



## ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS: SUBMISSION ON PLAN CHANGE 26 TO THE OPERATIVE WAIPA DISTRICT PLAN

**To:** Waipa District Council  
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Te Awamutu 3840  
Attention: Plan Change 26

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Ara Poutama Aotearoa, the Department of Corrections (**Ara Poutama**) makes submissions on Plan Change 26 – Residential Zone Intensification (**PC26**) to the Operative Waipa District Plan (**Operative District Plan**) in the **attached** document.

Ara Poutama confirms it could not gain an advantage in trade competition through this submission.

Ara Poutama would like to be heard in support of its submission. If other submitters make a similar submission, Ara Poutama will consider presenting a joint case with them at a hearing.

A handwritten signature in blue ink, appearing to read 'Andrea Millar', is shown above a horizontal line.

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**Andrea Millar – Manager, Resource Management and Land Management**

For and behalf of Ara Poutama Aotearoa the Department of Corrections

Dated this 30<sup>th</sup> day of September 2022

## Introduction

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 corrections facilities, monitors people in the care of the Ara Poutama serving their sentences in the community, and provides supported and transitional accommodation to assist people to reintegrate back into the community.

## Custodial Corrections Facilities

Custodial corrections facilities include prisons and detention facilities and may also include non-custodial transitional accommodation (i.e. on a custodial facility site) for people with high and complex needs, who have completed a prison sentence and are being supported and prepared for reintegration and transition back into the community. Non-custodial rehabilitation activities and programmes may also occur on-site.

There are currently no custodial facilities in the Waipa District.

## Non-Custodial Community Corrections Sites

Non-custodial community corrections sites include service centres and community work facilities and are essential social infrastructure. Non-custodial services and their associated infrastructure play a valuable role in reducing reoffending. Community work helps offenders learn vital skills and to give back to their community, and in return the community benefits from improved amenities. Ara Poutama considers that its 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 Resource Management Act 1991 (RMA).

The 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.

In addition to these service centres, Ara Poutama operates community work facilities. 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 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.

Service centres and community work facilities may also be co-located on the same site.

Community corrections sites support offenders living in that community. Ara Poutama therefore looks to locate its sites in areas accessible to offenders, and near other supporting government agencies. Commonly, sites are therefore located in commercial or business areas, but may also be located in industrial areas, where large lots and accessibility suit the yard-based nature of some operations. As community corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic movements, etc), they are not prone to reverse sensitivity.

Ara Poutama currently operates one non-custodial community corrections site in the Waipa District, located at 40 Churchill Street, Te Awamutu. This site is a community corrections service centre, and is located within the Commercial Zone in the Operative District Plan. Ara Poutama requires that the District Plan also provides for community corrections facilities in other appropriate locations, should they be required in the future.

Demand for these services exist nationally, and it is important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas, which may include areas of housing intensification.

## Residential Activities

Ara Poutama operates residential housing in the community throughout New Zealand, providing support for some people in its care to assist with their transition and/or integration in the community. There is a range of rehabilitation, reintegration and support provided in these houses, depending on the needs of the residents. Housing and associated support services may be for people following their release from prison, or may be used to accommodate those on bail or community-based sentences (such as home detention).

Residential accommodation (with support) provides necessary facilities, such as sleeping, cooking, bathing and toilet facilities, which encompass a typical household living scenario; and a typical residential dwelling, within a residential setting, is utilised for such purposes. People living in this residential environment are not detained on-site, the same as anyone else living in the community, except that some people may be electronically monitored and/or supervised. In some instances, supervisory staff are present on-site to provide a level of care (being a range of rehabilitation, re-integration and support services) appropriate to meet the needs of the individual(s) residing at the site. It is noted that these support staff do not reside on-site and have an alternative residential address. In other instances, supervisory staff will provide support on a part-time basis.

The Courts may sentence an offender to home detention as an alternative to imprisonment. Individuals on home detention serve a home-based sentence at a suitable and approved residence and are electronically monitored 24 hours a day, seven days a week. The purpose of electronic monitoring is to deter the offender from breaching conditions that relate to his or her whereabouts and monitor compliance with those conditions.<sup>1</sup> Home detention and electronic monitoring allow individuals to seek or maintain employment, complete a sentence of community work if imposed, access programmes to address their offending, be involved in prosocial activities, and maintain their family relationships. It is an increasingly common sentence for many individuals in our care who otherwise would have received a short prison sentence for their offending (they can be sentenced to home detention from 14 days to one year). People on a home detention sentence are generally required to remain at a typical residential dwelling.

Ara Poutama is responsible for a range of residential accommodation (with support), which vary in nature and scale, of all which fall within the ambit of a residential activity.

Demand for these services exist nationally, including in the Waipa District. It is important that provision is made to enable residential accommodation activities (with support) to establish, operate and redevelop, within appropriate areas, which is likely to include areas subject to housing intensification.

## Ara Poutama's Submission on Plan Change 26

Ara Poutama has an interest in the implications that PC26 will have on the establishment and operation of non-custodial community corrections facilities and residential accommodation (with support), in the Waipa District.

PC26 introduces the Medium Density Residential Standards (**MDRS**), which are being proposed via an Intensification Planning Instrument (**IPI**). Intensification and population growth in urban areas has an implication for the delivery of the services Ara Poutama is required to provide in the Waipa District.

Ara Poutama's specific submissions on the IPI / PC26 are outlined in the following table.

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<sup>1</sup> Sentencing Act 2002, section 80E.

## Submissions

Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
<p>Part B – Definitions</p> <p>“Community corrections activity”</p>	<p><b>Oppose</b></p> <p>Ara Poutama requests the addition of a definition of “community corrections activity”, consistent with the National Planning Standard definition.</p> <p>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They build strong and resilient communities and enable people and communities to provide for their social and cultural well-being and for their health and safety to achieve the purpose of the RMA.</p> <p>Intensification and population growth in urban areas creates more demand for these types of facilities. Specifically with the higher population, the proportion of those people needing community corrections services will correspondingly increase. It is therefore important that provision (including an appropriate definition) is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas.</p>	<p>1. Add the following definition to <i>Part B Definitions</i>:</p> <p><b><u>‘Community corrections activity’</u></b></p> <p><u>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.</u></p>
<p>Part D – Zone Provisions</p> <p>Section – 6 Commercial Zone and Section 7 – Industrial Zone</p> <p>Rules for community corrections activities</p>	<p><b>Oppose</b></p> <p>Ara Poutama requests the amendment of the rules for the Commercial Zone and Industrial Zone to enable “community corrections activities” as a permitted activity.</p> <p>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They build strong and resilient communities and enable people and communities to provide for their social and cultural well-being and for their health and safety to achieve the purpose of the RMA.</p> <p>Intensification and population growth in urban areas creates more demand for these types of facilities. Specifically with the higher population, the proportion of those people needing community corrections services will correspondingly increase. It is important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas.</p>	<p>1. Amend the Activity Status Table in the Commercial Zone to enable “community corrections activities” to be undertaken as a permitted activity (in all three overlay areas):</p> <p><b>6.4.1.1 Permitted activities</b></p> <p><i>The following activities must comply with the performance standards of this zone</i></p> <p>...</p> <p><u>(ab) Community corrections activities</u></p> <p>2. Amend the Activity Status Table in the Industrial Zone to enable “community corrections activities” to be undertaken as a permitted activity:</p> <p><b>7.4.1.1 Permitted activities</b></p> <p><i>The following activities shall comply with the performance standards of this zone</i></p> <p>...</p> <p><u>(w) Community corrections activities</u></p>

Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
<p>All Operative District Plan Sections</p> <p>Residential activity-related provisions</p>	<p><b>Support</b></p> <p>The Operative District Plan currently includes definitions for “residential activity” and “dwelling” which PC26 has not proposed to amend. This collective package of definitions appropriately covers residential activities with support that Ara Poutama provides in the community.</p> <p>Providing for a range of residential activities with support in residential zones is important to meet community needs, build strong and resilient communities, and enable people and communities to provide for their social and cultural well-being and health and safety to achieve the purpose of the RMA and give effect to the NPS-UD. The proposed changes to the Residential Zone Section, together with the retention of the existing “residential activity” and “dwelling” definitions (and associated provisions elsewhere in the Operative District Plan) will enable Ara Poutama to implement residential activities with support, subject to an appropriate regulatory framework, within the Waipa District.</p>	<ol style="list-style-type: none"> <li>1. Retain the existing definitions related to “residential activity” and “dwelling”.</li> <li>2. Retain as notified the PC26 ‘Residential Zone’ Section, including the provisions relating to “residential activities” and “dwellings”.</li> <li>3. Retain all provisions throughout the Operative District Plan and PC26 sections relating to “residential activities” and “dwellings”.</li> </ol>