

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
Schedule of the Act
BETWEEN THE DEPARTMENT OF CORRECTIONS
(ENV-2016-CHC-094)
Appellant
AND INVERCARGILL CITY COUNCIL
Respondent

Environment Judge J J M Hassan – sitting alone pursuant to section 279 of the Act

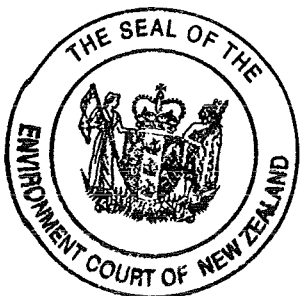
In Chambers at Christchurch

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Invercargill City Council is directed to make amendments to the proposed Invercargill City District Plan Decisions Version – October 2016, as set out in Annexure A, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] The Department of Corrections appealed part of a decision of the Invercargill City Council on the proposed Invercargill City District Plan Decisions Version – October 2016.

[2] The Department appealed the Definition of “Office Activity” and the exclusion of a standalone definition of “non-custodial service activities”. It also appealed the Permitted Activity Rules for the following zones:

- 1.1 Central Business District (Rule 3.23.1),
- 1.2 Suburban Shopping and Business (Rule 3.24.1),
- 1.3 Specialist Commercial (Rule 3.25.1),
- 1.4 Neighbourhood Shop (Rule 3.26.1, and
- 1.5 Industrial 1 (Light) (Rule 3.29.1).

[3] The Department was seeking to include “non-custodial service activities” as a permitted activity within these zones.

[4] The court has now read and considered the consent memorandum of the parties dated 30 June 2017, which proposes to resolve the appeal.

Other relevant matters

[5] No person has given notice of an intention to become a party under section 274 of the Resource Management Act (“the RMA” or “the Act”).

[6] It is recorded that while the parties have not included the expected assurance, as set out in Order (b) below, the assurance is included in the draft order provided to the court.

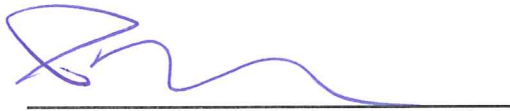


Orders

[7] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at CHRISTCHURCH this 31 July 2017



J J M Hassan
Environment Judge



SECTION THREE

RULES

3.20 TRANSPORT

3.20.1 **Off-Street Car Parking Requirements:** All land use activities specified in the table below shall provide the following minimum off-street car parking facilities except:

...

ACTIVITY	PARKING REQUIREMENT
...	...
<u>Community Corrections Facility</u>	<u>One car park per 50m² or part thereof, of gross floor area of any office and/or administration space, plus one car park per 100m² or part thereof, of gross floor area of other indoor space.</u>

3.23 BUSINESS 1 (CENTRAL BUSINESS DISTRICT) ZONE

3.23.1 **Permitted Activities:** The following are permitted activities within the Business 1 Zone:

...

(U) Community Corrections Facility

3.23 BUSINESS 6 (BUSINESS PARK) ZONE

3.27A.1 **Permitted Activities:** The following are permitted activities within the Business 6 Zone:

...

(Q) Community Corrections Facility

3.23 INDUSTRIAL 1 (LIGHT) ZONE

3.29.1 **Permitted Activities:** The following are permitted activities in the Industrial 1 Zone:

...

(H) Community Corrections Facility



SECTION FOUR

DEFINITIONS

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Community Corrections Facility: Means land and buildings used for administrative and non-custodial services. Services onsite may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes. Community corrections facilities may be used for the administration of and a meeting point for community workgroups.

