

**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 14 – Urban 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)**

4 July 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 Napier City District Plan, 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 This evidence addresses matters raised in the Hearing 14 Section 42A Report that relate to the relief that Ara Poutama sought in its submission points. The zones covered by Hearing 14 that relate to Ara Poutama's submission points include:

- (a) General Residential Zone
- (b) Mixed Use Zone
- (c) Light Industrial Zone.

- 3.2 In relation to the Section 42A Report, my evidence:

- (a) Briefly summarises the relief sought by Ara Poutama (Section 4);
- (b) Confirms Ara Poutama's position on the recommendations relating to the definitions pertaining to residential activities that Ara Poutama manages, including the associated provisions in the General Residential and Mixed Use zones (Section 5); and
- (c) Discusses Ara Poutama's requests for the inclusion of appropriate rules that would provide for community corrections activities within the Mixed Use and Light Industrial zones (Section 6).

#### **4.0 SUMMARY OF RELIEF SOUGHT**

4.1 Ara Poutama lodged submissions and further submissions on the Far North Proposed District Plan (**PDP**), being submitter number 158 and further submitter number 42.

4.2 The Section 42A Report addresses Ara Poutama's following submission points on the PDP:

(a) The definitions and provisions relating to **residential activities** that Ara Poutama manages, as they apply to the General Residential and Mixed Use zones. Specifically, Ara Poutama sought:

- The retention of the definitions and associated provisions relating to “residential activity” and “residential unit”;
- The insertion of a new definition of “household”; and
- The removal of the definition and associated provisions relating to “supported residential care activity” (‘primary relief’); but if the Council were not to support this relief, then retention of the definition and the associated provisions as they were notified in the PDP (‘secondary relief’).

(b) The activity status of **community corrections activities**, whereby Ara Poutama sought that these be provided as a permitted activities within the Mixed Use and Light Industrial zones.

#### **5.0 RESIDENTIAL ACTIVITIES**

5.1 The Section 42A Report recommends retention of the definitions and provisions enabling the permitted activity status of “residential activities” and “residential units” within the General Residential and Mixed Use zones. I support these recommendations.

- 5.2 The Section 42A Report has opposed Ara Poutama’s proposed insertion of a definition of “household”,<sup>1</sup> noting that “household” is referred to under the definition of “residential unit” but is otherwise not defined in the PDP. In my view including this definition would be helpful for plan interpretation purposes, in terms of acknowledging that residential units may be occupied by people in a range of different living arrangements, including those where a level of care, support and supervision is provided. Notwithstanding, Ara Poutama will not continue to pursue this definition through this hearing process.
- 5.3 The Section 42A Report has opposed Ara Poutama’s primary relief which was for the deletion of the definition of “supported residential care activity” and the associated provisions in the General Residential and Mixed Use zones. In my view the definition of “residential activity” entirely captures supported accommodation activities, such as those provided for by Ara Poutama (i.e. people living in a residential situation, who are subject to a level of support and/or supervision by Ara Poutama). As such, there is no need for a separate and standalone definition of “supported residential care activity” and the associated provisions applying to such.
- 5.4 Instead, the Section 42A Report recommends retention as notified of the definition of “supported residential care activity” and the provisions enabling the permitted activity status of them, within the General Residential and Mixed Use zones. This accords with Ara Poutama’s secondary relief on this matter and is therefore acceptable.
- 5.5 Overall, the recommended definitions and provisions relating to “residential activities”, “residential units” and “supported residential care activities” are acceptable as they enable Ara Poutama to implement the residential activities that it manages within the General Residential and Mixed Use zones in the Far North District.

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<sup>1</sup> Proposed definition:

*HOUSEHOLD means a person or group of people who live together as a unit whether or not:*

*a. Any or all of them are members of the same family; or*

*b. One or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.*

## **6.0 COMMUNITY CORRECTIONS ACTIVITIES**

### **Background**

- 6.1 Community corrections activities are a vital part of Ara Poutama's justice system role in safely managing people serving Court or Parole Board ordered sentences / release orders within the community.
- 6.2 Such activities include non-custodial service centres and community work facilities. Service centres and community work facilities may be located separately or may be co-located on the same site. By way of further detail:
- (a) Service centres provide for probation, rehabilitation, and reintegration services. Offenders report to probation officers as required by the courts or as conditions of parole. Ara Poutama's staff 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 or used as a place for therapeutic services (e.g. psychological assessments). 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.
  - (b) Community work facilities are facilities that enable community work programmes to be implemented by Ara Poutama. 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 may undertake jobs training or subsequently travel to their community work project under the supervision of a Community Work Supervisor. The community work facilities can be large sites with yard-based activities and large equipment and/or vehicle storage.
- 6.3 The establishment and operation of community corrections activities within, and their accessibility to, communities is important to their

successful operation, and to the wider functioning of our urban environments. They are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore the activities and services they provide contribute to the sustainable management purpose of the Resource Management Act 1991 (**RMA**).

### **Appropriateness in mixed use and light industrial areas**

- 6.4 Ara Poutama looks to locate community corrections activities in areas accessible to offenders, and near other supporting agencies where possible. Commonly, sites are therefore located in commercial areas, including mixed use zones.
- 6.5 Equally, light industrial areas provide suitable sites for community corrections activities; in particular the community work components often require large sites for yard-based activities and large equipment and/or vehicle storage.
- 6.6 Community corrections activities are a compatible and appropriate activity in areas that enable commercial and light industrial activities, as the scale and nature of the activity is consistent with the character and amenity. They are also not “sensitive” to the effects of these areas (e.g. noise, high traffic movements, etc.), and therefore are not prone to reverse sensitivity.
- 6.7 I also note that community corrections activities are a very unique activity and are only administered by Ara Poutama. No other entity delivers such services across the country. In any urban area there is only ever the need for a discrete number of such facilities, commensurate with demand. Accordingly, there will not be a proliferation of them or any impact on the wider availability of commercial or industrial land as might, for example, occur with other activities in these zones.
- 6.8 Indeed, Ara Poutama currently operates two non-custodial community corrections sites in the Far North District:

(a) Kaitaia Community Corrections, located at 51 North Park Drive, Kaitaia.

(b) Kaikohe Community Corrections, located at 17-19 Station Road, Kaikohe.

6.9 Both sites are community corrections service centres and community work facilities. Both sites are located within the Mixed Use Zone in the PDP.

6.10 Due to changing demand for services and tenure-related matters,<sup>2</sup> it is critical that the PDP provides for community corrections sites in appropriate locations, thereby enabling Ara Poutama to upgrade, establish and operate them without unnecessary planning impediments.

#### **Relief sought and rationale**

6.11 Ara Poutama sought the retention of the definition of “community corrections activity” as it was notified in the PDP (within the Interpretation chapter, under Part 1), which reads as follows:<sup>3</sup>

*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.*

6.12 Ara Poutama sought permitted activity status for community corrections activities in appropriate zones that enable similar and/or aligned activities. Within the PDP this includes the Mixed Use and Light Industrial zones. It is noted that within the PDP, the Mixed Use Zone is the sole type of commercial zone.

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<sup>2</sup> For instance, community corrections sites are often subject to leasehold arrangements as opposed to sites owned by Ara Poutama.

<sup>3</sup> N.B. the definition of “community corrections activity” in the PDP is consistent with the corresponding definition in the National Planning Standards.



- 6.13 The PDP as notified has applied the definition of “community corrections activity” only in the context of specifying them as non-complying activities. This is in relation to the following zones:
- (a) General Residential Zone (Rule GRZ-R23)
  - (b) Rural Production Zone (Rule RPROZ-R35)
  - (c) Rural Lifestyle Zone (Rule RLZ-R23)
  - (d) Rural Residential Zone (Rule RRZ-R16)
  - (e) Light Industrial Zone (Rule LIZ-R16)
  - (f) Heavy Industrial Zone (Rule HIZ-R11)
  - (g) Open Space Zone (Rule OSZ-R22)
  - (h) Sport and Active Recreation Zone (Rule SARZ-R22)
  - (i) Māori Purpose Zone (Rule MPZ-R25).
- 6.14 In all other zones, including the Mixed Use Zone, community corrections activities are not referred to and therefore default to the “activities not otherwise listed in this chapter” rules, which impose a discretionary activity status.
- 6.15 As such, throughout every zone in the PDP, community corrections activities are classified as either discretionary or non-complying activities. This is an entirely inappropriate outcome for activities that are essential social infrastructure.
- 6.16 Further, this is an outcome which is inconsistent with many recently operative and proposed District Plans around the country. Examples of plans that enable community corrections activities as permitted in appropriate zones include:
- (a) The Wellington City 2024 District Plan: Appeals Version provides for “community corrections activities” as a permitted activity in the Mixed Use, General Industrial, Neighbourhood

Centre, Local Centre, Metropolitan Centre and City Centre zones.

- (b) The Waikato District Plan: Operative in Part provides for “community corrections activity” as a permitted activity in the General Industrial, Commercial, Town Centre and Local Centre zones.
- (c) The Proposed Porirua District Plan – Appeals Version 2024 provides for “community corrections activities” as a permitted activity in the Mixed Use, General Industrial, Metropolitan Centre and Local Centre zones.
- (d) The Partially Operative Selwyn District Plan provides for “community corrections activities” as a permitted activity in the General Industrial, Town Centre, Neighbourhood Centre, Local Centre and Large Format Retail zones.
- (e) The Ōpōtiki District Plan provides for “community corrections activities” as a permitted activity in the Mixed Activity, Industrial and Town Centre zones.
- (f) The Whangarei District Plan provides for “community corrections activity” as a permitted activity in the Light Industrial and Commercial zones.
- (g) The Proposed Te Tai o Poutini West Coast Combined District Plan provides for “community corrections activity” as a permitted activity in the Mixed Use, Light Industrial, General Industrial, Commercial and Town Centre zones.
- (h) The Proposed Waitomo District Plan provides for “community corrections activities” as a permitted activity in the Commercial Zone.

6.17 In addition to the above, there are earlier District Plans that use variations to the “community corrections activity” definition, such as “community corrections facility”, which predate the National

Planning Standards definition.<sup>4</sup> Whilst there are subtle differences to the wording of the definitions themselves, these District Plans nonetheless include rules enabling these activities as permitted.<sup>5</sup>

- 6.18 In summary, it is important that community corrections activities are provided for within the PDP, enabling them in appropriate locations as permitted activities. Under the PDP the appropriate zones (that enable similar and/or aligned activities to community corrections activities) include the Mixed Use and Light Industrial zones.

### **Section 42A Report recommendations**

- 6.19 The Section 42A Report has made the following assessments in relation to Ara Poutama's proposed inclusion of rules enabling permitted status for community corrections activities in the Mixed Use and Light Industrial zones.

#### Mixed Use Zone

- 6.20 The reporting planner has recommended that Ara Poutama's relief be rejected, on the basis that:

*"Community corrections activity are discretionary activities in the MUZ under MUZ -R16. When looking at the urban zone's framework, this type of activity is best accommodated in the LIZ. Community corrections activities can be compatible with a mixture of activities including trades training. Furthermore, as community corrections facilities are not sensitive to the effects of industrial environments (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity. I recommend the retention of a discretionary status for community corrections activities with the direction of this type of activity to the LIZ."*<sup>6</sup>

- 6.21 As raised earlier in my evidence, Ara Poutama looks to locate community corrections activities in areas accessible to offenders, and near other supporting agencies where possible; which includes

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<sup>4</sup> The National Planning Standards were first introduced in November 2019.

<sup>5</sup> Examples include the Auckland Unitary Plan, Christchurch District Plan and the Invercargill City District Plan.

<sup>6</sup> Paragraph 555, Section 42A Report

commercial areas. Under the notified version of the PDP, the sole commercial zone is the Mixed Use Zone.

6.22 Evidence of this is that the only two community corrections sites within the District are located within the Mixed Use Zone in the PDP.

6.23 The Mixed Use Zone framework is enabling of many compatible activities, and in my view the following objective and policy (as recommended in the Section 42A Report) are supportive of enabling community corrections activities:

***MUZ-O1*** *The Mixed Use zone is the focal point for the district's commercial, community and civic activities...*

***MUZ-P1*** *Enable a range of commercial, community, civic and residential activities in the Mixed Use zone where ... they support the function, role, sense of place and amenity of the zone, while recognizing the existing environment...*

6.24 The broad and compatible range of land-uses that are otherwise provided for as permitted in the recommended Mixed Use Zone rules include: commercial activities, healthcare activities, community facilities, emergency service facilities and supermarkets. Given this context it is inappropriate that community corrections activities attract a discretionary activity status in the zone.

#### Light Industrial Zone

6.25 The reporting planner has recommended that Ara Poutama's relief be accepted in part, as follows:

*"In my opinion, as this activity does not provide for overnight housing or accommodation and associated range of non-sensitive activities, the LIZ is an appropriate location for community corrections activities. This zone typically enables a higher intensity of development and is serviced by council infrastructure. Additionally, Light Industrial areas are generally separated from sensitive land uses such as residential activities, schools, and childcare centres. The potential adverse effects*

*associated with community corrections activities can in my view, be more appropriately accommodated in this zone compared to others and I recommend that it be classified as a permitted activity, subject to a maximum of 12 people on site at any one time. It is necessary to manage the scale of the activity to ensure it remains appropriate within the LIZ, where light industrial activities are encouraged. In my opinion, a maximum of 12 people on site is a reasonable threshold for staffing levels typically associated with a medium-scale light industrial activity.”<sup>7</sup>*

- 6.26 I agree with this assessment insofar as it recommends a permitted activity status for community corrections activities in the Light Industrial Zone.
- 6.27 However, the recommended performance standard restricting the number of people on a site to 12 is problematic. A community corrections site incorporating a community work programme could potentially breach that limit with Ara Poutama staff alone (i.e. not including clients). The recommended rule would result in community corrections activities being a discretionary activity where the performance standard is not achieved.
- 6.28 There is no person limit or restriction of this nature imposed as a performance standard on any other permitted activities in the Light Industrial Zone. Indeed, all other recommended permitted activities are not subject to any kind of performance standards; other than those relating to non-industrial activities that are ancillary to light industrial activities, and a gross floor area limit in relation to convenience stores, restaurants, cafés and takeaway food outlets. Noting that the general zone standards still impose restrictions around bulk, scale and design of buildings in relation to all permitted activities, and likewise the general district-wide rules impose restrictions in relation to potential nuisance effects including noise and light spill, as well as signage.
- 6.29 As such, it is inappropriate that community corrections activities are subject to any kind of performance standard in the Light Industrial

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<sup>7</sup> Paragraph 722, Section 42A Report

Zone, given the zone framework does not otherwise seek to limit the scale of almost all other permitted activities in the zone via specific performance standards (notwithstanding the general zone standards and district-wide rules that apply).

## **7.0 CONCLUSION**

- 7.1 Community corrections activities are a vital part of Ara Poutama's justice system role in safely managing people serving Court or Parole Board ordered sentences / release orders within the community, and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety, and they contribute to the sustainable management purpose of the RMA when enabled in appropriate locations. Such locations in the context of the PDP include the Mixed Use and Light Industrial zones. The Mixed Use Zone is the sole type of commercial zone in the PDP.
- 7.2 The reporting planner has recommended that community corrections activities be classified as a discretionary activity in the Mixed Use Zone. I have outlined how this zone enables a broad range of land-uses that are compatible with community corrections activities as permitted. I have also outlined that there are two existing community corrections sites within the District that are located in the Mixed Use Zone under the PDP. On this basis it is appropriate that community corrections activities are instead classified as permitted in the zone.
- 7.3 The reporting planner has recommended that community corrections activities be classified as a permitted activity in the Light Industrial Zone, but subject to a performance standard limiting the number of people on-site to 12. I have outlined how imposing such a performance standard is out of step with all other permitted activities in the Light Industrial Zone, and is likely to result in resource consent being required unnecessarily for community corrections activities in the zone. On this basis it is appropriate that

community corrections activities are classified as permitted, but without specific restrictions, in the zone.

- 7.4 I have outlined how the relief that Ara Poutama is seeking is consistent with numerous recently operative and proposed District Plans around the country.
- 7.5 I have included the proposed rule wordings within **Appendix A** to my evidence.



Sean Grace  
Senior Principal / Planner, Boffa Miskell Limited  
4 July 2025

## APPENDIX 1: PROPOSED AMENDMENTS TO PLAN PROVISIONS

### Mixed Use Zone

Include a new permitted rule applying to “community corrections activity” as follows:

<b><u>MUZ-RX</u></b>	<b><u>Community corrections activity</u></b>	
<b><u>Mixed Use zone</u></b>	<b><u>Activity status: Permitted</u></b>	<b><u>Activity status where compliance not achieved: Not applicable</u></b>

### Light Industrial Zone

Include a new permitted rule applying to “community corrections activity” as follows:

<b><u>LIZ-RX</u></b>	<b><u>Community corrections activity</u></b>	
<b><u>Light Industrial zone</u></b>	<b><u>Activity status: Permitted</u></b>	<b><u>Activity status where compliance not achieved: Not applicable</u></b>

Remove non-complying Rule LIZ-R16 applying to “community corrections activity”.