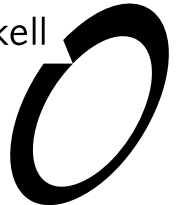


12 June 2023

Wellington City Council  
PO Box 2199  
Wellington 6140

Boffa Miskell



Attention: Jaskirat Kaur – Hearings Coordinator

Email: [jaskirat.kaur@wcc.govt.nz](mailto:jaskirat.kaur@wcc.govt.nz); [District.Plan@wcc.govt.nz](mailto:District.Plan@wcc.govt.nz)

Dear Jaskirat

**ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS: WELLINGTON CITY PROPOSED DISTRICT PLAN – LETTER TO BE TABLED AT HEARING STREAM 4**

Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) lodged a submission on the Wellington City Proposed District Plan (**PDP**), being submitter number 240.

Ara Poutama has opted not to attend Hearing Stream 4, and requests that in lieu of attendance this letter be tabled for the Hearing Panel's consideration.

Under Hearing Stream 4, the submission points made by Ara Poutama are assessed within the following Section 42A Reports:

- “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones” prepared by Anna Stevens and Lisa Hayes, dated 26 May 2023; which includes the following sub-reports:
  - “Part 1: Overview and General Matters”
  - “Part 1: City Centre Zone, Te Ngākau Civic Square Precinct and Appendix 9”
  - “Part 2: Metropolitan Centre Zone”
  - “Part 3: Local Centre Zone”
  - “Part 4: Neighbourhood Centre Zone”
  - “Part 5: Mixed Use Zone”
  - “Part 6: Commercial Zone”
- “Hearing Stream 4 - General Industrial Zone” prepared by Hannah van Haren-Giles, dated 26 May 2023
- “Hearing Stream 4 - Waterfront Zone” prepared by Andrew Wharton, dated 26 May 2023

These Section 42A Reports largely recommend accepting the relief sought by Ara Poutama, which relates to the PDP provisions for “residential activities” and “community corrections

activities” in the zones subject to Hearing Stream 4. A summary of the relief sought, the Section 42A Report recommendations and Ara Poutama's position on those recommendations, in relation to the relevant zones, is set out below.

Additionally, the Section 42A Reports cross-reference the relief sought by Ara Poutama in relation to “supported residential care activities”, which was a matter addressed in Hearing Stream 1. A summary of the relief sought, the Section 42A Report recommendations and Ara Poutama's position on those recommendations, in relation to this matter, is also set out below.

## City Centre Zone

Relief sought	Section 42A Report recommendation <sup>1</sup>	Ara Poutama's position on the S42A recommendation
Retain the enabled activities policy applying to “residential activities” (CCZ-P1.2). [Sub point 240.58]	Accept	Support
Retain the enabled activities policy applying to “community corrections activities” (CCZ-P1.8). [Sub point 240.57]	Accept	Support
Retain the permitted land use activity rule applying to “community corrections activities” (CCZ-R8). [Sub point 240.6]	Accept	Support
Retain the permitted land use activity rule applying to “residential activities” (CCZ-R12). [Sub point 240.61]	Accept	Support

## Metropolitan Centre Zone

Relief sought	Section 42A Report recommendation <sup>2</sup>	Ara Poutama's position on the S42A recommendation
Retain the enabled activities policy applying to “residential activities” (MCZ-P2.2). [Sub point 240.52]	Accept	Support
Retain the enabled activities policy applying to “community corrections activities” (MCZ-P2.8). [Sub point 240.51]	Accept	Support
Retain the permitted land use activity rule applying to “community corrections activities” (MCZ-R7). [Sub point 240.53]	Accept	Support
Retain the permitted land use activity rule applying to “residential activities” (MCZ-R12). [Sub point 240.54]	Accept in part – amendment recommended to remove reference to the Natural Hazard Overlay	Support

<sup>1</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 1: City Centre Zone, Te Ngākau Civic Square Precinct and Appendix 9”

<sup>2</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 2: Metropolitan Centre Zone”

## Local Centre Zone

Relief sought	Section 42A Report recommendation <sup>3</sup>	Ara Poutama's position on the S42A recommendation
Retain the enabled activities policy applying to "residential activities" (LCZ-P2.2). [Sub point 240.33]	Accept	Support
Retain the enabled activities policy applying to "community corrections activities" (LCZ-P2.7). [Sub point 240.32]	Accept	Support
Retain the permitted land use activity rule applying to "community corrections activities" (LCZ-R6). [Sub point 240.34]	Accept	Support
Retain the permitted land use activity rule applying to "residential activities" (LCZ-R10). [Sub point 240.35]	Accept in part – amendment recommended to remove reference to the Natural Hazard Overlay	Support

## Neighbourhood Centre Zone

Relief sought	Section 42A Report recommendation <sup>4</sup>	Ara Poutama's position on the S42A recommendation
Retain the enabled activities policy applying to "residential activities" (NCZ-P2.2). [Sub point 240.29]	Accept	Support
Retain the enabled activities policy applying to "community corrections activities" (NCZ-P2.7). [Sub point 240.28]	Accept	Support
Retain the permitted land use activity rule applying to "community corrections activities" (NCZ-R6). [Sub point 240.30]	Accept	Support
Retain the permitted land use activity rule applying to "residential activities" (NCZ-R10). [Sub point 240.31]	Accept in part – amendment recommended to remove reference to the Natural Hazard Overlay	Support

## Mixed Use Zone

Relief sought	Section 42A Report recommendation <sup>5</sup>	Ara Poutama's position on the S42A recommendation
Amend the minor drafting error in the enabled activities policy which incorrectly refers to "community corrections <u>facilities</u> " rather than "community corrections <u>activities</u> " (MUZ-P2.7). [Sub points 240.44, 240.45]	Accept	Support
Retain the enabled activities policy applying to "residential activities" (MUZ-P2.10).	Accept	Support

<sup>3</sup> Refer to Appendix B of the Section 42A Report entitled "Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 3: Local Centre Zone"

<sup>4</sup> Refer to Appendix B of the Section 42A Report entitled "Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 4: Neighbourhood Centre Zone"

<sup>5</sup> Refer to Appendix B of the Section 42A Report entitled "Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 5: Mixed Use Zone"

[Sub point 240.46]		
Amend the minor drafting error in the permitted land use activity rule which incorrectly refers to “community corrections <u>facilities</u> ” rather than “community corrections <u>activities</u> ” (MUZ-R6). [Sub points 240.48, 240.49]	Accept	Support
Retain the permitted land use activity rule applying to “residential activities” (MUZ-R10). [Sub point 240.50]	Accept	Support

## Commercial Zone

Relief sought	Section 42A Report recommendation <sup>6</sup>	Ara Poutama’s position on the S42A recommendation
Retain the enabled activities policy applying to “residential activities” (COMZ-P1.4). [Sub point 240.40]	Accept in part – amendment recommended to remove reference to large-scale integrated retail activities	Support
Amend the enabled activities policy to reference “community corrections activities” (proposed policy COMZ-P1.5). [Sub points 240.38, 240.39]	Accept	Support
Retain the permitted land use activity rule applying to “residential activities” (COMZ-R2). [Sub point 240.41]	Accept	Support
Amend the land use activity rule framework to include a permitted rule applying to “community corrections activities” (proposed rule COMZ-RX). [Sub points 240.36, 240.37]	Accept	Support – but note the need to update the zone’s rule numbering system to accommodate the new rule (i.e. renumber COMZ-R <del>X</del> )

## General Industrial Zone

Relief sought	Section 42A Report recommendation <sup>7</sup>	Ara Poutama’s position on the S42A recommendation
Amend the enabled activities policy to reference “community corrections activities” (GIZ-P1). [Sub points 240.64, 240.65]	Reject	Oppose – see assessment below
Amend the land use activity rule framework to include a permitted rule applying to “community corrections activities” (proposed rule GIZ-RX). [Sub points 240.62, 240.63]	Accept – new rule GIZ-R4 recommended	Support

The reporting officer provides the following assessment in relation to the proposed amendment of the enabled activities policy to reference “community corrections activities”:<sup>8</sup>

*“114. I acknowledge and agree with Ara Poutama that community corrections activities are essential social infrastructure. As detailed in section 3.6.1 of this report, I have*

<sup>6</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 6: Commercial Zone”

<sup>7</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4 - General Industrial Zone”

<sup>8</sup> Refer to Section 42A Report entitled “Hearing Stream 4 - General Industrial Zone”

*recommended that community corrections activities are provided for as a permitted activity in response to relief sought by Ara Poutama [240.63]. However, I am of the view that it is not necessary to amend GIZ-P1 to include reference to community corrections activities as the primary purpose of the GIZ is to enable industrial activities. I further note that emergency service facilities are provided for as a permitted activity under GIZ-R3 with no associated reference to this activity in the policies.*

115. *For these reasons, I consider that no further amendment to GIZ-P1 is warranted.”*

In my view it represents best practice for an enabling policy to reference the activities in the zone that are provided for as permitted, to provide a high degree of clarity for plan users. I note that in all other zones in the PDP where “community corrections activities” are permitted, the associated enabled activities policies likewise explicitly refer to such. Therefore, to ensure consistency across the zones, and to ensure clarity, Policy GIZ-P1 should be updated to reference “community corrections activities” as follows:

<b>GIZ-P1</b>	<b><i>Enabled activities</i></b>  <i>Enable industrial activities <u>and community corrections activities</u> in the General Industrial Zone.</i>
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## Waterfront Zone

Relief sought	Section 42A Report recommendation <sup>9</sup>	Ara Poutama’s position on the S42A recommendation
Retain the enabled activities policy applying to “residential activities” (WFZ-P1.8). [Sub point 240.76]	Accept	Support
Retain the permitted land use activity rule applying to “residential activities” (WFZ-R8). [Sub point 240.78]	Accept	Support

## Supported residential care activities

Ara Poutama’s submission sought the following relief with regard to “supported residential care activities”:

1. Remove the definition of “supported residential care activity”, and the associated provisions applying to such throughout the PDP; but
2. If Council are to retain the “supported residential care activity” definition and the associated PDP provisions, then the wording of the definition should be retained as notified.

This submission point was addressed via Hearing Stream 1 in the context of the proposed definitions in the PDP, with the Council's right of reply for that hearing recommending that the

<sup>9</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4 - Waterfront Zone”

“supported residential care activity” definition be removed from the PDP (as per point (1) above).<sup>10</sup>

The implication for Hearing Stream 4 is that where Ara Poutama had sought inclusion of references in the relevant zones to “supported residential care activities” (on the assumption that point (2) above was accepted through Hearing Stream 1), then these have been recommended to be rejected based on the recommendation of Council’s right of reply for Hearing Stream 1. Ara Poutama therefore supports this position, given its preferred relief of for the removal of the “supported residential care activity” definition from the PDP, as per point (1). The table below provides further context in terms of the relevant provisions and recommendations relating to Hearing Stream 4.

Relief sought	Section 42A Report recommendation	Ara Poutama’s position on the S42A recommendation
If Council are to retain the “supported residential care activity” definition, then amend Mixed Use Zone Policy MUZ-P2 to reference “supported residential care activities”. [Sub point 240.47]	Reject – based off the Hearing Stream 1 right of reply recommendation to remove the “supported residential care activities” definition from the PDP <sup>11</sup>	Support
If Council are to retain the “supported residential care activity” definition, then amend the land use activity rule framework for the Mixed Use Zone to include a permitted rule applying to “supported residential care activities”. [Sub point 240.43]	Reject – based off the Hearing Stream 1 right of reply recommendation to remove the “supported residential care activities” definition from the PDP <sup>12</sup>	Support
If Council are to retain the “supported residential care activity” definition, then amend City Centre Zone Policy CCZ-P1 to reference “supported residential care activities”. [Sub point 240.59]	Reject – based off the Hearing Stream 1 right of reply recommendation to remove the “supported residential care activities” definition from the PDP <sup>13</sup>	Support
If Council are to retain the “supported residential care activity” definition, then amend the land use activity rule framework for the City Centre Zone to include a permitted rule applying to “supported residential care activities” [Sub point not coded]	No specific recommendation – this point isn’t explicitly addressed, however it is assumed that it has been recommended to be rejected in that a reference to	Support

<sup>10</sup> “Stream 1 Reporting Officer Right of Reply of Adam McCutcheon and Andrew Wharton on behalf of Wellington City Council”, dated 14 April 2023, paragraph 99

<sup>11</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 5: Mixed Use Zone”

<sup>12</sup> Ibid

<sup>13</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 1: City Centre Zone, Te Ngākau Civic Square Precinct and Appendix 9”

	“supported residential care activities” has not been included in the recommended City Centre Zone rules package <sup>14</sup>	
If Council are to retain the “supported residential care activity” definition, then amend Waterfront Zone Policy WFZ-P1 to reference “supported residential care activities”. [Sub point 240.77]	Reject – based off the Hearing Stream 1 right of reply recommendation to remove the “supported residential care activities” definition from the PDP <sup>15</sup>	Support
If Council are to retain the “supported residential care activity” definition, then amend the land use activity rule framework for the Waterfront Zone to include a permitted rule applying to “supported residential care activities”. [Sub point 240.75]	Reject – based off the Hearing Stream 1 right of reply recommendation to remove the “supported residential care activities” definition from the PDP <sup>16</sup>	Support

Ara Poutama appreciates the opportunity to be involved in the PDP process. Should there be any queries raised in relation to the matters set out in this letter, please contact me via the details provided below.

Yours sincerely

**BOFFA MISKELL LTD**



Sean Grace  
Planner / Senior Principal

DDI: (07) 571 5636 | Mobile 027 836 1946

Email: [sean.grace@boffamiskell.co.nz](mailto:sean.grace@boffamiskell.co.nz)

CC: Andrea Millar – Manager, Resource Management and Land Management  
Ara Poutama Aotearoa the Department of Corrections  
Email: [Andrea.Millar@corrections.govt.nz](mailto:Andrea.Millar@corrections.govt.nz)

<sup>14</sup> Refer to Appendix A of the Section 42A Report entitled “Hearing Stream 4, Part 3, Commercial and Mixed Use Zones, Part 1: City Centre Zone, Te Ngākau Civic Square Precinct and Appendix 9”

<sup>15</sup> Refer to Appendix B of the Section 42A Report entitled “Hearing Stream 4 - Waterfront Zone”

<sup>16</sup> Ibid