

BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the submission made by Ara
Poutama Aotearoa, the Department of
Corrections on Plan Change 80 to the
Operative Selwyn District Plan
(Submitter No. PC80-0002)

STATEMENT OF EVIDENCE OF MAURICE RICHARD DALE

SENIOR PRINCIPAL, PLANNER

**ON BEHALF OF ARA POUTAMA AOTEAROA, THE DEPARTMENT OF
CORRECTIONS**

12 October 2022

1.0 SUMMARY

- 1.1 Ara Poutama made a submission on Plan Change 80 to the Operative Selwyn District Plan, opposing the rezoning of the land from Rural Inner Plains to Business 2A due to PC80 enabling development of a character, scale, and intensity that has the potential to compromise the effective operation of the prison and the wellbeing of its residents.
- 1.2 The Applicant has engaged constructively with Ara Poutama to address the issues raised in its submission. As a result, the Applicant has volunteered changes to the PC80 provisions preventing particular heavy industries from locating within 500m of the prison, restricting the hours of operation of businesses within 150m of the prison during the night-time, and preventing the establishment of vehicle accessways from Walkers Road into the PC80 land north of the primary road intersection into the site.
- 1.3 With minor amendments, and the addition of a supporting objective and policy, I consider these changes are satisfactory to address the concerns raised in Ara Poutama's submission and will ensure the continued effective operation of the prison, and the wellbeing of its residents are less likely to be compromised by unconstrained heavy industrial activity.
- 1.4 The proposed changes will better ensure development does not adversely affect '*strategic infrastructure*', and conflicts between incompatible activities are avoided or mitigated, consistent with the Canterbury Regional Policy Statement.

2.0 QUALIFICATIONS AND EXPERTISE

- 2.1 My name is Maurice Richard Dale. I hold the position of Senior Principal and Planner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 2010.

- 2.2 I hold a Bachelor of Resource and Environmental Planning from Massey University (1998). I am also a full member of the New Zealand Planning Institute. I have 24 years' experience in planning and resource management, gained at local authorities and consultancies in New Zealand and the United Kingdom.
- 2.3 As a consultant, I have acted on a broad range of resource management issues and developments for local and central government, and private clients, a number involving presenting evidence before Councils, and the Environment Court. I have extensive experience in the preparation of district plans and other planning documents under the Resource Management Act 1991 (RMA).
- 2.4 In this matter, I was engaged by Ara Poutama Aotearoa, the Department of Corrections (**Ara Poutama**). As a consultant, I have assisted Ara Poutama since 2015. During that time, I have provided advice on resource management matters, obtained resource consents and outline plan of works for prison and community corrections developments, and submitted on resource management plans throughout the South Island. I was the principal planning consultant involved in consenting the most recent expansion project at Rolleston Prison during 2018 – 2020.
- 2.5 I prepared Ara Poutama's submission on Plan Change 80 (**PC80**) to the Operative Selwyn District Plan. Ara Poutama did not make any further submissions.

3.0 CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

4.0 SCOPE OF EVIDENCE

4.1 The scope of my evidence relates to the submission (PC80-0002) that Ara Poutama made on PC80.

4.2 My evidence outlines:

- The role of Ara Poutama, and the Rolleston Prison site.
- The potential implications of PC80 for Rolleston Prison.
- Response to the matters raised in the expert evidence for the Applicant and Council s42A report as relevant to the Rolleston Prison site.

5.0 ROLE OF ARA POUTAMA

5.1 Ara Poutama is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, Ara Poutama establishes and operates custodial and non-custodial community corrections sites, monitors people in the care of Ara Poutama serving their sentences in the community and provides residential accommodation to assist the rehabilitation and/or reintegration of people back into the community.

5.2 Custodial corrections facilities include prisons and detention facilities and may include non-custodial accommodation for people with complex needs, who have completed a prison sentence or are on community based sentences and are being supported with rehabilitation and/or reintegration services.

6.0 ROLLESTON PRISON

6.1 Within the Selwyn District, Ara Poutama operates Rolleston Prison, which is located on a 63-hectare site at Walkers Road, Rolleston. The prison opened in 1958 and currently has a maximum capacity for up to 500 people accommodated within six accommodation units.

The site also contains ancillary facilities, carparking, two building refurbishment/construction yards, and horticultural facilities used for employment training of prisoners. Vehicle access to the site is from Runners Road, which links to State Highway 1 via Walkers Road.

- 6.2 The prison is located within the Outer Plains Zone under the Operative Selwyn District Plan (**OSDP**), and is subject to designation MC-1, with the Minister of Corrections being the Requiring Authority. The designation is subject to no conditions. The designation has been rolled over into the Proposed Selwyn District Plan (**PSDP**). The site is zoned General Rural Zone in the PSDP, although is subject to a submission from Ara Poutama seeking it be rezoned to a Special Purpose Corrections Zone.
- 6.3 The prison is located on the opposite side of Walkers Road from the land subject to PC80, as shown in **Figure 1** below. Two prisoner accommodation units are located along the Walkers Road frontage of the prison site, at distances of approximately 58 metres and 80 metres respectively from the Walkers Road site boundary. Around the prison site boundary there is currently a single row of semi-mature, cypress trees which are being managed to a height of around 2 metres.
- 6.4 Ara Poutama is currently undertaking a master planning exercise across its prison sites to determine potential future development options, including for Rolleston prison. Future development of the prison is enabled under the designation without the need for resource consent.

Figure 1 – Rolleston Prison Walkers Road Frontage



Source: Environment Canterbury - Canterbury Maps Viewer

7.0 IMPLICATIONS OF PC80 FOR ROLLESTON PRISON

7.1 Rolleston Prison provides custodial prison facilities and services, which deliver important social and cultural benefits not found elsewhere in the Selwyn District. The prison falls within the definition of 'strategic infrastructure' under the Canterbury Regional Policy Statement. The prison has been subject to significant investment and redevelopment over the last four years, including the development of two new prisoner accommodation units, a secure perimeter fence, staff and visitor facilities, and carparking.

- 7.2 Ara Poutama's services enable people and communities to provide for their social and cultural well-being and for their health and safety, and therefore those activities and services contribute to the sustainable management purpose of the RMA. Given these benefits, I consider it is important that the effective operation of the prison and the services it provides are not compromised by other surrounding activities.
- 7.3 As notified, the Business 2A zone proposed under PC80 would enable the development of intensive heavy industrial activity immediately opposite the prison site as a controlled activity, including manufacturing and processing of raw materials (including meat processing, cement and paving manufacture, foundry processes, petroleum refining, timber treatment, thermal power generation). Furthermore, as noted in the evidence of Mr Fuller for the Applicant, it would generate additional heavy freight traffic movements along Walkers Road and into the proposed industrial area.
- 7.4 Ara Poutama has a duty of care to the people serving sentences in its prisons. Prisons are a place of residence, with people sometimes serving long-sentences. Unlike the general population, people held in prison facilities are unable to avoid the effects of surrounding activities they may be subjected to, and in some circumstances, people living in a prison environment may have significant limitations on their movements and spend extended periods in their cells.
- 7.5 Furthermore, as noted in its submission, I understand that people within prison have higher rates of mental health disorders, history of trauma, and are in poorer physical health than the general population, and therefore particularly sensitive to external environmental factors. Ms Andrea Millar, Manager Resource Management and Land Management at Ara Poutama will be available to address this further at the hearing.
- 7.6 As notified, I consider that PC80 would enable development of a character, scale, and intensity that has the potential to compromise the effective operation of the prison and the wellbeing of its residents. In particular the Business 2A zone would enable relatively

unconstrained heavy industrial activity that could lead to the generation of significant levels of traffic, noise, air emissions, and adverse nuisance effects which would not be conducive to maintaining both an appropriate level of amenity and environmental effects at the interface with the prison site or the health and wellbeing of the people living within the prison site.

- 7.7 I consider that these environmental effects and the sensitivity of the prison to them was not fully considered in the preparation of the plan change, including within the associated rules and the layout of the Outline Development Plan (ODP). In particular, it appears no consideration was given to changes to rules that limit heavy industrial activity and the effects they generate, and the introduction of greater activity setbacks and/or landscaping to create an effects buffer with the prison.

8.0 RESPONSE TO S42A REPORT AND APPLICANTS EVIDENCE

- 8.1 The Applicant has engaged constructively with Ara Poutama following the close of submissions. As a result, the Applicant has volunteered the following changes to the PC80 provisions as outlined in the evidence of Ms Seaton:¹

- Preventing heavy industries listed in Business 2 A Zone Rule 13.1.4 as a controlled activity from locating within 500m of the Walkers Road boundary of Rolleston Prison. These and other additional heavy industries within 500m of the prison would instead become a discretionary activity under new Rule 13.1.7.3.
- Preventing the establishment of any landfill, commercial composting, type storage/shredding, or hazardous substance bulk storage/distribution within 500m of the Walkers Road boundary of Rolleston Prison. These activities would become a non-complying activity under new Rule 13.1.11.3.

¹ Paragraphs 18 and 37, Evidence of Kim Seaton (Planning), 5 October 2022

- Restricting the hours of operation of any business between 10.00pm and 7.00am within 150m of the Walkers Road boundary of Rolleston Prison. Any activity occurring during these hours would become a restricted discretionary activity under new Rule 22.9.6, with discretion restricted to effects on the prison and its residents.
- Preventing the establishment of any vehicle accessway/site access from Walkers Road into the PC80 land north of the primary road intersection into the site under Rules 17.2.1.2, and 17.3.1.8. This would result in such access being a restricted discretionary activity, with discretion restricted to effects on the prison and its residents.

8.2 While the detail of these changes was not available at the time the s42A report was prepared, the s42A report considered it appropriate to apply additional restrictions on heavy industrial activities within 500m of the prison, and the hours of operation of businesses within 150m of the prison.²

8.3 I have reviewed the detailed changes to the OSDP provisions proposed by Ms Seaton and consider them to be appropriate, with the exception that I consider the following minor amendments to the rules and assessment matters should be made (deletions shown ~~struck out~~, additions shown underlined):

Assessment matter 17.2.3.6 *In relation to any vehicle accessway to Walkers Road within the Business 2A Zone in Appendix 43B, the effects of the accessway on Rolleston Prison and ~~prisoners~~ people residing within the prison.*

Assessment matter 17.3.9.6 *In relation to any vehicle accessway to Walkers Road within the Business 2A Zone in Appendix 43B, the effects of the accessway on ~~the~~ Rolleston Prison ~~accommodation units~~ and ~~prisoners~~ people residing within ~~these units~~ the prison.*

² Paragraph 67, s42A Report, 28 September 2022

Rule 22.9.6 *Within the Appendix E43B Rolleston Business 2A Zone Two Chain Road ODP area, the operation of any ~~business~~ activity within 150m of the Walkers Road boundary of Rolleston Prison between the hours of 10.00pm and 7.00am shall be a restricted discretionary activity.*

Assessment matter 22.9.7.1 *Any actual or potential noise effects on Rolleston Prison and ~~prisoners~~ people residing within the prison.*

8.4 I consider that the proposed Rules 13.1.7.3 and 13.1.11.3 that provide for heavy industries as discretionary and non-complying activities within 500m of the prison should also be supported by a specific new objective and policy. The objective and policy would form the basis for the assessment of any resource consent applications that contravene these rules, and ensure that activities do not constrain the operation, maintenance, upgrading, and expansion of the prison.

8.5 I propose the following new objective and policies are added to Section B2 of the Township Volume of the Operative District Plan:

Objective B2.5.1 The safe and efficient operation, maintenance, upgrading, and expansion of Rolleston Prison is not constrained or compromised by activities occurring within the Business 2A Zone.

Policy B2.5.1 Ensure activities within the Business 2A Zone are compatible with the function of Rolleston Prison and people residing within the prison.

8.6 I consider the restriction on the establishment of heavy industrial activities and hours of operation at the prison interface, together with restrictions on vehicle accessways/site access from Walkers Road to sites within the PC80 land will ensure the effective operation of the prison, and the wellbeing of its residents are less likely to be compromised by unconstrained heavy industrial activity. In this regard I note that the noise evidence of Mr Lewthwaite treats Rolleston Prison as a noise sensitive activity and considers the

proposed additional interface restrictions would assist in reducing the potential for noise to be intrusive and cause nuisance to those prisoners unable to otherwise leave their cells.³

- 8.7 Other options to address potential effects at the prison interface have also been explored with the Applicant, including noise bunds and landscape buffers. As noted in Ms Seaton's evidence,⁴ these have been discounted due to the security risks they may present to the prison, specifically greater opportunities for concealment and contraband "throwover" incursions into the prison secure perimeter. I therefore agree with Ms Seaton that the 3m landscape strip requirement applying to the PC80 land under Rule 16.1.2.1 should remain unchanged.
- 8.8 The s42A report sought additional assessment of the traffic noise effects of PC80. In response Mr Lewthwaite considers on the basis of predicted traffic generation from PC80, that traffic noise levels would be expected to increase by 1-2 dB at the southern end of Walkers Road. During the night-time he considers additional vehicle movements are not expected to increase the maximum event noise, but will increase the regularity, or density of vehicle noise. Mr Lewthwaite however considers that with the majority of additional movements being remote from the prison accommodation there will not be a readily observable change.⁵
- 8.9 This is a matter outside my expertise, and I expect will be considered further by the Council's appointed noise reviewer Mr Reeve. I consider it important that includes specific consideration of the sensitivity of the prison to traffic noise effects, including during the night-time. Again, this is something Ms Millar will be able to address further at the hearing.
- 8.10 Overall, I consider the changes to the Operative District Plan provisions (with the amendments and new objective and policy outlined above) are satisfactory to address the concerns raised in Ara Poutama's submission. The changes will ensure PC80 as it relates to

³ Paragraph 81.4, Evidence of Mark Lewthwaite (Noise), 5 October 2022

⁴ Paragraph 35, Evidence of Kim Seaton (Planning), 5 October 2022.

⁵ Paragraphs 70 – 74, Evidence of Mark Lewthwaite (Noise), 5 October 2022

Rolleston Prison gives effect to or is not inconsistent with the policy direction of the relevant planning documents under s75(3) and (4) RMA, is appropriate to achieve the purpose of the RMA under s32(1)(a) and is efficient and effective under s32(1)(b) RMA.

8.11 In particular, in regard to Rolleston Prison, I consider the proposal will better achieve the higher order direction in the Canterbury Regional Policy Statement requiring:

- Development does not adversely affect the efficient operation, use, development, appropriate upgrade, and future planning of strategic infrastructure (objective 6.2.1).
- Conflicts between incompatible activities are avoided or mitigated (policy 6.3.6).



Maurice Richard Dale

12 October 2022