

**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

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**STATEMENT OF EVIDENCE OF SEAN GRACE**

**PLANNER**

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

8 May 2025

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## 1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is Sean Grace and I am a Senior Principal and Planner at Boffa Miskell Limited, a national firm of consulting planners, ecologists and landscape architects. I hold the qualifications of Bachelor of 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 20 years.
- 1.2 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. My experience as a consultant includes planning policy preparation and advice, expert evidence at Council hearings, attending Environment Court mediation, preparing 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 I have worked for Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) as a planning consultant over the course of the past 16 years.
- 1.4 I have extensive experience in District Plan policy work, and have appeared on behalf of Ara Poutama in hearings and at mediation for the Proposed Wellington District Plan, Proposed Waikato District Plan, Proposed Auckland Unitary Plan, Proposed Invercargill District Plan, Proposed Ōpōtiki District Plan and numerous Plan Change processes. I have reviewed and prepared submissions on behalf of Ara Poutama for various other Proposed District Plans and Plan Changes.

## **2.0 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.

## **3.0 SCOPE OF EVIDENCE**

3.1 The scope of my evidence relates to proposed rezoning of the Northland Region Corrections Facility (**NRCF**) site from 'Rural Production Zone' to 'Corrections Zone' under the Proposed Far North District Plan (**PFNDP**). This relates to the Ara Poutama's submission point S158.011.

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

- The proposed Corrections Zone provisions (refer to **Appendix 1**); and
- An evaluation under Section 32 of the Resource Management Act (**RMA**) of the rezoning proposal (refer to **Appendix 2**), including consideration of the specific information set out in the Final Minute 14 of the Independent Hearings Panel.

3.3 To confirm, Ara Poutama have opted in to the "reverse timetable" process as enabled under Final Minute 14 of the Independent Hearings Panel. That is, this evidence is being provided in advance

of the Section 42A reporting being released in relation to the Corrections Zone rezoning sought.

## 4.0 BACKGROUND

### The NRCF site and designation

- 4.1 NRCF is located on Ohaeawai Road / State Highway 12, on a large (189 ha) rural property, east of Kaikohe. It provides custodial accommodation for men under minimum to low-medium security classifications. The facility officially opened on 9 March 2005.
- 4.2 The site is subject to Designation 'MCO230' under the operative Far North District Plan, which provides for the construction, operation, maintenance and upgrading of the NRCF. The NRCF designation was originally confirmed by the Environment Court in a decision made on 8 April 2002.
- 4.3 Designation MCO230 is proposed to be rolled over into the PFNDP with minor corrections to the schedule.<sup>1</sup> Under the PFNDP, the site is subject to Designation 'MCOR2'.
- 4.4 The spatial extent of the NRCF site and designation is shown in blue in the image below (excerpt from the PFNDP map viewer).



<sup>1</sup> This has been the subject of engagement and agreement between Ara Poutama and the reporting officer through Hearing 11.

- 4.5 The designation is subject to a set of 13 conditions. The designation is focussed predominantly on managing the secure aspects of the prison. This is evident from the wording of the preamble of the designation conditions package, which reads as follows:

*This designation is for a Regional Corrections Facility for Northland and relates to the following:*

*The construction, operation, maintenance and upgrading of a comprehensive regional prison and associated facilities and the authorisation of all ancillary activities and facilities including, but not limited to:*

- *Inmate accommodation ranging from low, through medium, to maximum security;*
- *Staff facilities;*
- *Administration;*
- *Rehabilitative programmes;*
- *Inmate employment;*
- *Vocational training;*
- *Recreational and exercise facilities;*
- *Horticultural areas;*
- *Visitors centre;*
- *Staff and visitor car parking;*
- *Internal roading;*
- *Security fences, light and towers;*
- *All other associated or ancillary land-use activities and all structures and facilities normally associated with a comprehensive regional prison.*

- 4.6 As referred to under the final bullet point above, “all other associated or ancillary land-use activities and all structures and facilities normally associated with a comprehensive regional prison” are not specifically defined or outlined within the conditions package.

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

- 4.7 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.*

- 4.8 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*
  - c. are impractical to be managed through a combination of spatial layers.*

- 4.9 It was my, and Ara Poutama's, assessment that all three of these criteria applied in terms of applying the Corrections Zone to the NRCF site. That is:

- a. NRCF is recognised as being regionally significant as it is specifically referred to under the Regional Policy Statement for

Northland,<sup>2</sup> and the PFNDP, definitions of “regionally significant infrastructure”.

- b. NRCF is highly unique in that it is the only prison facility in the Northland Region. As such, there is no other zone framework under the PFNDP that is set up to practically and appropriately manage the effects associated with the facility.
- c. The NRCF designation is effectively another spatial layer that works to manage the effects associated with the NRCF. However, the designation does not provide a policy framework for the site. Providing an alternative spatial layer would not enable the implementation of a nuanced policy framework, to the same degree that that the special purpose zoning is able to.

## **5.0 PROPOSED CORRECTIONS ZONE PROVISIONS**

5.1 The application of the Corrections Zone is proposed to address difficulties Ara Poutama has experienced at NRCF (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 Production 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 Ara Poutama’s operations are highly specific and, by their nature, sit outside the framework of underlying Rural Production 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

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<sup>2</sup> Appendix 3 – Regionally significant infrastructure, Regional Policy Statement for Northland

- 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 Production 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 Production Zone. I explain these activities in the following sub-sections.

5.4 With one exception, the standards for the Rural Production 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 Production Zone, which includes these standards:

- Maximum building height
- Height in relation to boundary
- Setback (excluding from MHWS or wetland, lake and river margins)
- Building or structure coverage
- Building or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity)
- Sensitive activities from boundaries of a Mineral Extraction overlay.

5.5 As an aside, I note that the Corrections Zone provisions sought for NRCF under the PFNDP are consistent with those applied to other prison sites, via the respective operative District Plans, around the country. These include:



- The Spring Hill Corrections Facility under the Waikato District Plan – Operative in Part;<sup>3</sup>
- The Arohata Prison site under the Wellington City 2024 District Plan: Appeals Version;<sup>4</sup> and
- The Rolleston Prison site under the Partially Operative Selwyn District Plan (Appeals Version).<sup>5</sup>

5.6 There are a number of similarities between NRCF and the above three prison sites, with respect to them being located on large, rural landholdings, with designations also applying.

### **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 times at NRCF is the forestry training programme. The programme provides prisoners hands on training in the theory and practical aspects of the forestry industry, providing an introduction to the skills, knowledge and attitudes needed to enter the industry. Prisoners work with chainsaws to cut and process logging to develop the required skills, which can involve excursions on-site beyond the prison’s secure perimeter. Prisoners learn building trade skills and work towards gaining national qualifications in forestry.
- 5.9 At present this activity is subject to the ambiguous “*vocational training*” and/or “*other associated or ancillary land-use activities and all structures and facilities normally associated with a comprehensive regional prison*” descriptors under the designation, and the underlying Rural Production Zone rules. To provide certainty for Ara Poutama around the continuing ability to undertake such activities, a permitted activity status is sought, subject to meeting the Rural Production Zone standards as well as specific

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<sup>3</sup> <https://eplan.waikatodistrict.govt.nz/?docId=TFevTpBds%2Bo%3D&t=doc>

<sup>4</sup> <https://eplan.wellington.govt.nz/proposed/rules/0/300/0/0/0/67>

<sup>5</sup> <https://eplan.selwyn.govt.nz/review/rules/0/508/0/0/0/218>

standards around the hours that loading and deliveries can occur, and machinery operated.

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

### **Community corrections activities**

- 5.11 Community corrections activities<sup>6</sup> are service centres that provide for probation, rehabilitation and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Ara Poutama 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.
- 5.12 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 facility where they subsequently travel to their community work project under the supervision of a Community Work Supervisor.
- 5.13 At present there are no community corrections activities undertaken on the NRCF site, but the changing nature of non-custodial reintegration and rehabilitation programmes that Ara Poutama undertakes is such that elements of these activities may be proposed on the site in the future.
- 5.14 At present this activity would be subject to the ambiguous *“administration”* and/or *“other associated or ancillary land-use activities and all structures and facilities normally associated with a*

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<sup>6</sup> The PFNDP includes a definition for such 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.”*

*comprehensive regional prison*” descriptors under the designation, and the underlying Rural Production Zone rules. To provide certainty for Ara Poutama around the ability to undertake such activities, a permitted activity status is sought, subject to meeting the Rural Production Zone standards as well as specific standards around the hours of operation.

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

### **Residential activities**

- 5.16 Ara Poutama 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 Ara Poutama’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).
- 5.17 Residential 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 such 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.
- 5.18 At present there are no such residential accommodation units on the NRCF site, although there are ‘self-care units’, which differ in

that these are units for prisoners that are nearing the end of their custodial sentence. Having residential units provided for on prison sites is an increasingly common activity, with examples present at Whanganui Prison, Rimutaka Prison and Christchurch Men’s Prison (all being large, rural sites subject to designations).

- 5.19 At present this activity is subject to the ambiguous “*other associated or ancillary land-use activities and all structures and facilities normally associated with a comprehensive regional prison*” descriptor under the designation, and the underlying Rural Production Zone rules in relation to residential activities. To provide certainty for Ara Poutama around the ability to undertake such activities, a permitted activity status is sought, subject to meeting the Rural Production Zone standards (excluding those for number of dwellings and minor dwellings – to avoid confusion).
- 5.20 In my opinion this is an appropriate framework that provides certainty for Ara Poutama to undertake non-custodial residential 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 FURTHER SUBMISSIONS ON THE CORRECTIONS ZONE**

- 7.1 One further submission was received in relation to the rezoning proposal, from Ngawha Generation Limited (**NGL**)<sup>7</sup>. The further submission supports in part the inclusion of a Special Purpose Corrections Zone, provided that any provisions of the zone provide adequate consideration of reverse sensitivity effects in relation to

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<sup>7</sup> Further submission point FS345.001

existing and consented activities in the wider area, including those related to renewable energy generation on the adjacent Ngawha Generation Land.

- 7.2 In this respect, Ara Poutama entered into pre-hearing discussions with NGL to determine what, if any, changes could be made to the proposed zone provisions to manage the potential for reverse sensitivity. Whilst these discussions did not identify or result in any specific changes, Ara Poutama remain open to consider any such changes that NGL wishes to table. Notwithstanding, I note that the Corrections Zone provisions contain building location-related standards including height in relation to boundary (Standard CORZ-S2) and setbacks (CORZ-S5) which would assist in managing the potential for reverse sensitivity in relation to NGL's activities.

## **8.0 CONCLUSION**

- 8.1 Rezoning of the NRCF site from Rural Production Zone to Corrections Zone, as set out in **Appendix 1**, is proposed to be consistent with the Zone Framework Standard of the National Planning Standards.
- 8.2 Rezoning is intended to provide a more tailored framework enabling a limited number of 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 the 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, within a facility that is recognised as regionally significant infrastructure.
- 8.3 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 Production Zone.

A handwritten signature in black ink, appearing to be 'SG' with a long horizontal stroke extending to the right.

Sean Grace

Senior Principal / Planner, Boffa Miskell Limited

8 May 2025

## **APPENDIX 1: PROPOSED CORRECTIONS ZONE PROVISIONS**

## Overview

Ara Poutama Aotearoa the Department of Corrections operates a custodial prison facility located approximately five kilometres east of Kaikohe, accessed from State Highway 12, known as Northland Regional Corrections Facility. Ara Poutama Aotearoa the Department of Corrections is responsible for the operational management of the prison. The site is designated by the Minister of Corrections for the purpose of a "Northland Region Corrections Facility".

Northland Region Corrections Facility is an important part of the corrections facility network which provides for the safety and security of all New Zealand communities and is of national significance. It is one of just 15 men's prison facilities in the country and is the only prison in the Northland region. It therefore has significance in a regional and district context, and is recognised as 'regionally significant infrastructure' in the Northland Regional Policy Statement. 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.

While custodial corrections facilities and ancillary activities are enabled under the designation, additional non-custodial justice sector activities are enabled under the Corrections Zone provided that they are appropriate for the site and their effects on the surrounding environment are managed. This includes non-custodial reintegration activities and community corrections activities. The Corrections Zone also adopts some of the provisions of the adjacent Rural Production Zone.

Objectives	
<b>CORZ-O1</b>	The Corrections Zone provides for: <ol style="list-style-type: none"> <li>The continued operation and development of Northland Region Corrections Facility;</li> <li>The ongoing maintenance, upgrading, and expansion of Northland Region Corrections Facility; and</li> <li>Activities with operational needs and functional needs to be located within the Corrections Zone without being constrained or compromised by incompatible activities.</li> </ol>
<b>CORZ-O2</b>	Adverse effects of activities and development in the Corrections Zone are managed effectively within the Zone and at interfaces with adjoining zones and public spaces.
<b>CORZ-O3</b>	Northland Region Corrections Facility is recognised as a nationally important facility which contributes to the economic and social well-being, and health and safety of the region and district.

Policies	
<b>CORZ-P1</b>	Enable the ongoing operation and development of custodial corrections facilities and associated activities.
<b>CORZ-P2</b>	Provide for activities that are compatible with the purpose and function of the Corrections Zone, including: <ol style="list-style-type: none"> <li>The following activities provided for as permitted activities in the Rural Production Zone:               <ol style="list-style-type: none"> <li>Farming activity;</li> <li>Conservation activity;</li> <li>Recreational activity;</li> <li>Rural produce retail;</li> <li>Rural produce manufacturing;</li> <li>Farm quarry;</li> <li>Catteries and dog boarding kennels;</li> <li>Cemeteries / Urūpa;</li> <li>Plantation forestry and plantation forestry activity;</li> <li>Emergency service facility; and</li> <li>Mineral prospecting and exploration.</li> </ol> </li> <li>Non-custodial rehabilitation activities;</li> <li>Community corrections activities; and</li> <li>Residential activities.</li> </ol>
<b>CORZ-P3</b>	Manage the effects of other activities which are otherwise compatible with the function and predominant character of the Rural Production Zone.
<b>CORZ-P4</b>	Manage activities within the Corrections Zone so that they do not unduly detract from the amenity values of properties beyond the Corrections Zone.



## Rules

### Notes:

1. There may be other rules in Part 2 - District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter, including the Transport, Hazardous substances, Natural character, Light, Noise and Sign chapters. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to *how the plan works* chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. This zone chapter does not contain rules relating to setback to waterbodies for building and structures or setbacks to waterbodies for earthworks and indigenous vegetation clearance. The Natural character chapter contains rules relating to activities within wetlands, lakes and river margins. The Natural character chapter should be referred to in addition to this zone chapter.

CORZ-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
Corrections zone	<p><b>Activity status:</b></p> <p><b>Permitted Where:</b></p> <p><b>PER-1</b> The new building or structure, or extension or alteration to an existing building or structure, will accommodate a permitted activity.</p> <p><b>PER-2</b> The new building or structure, or extension or alteration to an existing building or structure complies with standards: CORZ-S1 Maximum height; CORZ-S2 Height in relation to boundary; CORZ-S3 Setback (excluding from MHWS or wetland, lake and river margins); CORZ-S4 Building or structure coverage; CORZ-S5 Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity); CORZ-S6 Sensitive activities setback from boundaries of a Mineral extraction overlay.</p>	<p><b>Activity status where compliance not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>
		<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>
CORZ-R2	Custodial corrections facilities	
Corrections zone	<p><b>Activity status:</b></p> <p><b>Permitted</b></p>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
CORZ-R3	Non-custodial rehabilitation activity	
Corrections zone	<p><b>Activity status:</b></p> <p><b>Permitted Where:</b></p> <p><b>PER-1</b> The loading and unloading of vehicles, or the receiving of deliveries, will only occur between the hours of 7:00am and 7:00pm on any day.</p> <p><b>PER-2:</b> The operation of machinery only occurs between the hours of 7:00am and 7:00pm on any day.</p>	<p><b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the extent to which the intensity and scale of the activity adversely impacts on the amenity values of nearby properties.</p> <p><b>Notification status:</b> An application for resource consent made in respect of rule CORZ-R3.PER-1 or PER-2 is precluded from being publicly notified.</p>

<b>CORZ-R4</b>	<b>Community corrections activity</b>	
<b>Corrections zone</b>	<b>Activity status:</b>  <b>Permitted Where:</b>  <b>PER-1</b> The hours of operation are between the hours of 7:00am and 7:00pm on any day.	<b>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b>  a. the extent to which the intensity and scale of the activity adversely impacts on the amenity values of nearby properties.  <b>Notification status:</b> An application for resource consent made in respect of rule CORZ-R4.PER-1 is precluded from being publicly notified.
<b>CORZ-R5</b>	<b>Residential activity</b>	
<b>Corrections zone</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Non-applicable</b>
<b>CORZ-R6</b>	<b>Farming activity</b>	
<b>Corrections zone</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Non-applicable</b>
<b>CORZ-R7</b>	<b>Conservation activity</b>	
<b>Corrections zone</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R8</b>	<b>Recreational activity</b>	
<b>Corrections zone</b>	<b>Activity status:</b>  <b>Permitted Where:</b>  <b>PER-1</b> The recreational activity is not being operated as a commercial activity.  <b>PER-2</b> There is no motorsport activity.	<b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b>
<b>CORZ-R9</b>	<b>Rural produce retail</b>	
<b>Corrections zone</b>	<b>Activity status:</b>  <b>Permitted Where:</b>  <b>PER-1</b> The activity does not exceed GBA of 100m <sup>2</sup> and is set back a minimum of 30m from any internal boundary.  <b>PER-2</b> The number of rural produce retail operations does	<b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b>
<b>CORZ-R10</b>	<b>Rural produce manufacturing</b>	

<b>Corrections zone</b>	<b>Activity status:</b>  <b>Permitted Where:</b>  <b>PER-1</b> The building undertaking rural produce manufacturing does not exceed GFA of 100m <sup>2</sup> .  <b>PER-2</b> The number of rural produce manufacturing operations does not exceed one per site.  <b>PER-3</b> All manufacturing, altering, repairing, dismantling or processing of any materials or articles is carried out within a building or screened from residential units on adjoining properties.	<b>Activity status where compliance not achieved with PER-1, PER-2 or PER 3: Discretionary</b>
<b>CORZ-R11</b>	<b>Farm quarry</b>	
<b>Corrections zone</b>	<b>Activity status:</b>  <b>Permitted Where:</b>  <b>PER-1</b> 1. The farm quarry is not within 30m of a site boundary; and 2. no more than 5,000m <sup>3</sup> of material is extracted in a calendar year.	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>CORZ-R12</b>	<b>Catteries and dog boarding kennels</b>	
<b>Corrections zone</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> Any building, compound or part of a site used for a cattery, is located a minimum of: 1. 600m from the boundary of a site within the General Residential, Mixed Use, Kororāreka Russell Township, Rural Residential, Māori Purpose - Urban, Settlement zones; 2. 50m from the boundary of site for all other zones.  <b>PER-2</b> Any building, compound or part of a site used for a dog boarding kennel, is located a minimum of: 1. 600m from the boundary of a site within the General Residential, Mixed Use, Kororāreka Russell Township, Rural Residential, Māori Purpose - Urban, Settlement zones; 2. 300m from the boundary of a site for all other zones.	<b>Activity status where compliance not achieved with PER-1 or PER-2: Discretionary</b>
<b>CORZ-R13</b>	<b>Cemeteries / Urupā</b>	
<b>Corrections zone</b>	<b>Activity status: Permitted</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R14</b>	<b>Plantation forestry and plantation forestry activity</b>	
<b>Corrections zone</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> It is not located on versatile soils.	<b>Activity status where compliance not achieved with PER-1: Discretionary</b>
<b>CORZ-R15</b>	<b>Emergency service facility</b>	

<p><b>Corrections zone</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The combined GFA of all buildings on the site does not exceed 150m<sup>2</sup>.</p>	<p><b>Activity status where compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the character and appearance of the building;</li> <li>b. the sitting of the building, decks and outdoor areas including parking relative to adjoining sites;</li> <li>c. whether the building creates a loss of privacy for surrounding residential units and their associated outdoor areas;</li> <li>d. ability of the supporting roading network to cater for the additional vehicular;</li> <li>e. servicing requirements and any constraints of the site;</li> <li>f. any lighting or noise effects;</li> <li>g. the frequency of the use, hours and days of operation and the number of people it can cater for; and</li> <li>h. any natural hazard affecting the site or surrounding area.</li> </ul>
<p><b>CORZ-R16</b></p>	<p><b>Mineral prospecting and exploration</b></p>	
<p><b>Corrections zone</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> It is undertaken using handtools.</p>	<p><b>Activity status where compliance not achieved with PER-1: Discretionary</b></p>
<p><b>CORZ-R17</b></p>	<p><b>Papakāinga Housing</b></p>	
<p><b>Corrections zone</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> The number of residential units per site does not exceed 10.</p> <p><b>RDIS-2</b> There is a legal mechanism in place to ensure that the land will stay in communal ownership and continue to be used in accordance with ancestral cultural practices.</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. the character and appearance of the residential unit(s) and any accessory building(s);</li> <li>b. the sitting of the building(s), decks and outdoor</li> </ul>	<p><b>Activity status where compliance not achieved with RDIS-1: Discretionary</b></p>

	<p>areas relative to adjoining sites;</p> <p>c. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</p> <p>d. ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic;</p> <p>e. servicing requirements and any constraints of the site;</p> <p>f. each residential unit has sufficient outdoor open space, and there is sufficient room for any landscaping, egress and any accessory building(s) required;</p> <p>g. whether the location of the building(s) and residential activity could create reverse sensitivity effects on adjacent and surrounding primary production activities;</p> <p>h. whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land;</p> <p>i. whether the layout of the development reduces the risk of future land fragmentation or sterilisation while maintaining the existing rural character of the surrounding area;</p> <p>j. any natural hazard affecting the site or surrounding area.</p>	<p><b>Activity status where compliance not achieved with RDIS-2: Non-complying</b></p>
<b>CORZ-R18</b>	<b>Expansion of existing mineral extraction activity</b>	
<b>Corrections zone</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> A Mineral Extraction Activity Management Plan has been provided that contains the information required in ME-S1 Mineral extraction activity management plan.</p> <p><b>RDIS-2</b> The hours of operation remain the same.</p> <p><b>RDIS-3</b> The extraction volumes do not increase by more than 10%.</p>	<p><b>Activity status where compliance not achieved with RDIS-1, RDIS-2, RDIS-3, RDIS-4 or RDIS-5: Discretionary</b></p>

	<p><b>RDIS-4</b> Any expansion does not occur within 30m of the site boundary.</p> <p><b>RDIS-5</b> The vehicle access to the Mineral Extraction activity remains unchanged.</p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>measures to manage off-site effects including dust, odour, lighting, visual amenity, traffic generation, noise and vibration;</li> <li>landscaping and screening;</li> <li>the tenure of activities including extraction, processing and sales;</li> <li>any adverse effect on historic heritage or cultural values</li> <li>any adverse effect on natural environment values and the coastal environment.</li> <li>the proposed rehabilitation programme including provision for clean-filling, recontouring, revegetation;</li> <li>monitoring; and</li> <li>recommendations, proposed mitigation measures and conditions of the Mineral Extraction Activity Management Plan, including the means by which the Consent Holder will comply with the relevant rules in the Plan and the conditions of the consent.</li> </ol>	
<b>CORZ-R19</b>	<b>Rural tourism activity</b>	
<b>Corrections zone</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the character and appearance of the building(s);</li> <li>the link between the tourism activity and the rural environment;</li> <li>the siting of the building(s), decks and outdoor areas including parking relative to adjoining sites;</li> <li>whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</li> <li>ability of the supporting roading network to cater for the additional vehicular and if applicable cycling and pedestrian traffic;</li> <li>servicing requirements and any constraints of the site;</li> <li>whether the location of the building(s) and rural tourism activity could create reverse sensitivity effects on adjacent and surrounding primary production activities;</li> <li>whether the development will result in the site being unable to continue to undertake a primary production activity or undertake one in the future due to loss of productive land;</li> <li>whether the layout of the development maintains the existing rural character of the surrounding area;</li> <li>any lighting or noise effects;</li> <li>the frequency of the use, hours and days of operation and the number of people it can cater for;</li> <li>any natural hazard affecting the site or surrounding area.</li> </ol>	<p><b>Activity status where compliance not achieved: Not applicable</b></p>
<b>CORZ-R20</b>	<b>Intensive indoor primary production</b>	
<b>Corrections zone</b>	<p><b>Activity status: Restricted discretionary</b></p> <p><b>Where:</b></p>	<p><b>Activity status where compliance not achieved with RDIS-1: Non-complying</b></p>

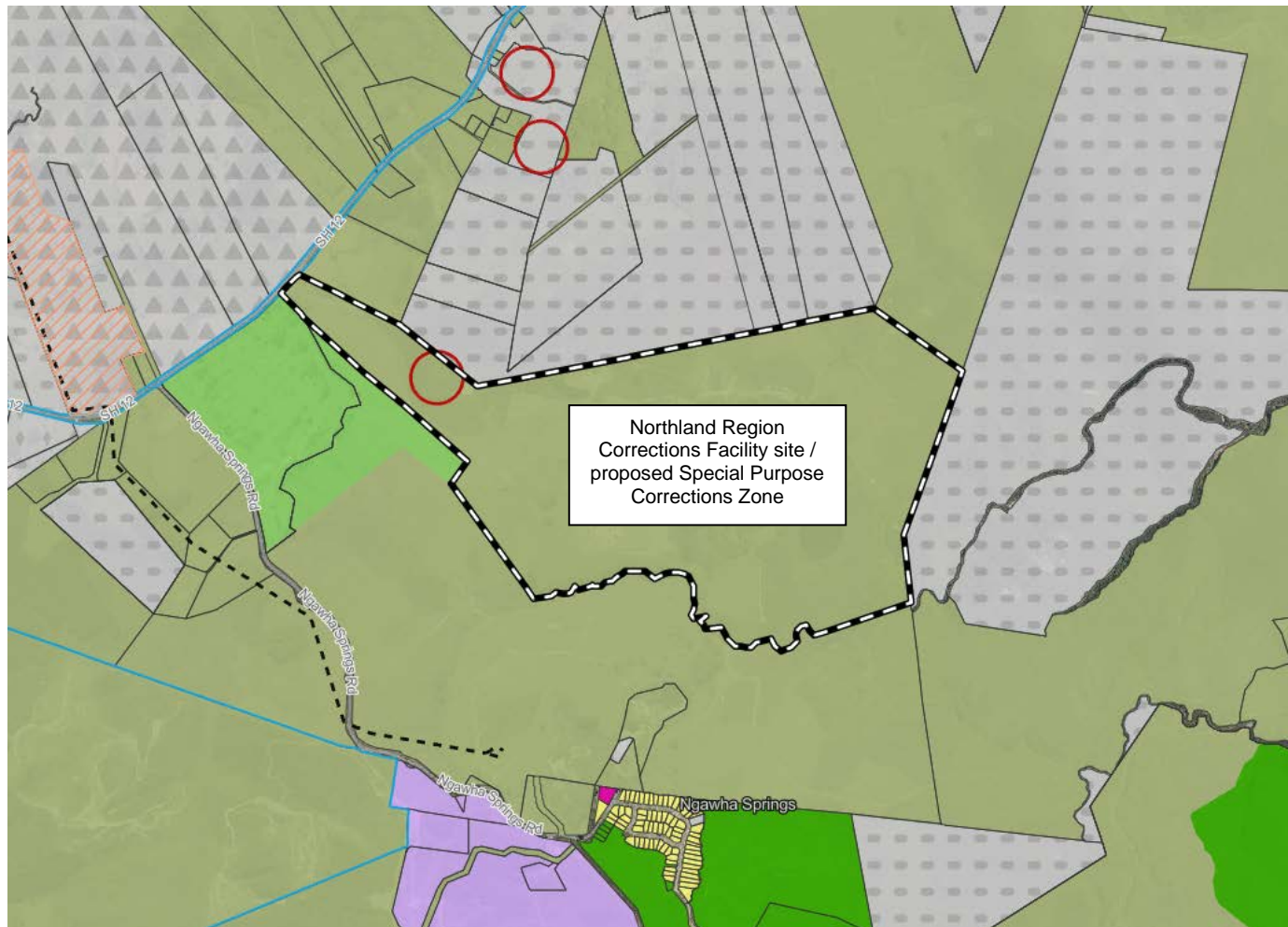
	<p><b>RDIS-1</b> Buildings or structures housing animals are setback at least 300m from any sensitive activity on a site under separate ownership.</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. odour, noise and dust effects;</li> <li>b. impacts on the transport network;</li> <li>c. the scale, character and appearance of the building(s);</li> <li>d. the siting of the building(s) and outdoor areas relative to adjoining sites;</li> <li>e. whether the building(s) are visually dominant and create a loss of privacy for surrounding residential units and their associated outdoor areas;</li> <li>f. the number and types of animals;</li> <li>g. method of effluent management and disposal;</li> <li>h. likely presence of vermin;</li> <li>i. the frequency and nature of management and supervision;</li> <li>j. landscaping or screening; and</li> <li>k. any natural hazard affecting the site or surrounding area.</li> </ul>	
<b>CORZ-R21</b>	<b>Commercial composting</b>	
<b>Corrections zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R22</b>	<b>New mineral extraction activity</b>	
<b>Corrections zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R23</b>	<b>Activities not otherwise listed in this chapter</b>	
<b>Corrections zone</b>	<b>Activity status: Discretionary</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R24</b>	<b>Commercial activities not otherwise provided for as a permitted, restricted discretionary or discretionary activity</b>	
<b>Corrections zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R25</b>	<b>Landfill, including managed fill</b>	
<b>Corrections zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R26</b>	<b>Retirement Village</b>	
<b>Corrections zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>CORZ-R27</b>	<b>Offensive trade</b>	
<b>Corrections zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>

Standards	
<b>CORZ-S1</b>	<b>Maximum height</b>

<b>Corrections zone</b>	<p>The maximum height of a building or structure, or extension or alteration to an existing building or structure is 12m above ground level, except that artificial crop protection and support structures shall not exceed a height of 6m above ground level.</p> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.</li> <li>chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</li> <li>chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</li> <li>architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the character and amenity of the surrounding environment;</li> <li>dominance in relation to the road and adjoining sites, including potential loss relation to vacant sites;</li> <li>loss of privacy to adjoining sites, including potential loss in relation to vacant sites;</li> <li>shading and loss of access to sunlight to adjoining sites;</li> <li>landscaping; and</li> <li>natural hazard mitigation and site constraints.</li> </ol>
<b>CORZ-S2</b>	<b>Height in relation to boundary</b>	
<b>Corrections zone</b>	<p>The building or structure, or extension or alteration to an existing building or structure must be contained within a building envelope defined by the following recession planes measured inwards from the respective boundary:</p> <ol style="list-style-type: none"> <li>55 degrees at 2m above ground level at the northern boundary of the site;</li> <li>45 degrees at 2m above ground level at the eastern and western boundaries of the site; and</li> <li>35 degrees at 2m above ground level at the southern boundary of the site.</li> </ol> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>solar and water heating components provided these do not exceed the height by more than 0.5m on any elevation.</li> <li>chimney structures not exceeding 1.2m in width and 1m in height on any elevation.</li> <li>satellite dishes and aerials that do not exceed 1m in height and/or diameter on any elevation.</li> <li>architectural features (e.g. finials, spires) that do not exceed 1m in height on any elevation.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>loss of privacy to adjoining sites, including potential loss in relation to vacant sites;</li> <li>shading and loss of access to sunlight to adjoining sites, including buildings and outdoor areas; and</li> <li>natural hazard mitigation and site constraints.</li> </ol>
<b>CORZ-S3</b>	<b>Setback (excluding from MHWS or wetland, lake and river margins)</b>	
<b>Corrections zone</b>	<p>The building or structure, or extension or alteration to an existing building or structure must be setback at least 10m from all site boundaries, except:</p> <ol style="list-style-type: none"> <li>on sites less than 5,000m<sup>2</sup> accessory buildings can be setback to a minimum of 3m for boundaries that do not adjoin a road;</li> <li>artificial crop protection and support structures must be setback at least 3m from all site boundaries; and</li> <li>habitable buildings must be setback at least 30m from the boundary of an unsealed road.</li> </ol> <p><b>This standard does not apply to:</b></p> <ol style="list-style-type: none"> <li>fences or walls no more than 2m in height above ground level;</li> <li>uncovered decks less than 1m in height above ground level;</li> <li>underground wastewater infrastructure;</li> <li>water tanks less than 2.7m in height above ground level.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the character and amenity of the surrounding area;</li> <li>screening, planting and landscaping on the site;</li> <li>the design and siting of the building or structure with respect to privacy and shading;</li> <li>natural hazard mitigation and site constraints;</li> <li>the effectiveness of the proposed method for controlling stormwater;</li> <li>the safety and efficiency of the current or future access, egress on site and the roading network; and</li> <li>the impacts on existing and planned public walkways, reserves and esplanades.</li> </ol>
<b>CORZ-S4</b>	<b>Building or structure coverage</b>	



<b>Corrections zone</b>	The building or structure coverage of any site is no more than 12.5%.	<b>Where the standard is not met, matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>the character and amenity of the surrounding area;</li> <li>any landscaping, planting and screening to mitigate any adverse effects;</li> <li>the extent to which private open space can be provided for future uses;</li> <li>the extent to which the siting, setback and design mitigate visual dominance on adjacent sites and surrounding environment; and</li> <li>natural hazard mitigation and site constraints.</li> </ol>
<b>CORZ-S5</b>	<b>Buildings or structures used to house, milk or feed stock (excluding buildings or structures used for an intensive indoor primary production activity)</b>	
<b>Corrections zone</b>	Stock holding and feeding areas, milking sheds and buildings used to house or feed stock must be set back at least: <ol style="list-style-type: none"> <li>30m from any boundary; or</li> <li>100m from a boundary of land zoned General Residential, Mixed Use, Kororāreka Russell Township, Settlement, Māori Purpose-Urban, Rural Residential;</li> <li>100m from residential units on an adjoining site under separate ownership.</li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>privacy of adjoining sites;</li> <li>scale and bulk of buildings;</li> <li>odour;</li> <li>noise, disturbance and loss of privacy effects on adjoining sites;</li> <li>the number and types of animals;</li> <li>method of effluent management and disposal;</li> <li>likely presence of vermin;</li> <li>the frequency and nature of management and supervision; and</li> <li>landscaping or screening.</li> </ol>
<b>CORZ-S6</b>	<b>Sensitive activities setback from boundaries of a Mineral Extraction overlay</b>	
<b>Corrections zone</b>	Sensitive activities (excluding non habitable accessory buildings) must be setback at least 100m from the boundary of a Mineral Extraction Overlay	<b>Where the standard is not met, matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>noise, disturbance and vibrations;</li> <li>scale and type of mineral extraction activity;</li> <li>the frequency and nature of any blasting or extraction method to obtain the mineral resource;</li> <li>hours of operation of the mineral extraction activity</li> <li>design of the building;</li> <li>whether there are alternative options for the location of the building; and</li> <li>temporary effects.</li> </ol>



**Proposed extent of the Special Purpose Corrections Zone (source: PDP Map Viewer)**

## **APPENDIX 2: SECTION 32 EVALUATION**

## 1. Introduction

Section 74(1) of the Resource Management Act 1991 (**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 Northland Region Corrections Facility (**NRCF**) from Rural Production Zone to Corrections Zone in the Proposed Far North District Plan (**PFNDP**), 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 the Far North 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 NRCF 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 for Freshwater Management 2020
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity 2023
- Regional Policy Statement for Northland (2016)
- Proposed and operative Regional Plans for Northland

N.B. The National Policy Statement on Urban Development 2020 (**NPS-UD**) is not relevant to the evaluation, as NRCF 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 National Planning Standards (**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 in the PFNDP.

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.”*

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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 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 Production 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 NRCF site will therefore give effect to the National Planning Standards, as opposed to retaining the current Rural Production Zone.

## 4.2 National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (**NPS-FM**) 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 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-FM 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 9).
- 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-FM (Policy 15).

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

NRCF 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 Waiauru River is located to the east 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 for 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 National Policy Statement for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) sets out national objectives, policies, and methods for the management of highly productive land. Its overall objective is that *“highly productive land is protected for use in land-based primary production, both now and for future generations”*.

Under the NPS-HPL, land with a Land Use Capability (**LUC**) Class 1, 2, or 3 is classified as highly productive land. Inappropriate use or development of highly productive land is to be avoided except where certain uses are provided for under the NPS-HPL. This list includes activities by a requiring authority in relation to a designation.

Review of Manaaki Whenua’s LUC map shows the land within the site is classified as LUC Class 6. As such, while consideration has been given to the NPS-HPL, it is not applicable to the site and the proposed rezoning will not have an effect on highly productive land.

#### 4.4 National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**) came into effect in August 2023, and provides direction to councils to protect, maintain and restore indigenous biodiversity so that there is at least no overall loss in indigenous biodiversity. The NPS-IB sets out objectives, policies, and methods on identifying significant natural areas and managing adverse effects of new activities on them. It also requires councils to promote the restoration of indigenous biodiversity and vegetation cover, and for regional councils to prepare a regional biodiversity strategy.

The key provisions of the NPS-IB relevant to the evaluation of the proposed Corrections Zone are:

- A precautionary approach is adopted when considering adverse effects on indigenous biodiversity (Policy 3).
- Significant indigenous vegetation and significant habitats of indigenous fauna are identified as Significant Natural Areas (**SNAs**) using a consistent approach (Policy 6).
- SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development (Policy 6).
- Certain activities are provided for within and outside SNAs (Policy 9).

- Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for (Policy 10).
- Regional biodiversity strategies are developed and implemented to maintain and restore indigenous biodiversity at a landscape scale (Policy 16).

Rezoning the site to Corrections Zone is unlikely to affect the ability of Councils to implement the provisions of the NPS-IB. Changing the zoning will not promote a character, scale or intensity of development significantly above that currently enabled under the designation and would still allow for the identification and management of significant natural areas.

The NRCF site contains areas of native vegetation. The proposed rezoning will not result in any changes to such areas and does not avoid the need to apply for earthworks consent or regional consents for activities undertaken within affected portions of the site.

#### 4.5 Regional Policy Statement for Northland (2016)

The Regional Policy Statement for Northland (**RPS**) is the key guiding document for resource management issues in the region. The RPS 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 Northland. The RPS has been prepared to give effect to an implement higher order direction.

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

- Recognise and promote the benefits of regionally significant infrastructure (a physical resource, which by definition under the RPS includes NRCF), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing (Objective 3.7).
- Manage resource use to:
  - (a) Optimise the use of existing infrastructure;
  - (b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and
  - (c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing (Objective 3.8).
- Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

Rezoning the site to Corrections Zone will give effect to the RPS. It recognises the status of NRCF as regionally significant infrastructure, and 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.



## 4.6 Proposed Regional Plan for Northland

The Proposed Regional Plan for Northland (**PRP**) manages land and water resources in Northland to achieve the purpose of the RMA. The PRP is not yet fully operative, but all appeals have been resolved. As such, all rules must be treated as operative, in accordance with Section 86F of the RMA. However, the objectives and policies of the operative regional plans must still be considered, though the PRP provisions should be given greater weight in decision making, as the process for developing the PRP is near completion.

Of particular relevance are the provisions of the PRP that pertain to regionally significant infrastructure as the NRCF is defined as such under the RPS and PRP.

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

- The use and development of Northland's natural and physical resources is efficient and effective and managed in a way that will improve the economic, social and cultural wellbeing of Northland and its communities (Objective F.1.5).
- Recognise the national, regional and local benefits of Regionally Significant Infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repair, upgrading and removal (Objective F.1.6).
- Regard must be had to the social, cultural and economic benefits of a proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited (Policy D.2.2).
- Particular regard must be had to the national, regional and locally significant social, economic, and cultural benefits of regionally significant infrastructure (Policy D.2.5).
- Enable the establishment and operation (including consenting) of regionally significant infrastructure by allowing any minor adverse effects providing:
  - 1) The regionally significant infrastructure proposal is consistent with:
    - a) all policies in D.1 Tāngata whenua, and
    - b) D.2.16 Managing adverse effects on Historic Heritage, and
    - c) D.2.17 Managing adverse effects on Natural Character, Outstanding Natural Landscapes and Outstanding Natural Features, and
    - d) D.2.18 Managing adverse effects on indigenous biodiversity, and
  - 2) the regionally significant infrastructure proposal will not likely result in over-allocation having regard to the allocation limits in H.4.3 Allocation limits for rivers, and
  - 3) other adverse effects arising from the regionally significant infrastructure are avoided, remedied, mitigated or offset to the extent they are no more than minor (Policy D.2.7).
- Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where:
  - 1) the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and

- 2) the adverse effects after the conclusion of the maintenance or upgrading are the same, or similar, to those arising from the regionally significant infrastructure before the activity was undertaken (Policy D.2.8).
- When considering new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure; ensure that the regionally significant infrastructure is not compromised (Policy D.2.11).

Rezoning of the site to Corrections Zone will be consistent with the PRP. The Corrections Zone will enable the development of the prison site, being regionally significant infrastructure, 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.

#### 4.7 Operative Regional Plans for Northland

As set out above, the PRP is not yet fully operative. Therefore, consideration must be afforded to the objectives and policies of the operative regional plans for Northland, being:

- Regional Water and Soil Plan
- Regional Air Quality Plan
- Regional Coastal Plan

The three operative regional plans do not contain objectives or policies relating to regional significant infrastructure. There are otherwise no provisions of the operative regional plans that are of relevance that conflict with the PRP provisions as assessed above.

#### 4.8 Ngā Tikanga mo te Taiao o Ngāti Hine

Ngā Tikanga mo te Taiao o Ngāti Hine is the iwi/hapū environmental management plan for Ngāti Hine (**EMP**). The plan recognises and reinforces Ngāti Hine mana motuhaketanga, values and policies regarding natural resource and environmental management within the Ngāti Hine rohe. The plan is a means for tangata whenua and as Indigenous people to carry out the role of kaitiaki and rangatira over tribal, ancestral lands and taonga.

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

- Ngāti Hine supports low impact design and innovative solutions which improve the quality of urban centres and our rohe generally. Where the landscape, taonga and resources are maintained as much as possible.
- Further development of land resources within the rohe of Ngāti Hine should not be at the expense of the ancestral relationship of Ngāti Hine with that land, our culture and heritage.
- Further development of land resources within the rohe of Ngāti Hine should not be at the expense of the environment.

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.

#### 4.9 Tai Tokerau Northland Economic Action Plan

The Tai Tokerau Northland Economic Action Plan was developed in response to a growth study which identified opportunities for transformative economic growth in Northland. The Action Plan identified priority outcome areas and established four key work streams, encompassing projects that together contribute to the development of the region.

The priority outcomes for the region of relevance are described below:

- A thriving Tai Tokerau Māori economy
- An equitable environment for whānau wellbeing
- A skilled local workforce

Rezoning of the site to Corrections Zone is consistent with these priority outcomes, given the efficiency that is promoted by having a nuanced planning framework applied to NRCF.

### 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 the 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:

##### **CORZ-01**

*The Corrections Zone provides for:*

- a. *The continued operation and development of Northland Region Corrections Facility;*
- b. *The ongoing maintenance, upgrading, and expansion of Northland Region Corrections Facility; and*
- c. *Activities with operational needs and functional needs to be located within the Corrections Zone without being constrained or compromised by incompatible activities.*

## **CORZ-02**

*Adverse effects of activities and development in the Corrections Zone are managed effectively within the Zone and at interfaces with adjoining zones and public spaces.*

## **CORZ-03**

*Northland Region Corrections Facility is recognised as a nationally important facility which contributes to the economic and social well-being, and health and safety of the region and district.*

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

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
<b>CORZ-01</b>  <i>The Corrections Zone provides for:</i> <ul style="list-style-type: none"> <li>a. <i>The continued operation and development of Northland Region Corrections Facility;</i></li> <li>b. <i>The ongoing maintenance, upgrading, and expansion of Northland Region Corrections Facility; and</i></li> <li>c. <i>Activities with operational needs and functional needs to be located within the Corrections Zone without being constrained or compromised by incompatible activities.</i></li> </ul>	<p>NRCF 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 NRCF can continue to operate, develop, and be maintained. Inappropriate zoning and incompatible activities surrounding the prison can constrain or comprise these functions.</p> <p>Part a. and b. of this objective outline the basic requirements for supporting zone provisions to ensure the protection of the NRCF site for custodial activities.</p> <p>Part c. of this objective 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>Allowing the continued operation, maintenance, and development of the prison whilst protecting it 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>
<b>CORZ-02</b>  <i>Adverse effects of activities and development in the Corrections Zone are managed effectively within the Zone and at interfaces with adjoining zones and public spaces.</i>	<p>NRCF is located in a rural area proposed to be zoned Rural Production in the PFNDP. Surrounding activities comprise rural production / pastoral land, Ngawha geothermal power plant, Kaikohe Golf and Squash Club. Custodial activities at the prison are long established and have historically occurred in harmony with this surrounding context.</p>

	<p>Objective CORZ-O2 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 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><b>CORZ-O3</b></p> <p><i>Northland Region Corrections Facility is recognised as a nationally important facility which contributes to the economic and social well-being, and health and safety of the region and district</i></p>	<p>As outlined in the objective, NRCF is a nationally important facility which provides services that deliver important social and cultural benefits, which are not found elsewhere in the District. Prison operations are highly specific and by their nature, sit outside the framework of the underlying rural zoning.</p> <p>This final objective provides the basis for supporting zone provisions which are tailored to better manage the efficient use, development, and protection of the NRCF site for custodial and additional non-custodial justice sector reintegration and rehabilitation activities in recognition of its benefits. This is in contrast to the existing and 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>

Overall, based on the above assessment, the proposed objectives are the most appropriate way to achieve the purpose 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 Production Zone and associated provisions proposed in the notified version of the PFNDP (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 Production 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 residential accommodation as permitted activities, subject to compliance with performance standards that align with the surrounding Rural

Production Zone. Permitted activity status for community corrections activity and 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 Production 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. Further, Precincts have not been proposed as a tool elsewhere in the PFNDP. 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 Production Zone; status quo under the PFNDP)

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 all potential environmental effects and relevant objectives/policies.</li> <li>• Retention of rural production land for rural production purposes unless land use changes via a resource consent process.</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 environmental effects of future alterations to the designation.</li> <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</li> </ul>

		for additional non-custodial justice sector activities.
<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 Ara Poutama 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</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>

	compatible with the character and amenity values of the Rural Production Zone.	
<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 Ara Poutama by enabling additional non-custodial justice sector activities on the site, with greater certainty of outcome, i.e. through permitted activity status, and higher likelihood of any consents required being approved.</li> </ul>	<ul style="list-style-type: none"> <li>None identified.</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>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
Extent to which the provisions of the proposal are the most appropriate way to achieve the objectives	<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 NRCF as regionally significant 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 NRCF as regionally significant infrastructure and provide for the prison's operational and functional needs.</p>
Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions	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.
Reasons for the selection of the preferred option	Having undertaken an assessment of the proposed rezoning and provisions against the status quo Rural Production Zone option, the proposed objectives are the most appropriate way to achieve the purpose of the RMA, and the proposed provisions are most efficient and effective for the NRCF site in achieving the proposed objectives.

## 6. Other Matters

Tables 5 and 6 below outline a number of other matters requiring assessment as per the Final Minute 14 of the Independent Hearings Panel.<sup>2</sup>

Table 5: Assessment of other matters

Criteria	Matters to be addressed	Assessment
Strategic direction	<ul style="list-style-type: none"> <li>How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)</li> </ul>	<p>Relevant strategic direction objectives seek:</p> <ul style="list-style-type: none"> <li>SD-SP-O3: Encourage opportunities for fulfilment of the community's cultural, social, environmental and economic wellbeing.</li> <li>SD-RE-O1: Primary production activities are able to operate efficiently and effectively and the contribution they make to the economic and social wellbeing and prosperity of the district is recognised.</li> </ul>

<sup>2</sup> General Guidance Criteria for Rezoning Submissions and Additional Guidance Criteria for Special Purpose Zone Requests.

		<ul style="list-style-type: none"> <li>SD-RE-O2: Protection of highly productive land from inappropriate development to ensure its production potential for generations to come.</li> </ul>
Alignment with zone outcomes	<ul style="list-style-type: none"> <li>When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone</li> </ul>	The rezoning request does not relate to an existing PDP zone (i.e. new / bespoke Corrections Zone proposed).
Higher order direction	<ul style="list-style-type: none"> <li>How the request “give effect to” higher order documents in accordance with section 75(3) of the RMA?</li> <li>Consideration of all relevant national policy statements, the national planning standards and the Northland Regional Policy Statement.</li> </ul>	In summary, the rezoning request gives effect to higher order documents for the reasons provided in the assessments in Sections 4.1-4.6 above.
Reasons for the request	<ul style="list-style-type: none"> <li>The reason the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.</li> </ul>	<p>The NRCF site is located in the Rural Production Zone under the PDP. However, the application of the Rural Production zoning for the site is inconsistent with modern planning practice for management of custodial corrections sites. To ensure that the ongoing use and upgrading of the NRCF is provided for appropriately within the PFNDP, Ara Poutama seeks that a customised special purpose zone applies to the site, in tandem with the designation. The National Planning Standards anticipate such a planning mechanism being implemented, with the Zone Framework Standard providing for a special purpose “Corrections Zone”.</p> <p>While custodial corrections facilities and ancillary activities are enabled under the designation, additional non-custodial justice sector activities are able to be enabled under the Corrections Zone provided that they are appropriate for the site and their effects on the surrounding environment are managed. This includes non-custodial rehabilitation activities, community corrections activities and residential activities (i.e. non- custodial).</p>
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> <li>Assessment of the suitability of the land for rezoning, including an assessment of: <ul style="list-style-type: none"> <li>The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)</li> <li>Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)</li> <li>Effects on surrounding sites, including compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.</li> </ul> </li> </ul>	<p>The rezoning will not affect any natural environment values, historic heritage, coastal environment or other PDP overlay. The rezoning does not preclude the requirement to assess potential effects and, where necessary, seek resource consent.</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>Provide for activities that are compatible with the purpose and function of the Corrections Zone, including:</i> <ul style="list-style-type: none"> <li>a. <i>The following activities provided for as permitted activities in the Rural Production Zone:</i> <ul style="list-style-type: none"> <li>i. <i>Farming activity;</i></li> <li>ii. <i>Conservation activity;</i></li> <li>iii. <i>Recreational activity;</i></li> <li>iv. <i>Rural produce retail;</i></li> <li>v. <i>Rural produce manufacturing;</i></li> <li>vi. <i>Farm quarry;</i></li> <li>vii. <i>Catteries and dog boarding kennels;</i></li> <li>viii. <i>Cemeteries/urūpa;</i></li> <li>ix. <i>Plantation forestry and plantation forestry activity;</i></li> <li>x. <i>Emergency service facility; and</i></li> <li>xi. <i>Mineral prospecting and exploration.</i></li> </ul> </li> </ul> </li> </ul>
Infrastructure (three waters) servicing	<ul style="list-style-type: none"> <li>• How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing. This assessment should set out, as applicable: <ul style="list-style-type: none"> <li>○ Any proposed connections to existing infrastructure systems. <ul style="list-style-type: none"> <li>▪ Any outcomes of discussions with infrastructure providers and any assumptions about infrastructure servicing/sequencing or capacity, including demands from other plan-enabled development.</li> <li>▪ Any on-site provision of infrastructure,</li> </ul> </li> </ul> <p>Note: if the rezoning request would result in any substantive demand on Council's infrastructure or alternative bulk infrastructure solutions, we encourage submitters to engage with Council's Infrastructure representative / consultant via the PDP generic email address.</p> </li> </ul>	<p>The NRCF has its own on-site stormwater management system.</p> <p>Potable water and wastewater are provided via connections to Council's municipal networks. The rezoning proposal would not result in any substantive increase in demand on these network services.</p>
Transport infrastructure	<ul style="list-style-type: none"> <li>• How the rezoning request will be supported by existing or proposed transport infrastructure, including how</li> </ul>	<p>The proposal will not have any implications in terms of land use and transport integration matters as NRCF 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,</p>

	<p>new or upgraded transport infrastructure is required.</p> <p>Note: if the rezoning request includes any access to a State Highway, engagement with Waka Kotahi is strongly encouraged, and the outcomes of this engagement should be recorded in evidence.</p>	<p>such that adjacent land uses and the transport network (Ohaeawai Road / State Highway 12) will not be adversely affected.</p>
Consultation and further submissions	<ul style="list-style-type: none"> <li>Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request.</li> <li>A list of any further submissions on the rezoning request and a response to those further submissions.</li> </ul>	<p>One further submission was received from Ngawha Generation Limited, in relation to the proposed Corrections Zone<sup>3</sup>. The submission supports in part the rezoning, subject to further detail on reverse sensitivity on neighbouring activities such as the Ngawha Geothermal Springs. Pre-hearing engagement has occurred between Ara Poutama and Ngawha Generation Limited, but to-date this has not resulted in any proposed amendments to the zone provisions.</p>
Section 32AA evaluation	<ul style="list-style-type: none"> <li>How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with Section 32AA of the RMA.</li> </ul>	<p>This has been assessed in Section 5.2. In summary, the Corrections Zone is assessed as the more effective and efficient way to achieve the proposed objectives, in comparison to the notified zoning.</p>

Table 6: Assessment of additional guidance criteria for Special Purpose Zone requests

Criteria	Matters to be addressed	Comment
National planning standards criteria	<ul style="list-style-type: none"> <li>How the SPZ meets all of the following three criteria for additional special purpose zones in the national planning standards (8.3) i.e. the activities or outcomes sought from the SPZ are: <ul style="list-style-type: none"> <li>Significant to the district, region or country; and</li> <li>Impractical to be managed through another zone; and</li> <li>Impractical to be managed through a combination of spatial layers.</li> </ul> </li> </ul>	<p>a. NRCF is recognised as being regionally significant as it is specifically referred to under the Regional Policy Statement for Northland, and the PFNDP, definitions of “regionally significant infrastructure”.</p> <p>b. NRCF is highly unique in that it is the only prison facility in the Northland Region. As such, there is no other zone framework under the PFNDP that is set up to practically and appropriately manage the effects associated with the facility.</p> <p>c. The NRCF designation is effectively another spatial layer that works to manage the effects associated with the NRCF. However, the designation does not provide a policy framework for the site. Providing an alternative spatial layer would not enable the implementation of a nuanced policy framework, to the same degree that that the special purpose zoning is able to.</p>

<sup>3</sup> Further Submission Point FS345.001

Relationship with Part 2 – District Wide Matters	<ul style="list-style-type: none"> <li>How the SPZ is intended to interact with the provisions in Part 2 – District Wide Matters, including more stringent rules for overlay areas (e.g. coastal environment, natural features and landscape etc.)</li> </ul>	The proposed Corrections Zone includes notes which direct the reader to refer to the District-Wide Matters chapter in addition to the Corrections Zone chapter, as more stringent rules may apply. As with other zones contained within Part 3 – Area-Specific Matters, seeking consent under the zone rules does not preclude the requirement to seek consent in accordance with the provisions of Part 2- District-Wide Matters.
Consultation on the SPZ proposal	<ul style="list-style-type: none"> <li>An assessment of parties directly affected by the SPZ proposal, any consultation undertaken, and any further consultation proposed.</li> </ul>	No consultation has occurred in relation to the proposal. As the rezoning will not result in a substantive change from what is enabled under the designation, no effects (that cannot otherwise be managed internally to the site) are anticipated, and therefore no parties are considered to be directly affected.
SPZ provisions	<ul style="list-style-type: none"> <li>The requested SPZ provisions (objectives, policies, rules, matters of control/discretion and standards), which should be consistent with other PDP zone chapters.</li> </ul>	The requested SPZ provisions are provided in <b>Appendix 1</b> . The provisions have been prepared in the prescribed format, and are consistent with other chapters.
Section 32AA evaluation	<ul style="list-style-type: none"> <li>A section 32AA evaluation that assesses (compared to the PDP provisions) <ul style="list-style-type: none"> <li>How the SPZ objectives are the most appropriate way to achieve the purpose of the RMA</li> <li>How the SPZ provisions are the most appropriate way to achieve the SPZ objectives.</li> </ul> </li> </ul>	This has been assessed in Section 5.1 above.

## 7. Conclusion

Rezoning of the NRCF site from Rural Production 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 Production 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.