

**Before the Independent Hearings Panel  
At Wellington City Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Hearing submissions and further submissions on the  
Proposed Wellington City District Plan

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**Statement of supplementary planning evidence of Joe Jeffries on behalf of  
Wellington City Council**

**Date: 13 February 2024**

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## **INTRODUCTION**

- 1 My full name is Joe Jeffries. I am employed as a Principal Planning Advisor in the District Plan Team at Wellington City Council.
- 2 I have read the statement of evidence of Sean Grace (Planning) provided on behalf of Ara Poutama Aotearoa the Department of Corrections.
- 3 I have prepared this statement of supplementary evidence in response to the evidence of Sean Grace on the Corrections Zone.
- 4 There is a single remaining issue in contention that this statement of evidence addresses: the references to “supported residential care accommodation” in the Corrections Zone introduction, CORZ-P2, CORZ-R4, and CORZ-R14.

## **QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT**

- 5 The Corrections Zone section 42A report<sup>1</sup> sets out my qualifications and experience as an expert in planning.
- 6 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing.

## **BACKGROUND**

- 7 The Dept of Corrections submission [240.66 and 240.67] sought deletion of the “supported residential care activity” definition.
- 8 In my s42A report I supported this requested deletion in concurrence with the reporting officer for hearing stream 1, Adam McCutcheon,

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<sup>1</sup> [Section 42A Report - Corrections Zone and Special Purpose Zones \(wellington.govt.nz\)](https://www.wellington.govt.nz/section-42a-report-corrections-zone-and-special-purpose-zones)

who also recommended that this definition be deleted. As stated in my s42a report I agree with the following comments of Mr McCutcheon set out in the hearing stream 1 right of reply:

I am of the view that the definition of supported residential care activities can be removed from the plan and the 'higher order' definition of residential activity relied upon instead. That is to say that I now agree that the effects of supported residential care activities are not dissimilar from residential activities more generally.

#### **EVIDENCE OF SEAN GRACE**

- 9 Mr Grace's evidence recommends amendments to the introduction, CORR-P2, CORR-R4, and CORR-R14 to remove references to "supported residential care activity". These amendments recommended by Mr Grace are as follows:

##### **Introduction**

....

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, community corrections activities and ~~supported residential activities care-accommodation~~. The Corrections Zone also adopts some of the provisions of the adjacent General Rural Zone.

##### **CORZ-P2 Compatible activities**

Provide for activities that are compatible with the purpose and function of the Corrections Zone including:

...

4. ~~Supported residential activities care accommodation;~~

**CORZ-R4 ~~Supported residential activities care accommodation~~**

1. Activity status: Permitted

Where:

a. The maximum number of residents to be accommodated at any one time is 30;

and

b. No more than five ~~supported residential units care accommodation buildings~~ are to be located within the Corrections Zone.

Note: this rule does not apply to custodial corrections facilities.

**CORZ-R14 Construction, addition or alteration of buildings and structures including accessory buildings, relating to non-custodial reintegration, community corrections or ~~supported residential care accommodation~~ activities**

.....

- 10 This relief sought in Mr Grace’s evidence differs from that sought in the Corrections submission. The Corrections submission sought the following changes to CORZ-P2 and CORZ-R4, *if* council are to retain the “supported care residential activity”<sup>2</sup>:

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<sup>2</sup> Page 15 [Proposed district plan submission 240 Ara Poutama Aoteraroa, The Department of Corrections \(wellington.govt.nz\)](#)

**CORZ-P2 Compatible activities**

Provide for activities that are compatible with the purpose and function of the Corrections Zone including:

...

4. Supported residential care ~~accommodation activities~~.

**CORZ-R4 Supported residential care ~~accommodation activities~~**

1. Activity status: Permitted

Where:

- a. The maximum number of residents to be accommodated at any one time is 30;

and

- b. No more than five supported residential care ~~accommodation activity~~ buildings are to be located within the Corrections Zone

- 11 The Corrections submission did not set out specific requested changes to the wording of CORR-R14 or the Corrections Zone introduction.

**RESPONSE TO EXPERT EVIDENCE OF SEAN GRACE**

- 12 As stated above, in the Corrections Zone s42a report I recommended deletion of the definition of “supported residential care activity”, consistent with the recommendation of the reporting officer for hearing stream 1.

- 13 However, my s42a report did not recommend amendments to the associated references to “supported residential care activity” in the Corrections Zone provisions. This was because I understood that Corrections were satisfied for the wording of CORZ-P2 and CORZ-R4 to be retained as notified if the definition of “supported residential care

activity” was deleted, and that they only sought changes to these provisions if the definition was to be retained.

14 However, I note that the corrections submission does include the following general submission point (emphasis added)<sup>3</sup>:

Remove the definition of “supported residential care activity”, *and the associated provisions applying to such* throughout the PDP.

15 Despite the lack of clarity in the Corrections submission, and the seeming difference between the submission and the amendments recommended in Mr Grace’s evidence, in my view the submission point above provides scope to consider the specific amendments recommended through Mr Grace’s evidence.

16 Moving to the substantive issue addressed in Mr Grace’s evidence, in general I concur with his reasoning in relation to the need to make amendments to the Corrections Zone to remove reference to “supported residential care” which is no longer proposed to be defined within the PDP.

17 In particular, I agree with Mr Grace that it is problematic for the Corrections Zone to refer to a specific activity which is not defined in the PDP, especially where the described activity does not have a well understood common meaning.

18 Mr Grace’s proposed solution to this issue is to replace the references to “supported residential care activity” with “residential activities” in the introduction, CORZ-P2, CORZ-R4, and CORZ-R14.

19 I generally agree with these recommended amendments with some minor qualifications.

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<sup>3</sup> Page 6 [Proposed district plan submission 240 Ara Poutama Aoteraroa, The Department of Corrections \(wellington.govt.nz\)](#)

20 I support Mr Grace’s recommended amendment to the introduction of the Corrections Zone.

21 I also support his recommended amendment to CROZ-R14.

22 While I agree with the intent of Mr Grace’s recommended amendment of CORZ-P2, I consider that the specific wording implies that residential activity is “provided for” in the Zone in a general sense which does not match the narrow circumstances in which residential activity is enabled by CORZ-R4 and CORZ-R14.

23 To address this issue and to ensure that the policy appropriately reflects the associated rules I recommend that CORZ-P2 is amended as follows:

**CORZ-P2 Compatible activities**

Provide for activities that are compatible with the purpose and function of the Corrections Zone including:

...

4. ~~Supported residential care accommodation~~ Limited residential activities associated with the Arohata Prison.

24 I also agree with the intent of Mr Grace’s recommended amendment to CORZ-R4 but recommend a minor change to his wording to avoid confusion between buildings, which may contain multiple dwellings, and “units” which could be interpreted to mean a single dwelling. This minor change to Mr Grace’s wording would retain the meaning of the notified rule. I also do not support the advice note recommended by Mr Grace and would prefer to clarify that this rule does not apply to custodial corrections facilities through the rule heading. Accordingly, I recommend the following amendment to CORZ-R4:

**CORZ-R4 ~~Supported Residential activities care accommodation~~ (excluding custodial corrections facilities).**

1. Activity status: Permitted

Where:

a. The maximum number of residents to be accommodated at any one time is 30;

and

b. No more than five ~~supported~~ residential ~~care accommodation~~ buildings are to be located within the Corrections Zone.

25 In my view my recommended amendments as set out above and in Appendix 1 are more efficient and effective than the notified provisions in achieving the objectives of the Plan.

26 The recommended amendments will not have greater or lesser environmental, economic, social, and cultural effects than the notified Plan provisions as identified in the Section 32 Evaluation Report for the Corrections Zone. This is because the number of residential units permitted remains the same so will have the same effects as the notified provisions.

**Date: 13 February 2024**

**Name: Joe Jeffries**

**Position: Principal Planning Advisor**

**Wellington City Council**

## **Appendix 1: Tracked Changes to the Corrections Zone Chapter**