity, and
- c. more than 20 units would be a discretionary activity.

1.8 The development standards for new buildings in the zone (via Rule CORZ-R1) would continue to apply to any buildings proposed to be used for supported residential care. This includes the height (CORZ-S1), height-to-boundary (CORZ-S2), setback (CORZ-S3) and site coverage (CORZ-S4) standards. These standards will ensure that any potential effects on adjacent properties, and potential reverse sensitivity effects, are appropriately managed, regardless of the number of units proposed.

1.9 Additionally, a comprehensive set of matters of discretion is proposed that would apply to any restricted discretionary activity, i.e. for between 11 and 20 supported residential care units. This would clearly guide the required assessment of effects, and would cover all key potential effects, including:

- a. character and appearance of the buildings;
- b. building location;
- c. visually dominance and privacy;
- d. traffic effects;
- e. servicing requirements;
- f. compatibility with adjacent and surrounding primary production activities;

- g. lighting effects;
 - h. natural hazards;
 - i. any loss of highly productive land; and
 - j. potential reverse sensitivity effects and proposed mitigation.
- 1.10 The Northland Regional Corrections Facility (**NRCF**) site is large (189 hectares), with the existing secure prison facility located towards the centre of the site, and the majority of the site being undeveloped. In particular there are areas to the west of the secure facility that offer the potential for the limited-scale development of non-custodial supported residential care units that would be managed by Ara Poutama, and which would complement the primary custodial purpose of the prison.
- 1.11 Whilst not currently the case at NRCF, I note that supported residential care units are present on other rural prison sites around the country, including Whanganui Prison and Christchurch Men's Prison. Placing supported residential care units on prison land enables Ara Poutama to efficiently manage and monitor people that have been released from a custodial sentence, but who are still subject to high needs and/or present a high risk to the community. At the broader-level, this enables the efficient use of Ara Poutama's relatively limited custodial asset base (which comprises 18 prison sites across the country).
- 1.12 In summary, up to 10 supported residential care units can be established within the zone as a permitted activity whilst ensuring that all effects are managed, as recommended by Mr Wyeth. In addition, the proposed restricted discretionary activity category for between 11 and 20 supported residential care units would provide Ara Poutama with increased certainty, should it ever seek to develop this number of units, provided a rigorous set of assessment criteria are able to be satisfied through a resource consent process.
- 1.13 **Appendix 1** to my statement outlines the proposed amendments to recommended Rule CORZ-R5 to enable this restricted activity status

cascade. I have corresponded with Mr Wyeth in relation to the wording of this updated rule, with Mr Wyeth providing input to the proposed rule structure and matters of discretion. Mr Wyeth is supportive of the proposed restricted activity status cascade in principle, subject to reviewing further rationale for such, as I have set out above.



Sean Grace

Senior Principal / Planner, Boffa Miskell Limited

13 August 2025

APPENDIX 1: PROPOSED RULE CORZ-R5

Note: wording below reflects that as per the recommended Rule CORZ-R5 in Appendix 3.1 to the S42A Report, with amendments sought to the recommended wording underlined or ~~struckthrough~~.

CORZ-R5	Supported residential care activity	
<p>Corrections zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The supported residential care is within a residential unit or accessory building. The number of units being used for supported residential care does not exceed 10.</p> <p>PER-2 The number of units being used for supported residential care does not exceed 10. The supported residential care is within a residential unit or accessory building.</p>	<p><u>Activity status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1:</u> <u>The number of units being used for supported residential care exceeds 10 but does not exceed 20.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> a. <u>the character and appearance of the building(s);</u> b. <u>the siting of the building(s) and outdoor areas including parking relative to adjoining sites;</u> c. <u>whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</u> d. <u>ability of the supporting roading network to cater for the additional traffic;</u> e. <u>servicing requirements and any constraints of the site;</u> f. <u>whether the location of the building(s) is compatible with adjacent and surrounding primary production activities;</u> g. <u>any lighting effects;</u> h. <u>any natural hazard affecting the site or surrounding area;</u> i. <u>the extent to which the loss of highly productive land is minimised; and</u> j. <u>any potential reverse sensitivity effects and proposed mitigation measures.</u> <p>Activity status where compliance not achieved with PER-42 or PER-2RDIS-1: Discretionary</p>