

# ARA POUTAMA AOTEAROA, THE DEPARTMENT OF CORRECTIONS: SUBMISSION ON THE TIMARU PROPOSED DISTRICT PLAN

To:	0	_
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From:	Ara Poutama Aotearoa, the Department of Corrections Private Box 1206 Wellington 6140	
	Attention: Phone: Email:	Andrea Millar – Manager, Resource Management and Land Management 027 216 7741 andrea.millar@corrections.govt.nz

Ara Poutama Aotearoa, the Department of Corrections (**Ara Poutama**) makes submissions on the Timaru Proposed District Plan (**Proposed 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.

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Andrea Millar – Manager, Resource Management and Land Management

For and on behalf of Ara Poutama Aotearoa, the Department of Corrections

Dated this 9 December 2022

#### Introduction

Ara Poutama Aotearoa, the Department of Corrections (**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 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.

Ara Poutama does not operate any custodial corrections facilities in the Timaru 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 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 Timaru District, located at 55 North Street, Timaru. The site is a community corrections service centre and community work facility. The site is not designated under the Proposed Plan. The site is within the Mixed Use Zone in the Proposed Plan.

### **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 housing, rehabilitation, reintegration and support provided in these facilities, 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 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, 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, all which fall within the ambit of a residential activity.

Demand for these services exist nationally, including within the Timaru District. It is important that provision is made to enable residential accommodation activities (with support) to establish, operate and redevelop, within appropriate areas.

#### Ara Poutama's Submission on the Timaru Proposed District Plan

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

Ara Poutama's specific submissions on the Proposed Plan are outlined in the following table below.

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

# Submissions

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
Part 1 – Introduction and General Provisions / Interpretation / Definitions	Support Ara Poutama requests that the definition of "community corrections activity" is retained.	1. Retain the definition of "community corrections activity".
"Community corrections activity"	The definition is consistent with the wording provided for in the National Planning Standards.	
	Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.	
Part 1 – Introduction and General Provisions / Interpretation / Definitions	Support Ara Poutama requests that the definition of "residential activity" is retained.	1. Retain the definition of "residential activity".
"Residential activity"	The definition is consistent with the wording provided for in the National Planning Standards.	
	This definition applies to supported accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama.	
	Residential accommodation activities, such as those provided for by Ara Poutama are an important component of the reintegration process for people under Ara Poutama's care. It enables people and communities to provide for their social and cultural well-being and for their health and safety.	

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
Part 1 – Introduction and General Provisions / Interpretation / Definitions "Residential unit"	<ul> <li>Support</li> <li>Ara Poutama requests that the definition of "residential unit" is retained.</li> <li>The definition is consistent with the wording provided for in the National Planning Standards.</li> <li>This definition applies to supported accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama.</li> <li>Residential accommodation activities, such as those provided for people under Ara Poutama's care. It enables people and communities to provide for their social and cultural well-being and for their health and safety.</li> </ul>	1. Retain the definition of "residential unit".
Part 1 – Introduction and General Provisions / Interpretation / Definitions "Household"	<ul> <li>New Provision</li> <li>The definition residential unit refers to a "household", which is not defined in the Proposed Plan. Ara Poutama seeks that a new definition be added, to clarify that a household is not necessarily limited to a family unit or a flatting arrangement (which are more commonly perceived household situations).</li> <li>This definition would clarify that residential accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation who are subject to support and/or supervision by Ara Poutama, are captured by the definition of residential unit.</li> <li>Residential accommodation activities, such as those provided by Ara Poutama are an important component of the reintegration process for people under Ara Poutama's care. It enables people and communities to provide for their social and cultural well-being and for their health and safety.</li> </ul>	<ol> <li>Insert new definition provision as follows:         <u>Household</u> <u>means a person or group of people who live together as a unit</u> <u>whether or not:</u>         a. <u>any or all of them are members of the same family; or</u>         b. <u>one or more members of the group (whether or not they</u> <u>are paid) provides day-to-day care, support and</u> <u>supervision to any other member(s) of the group.</u> </li> <li>Any consequential amendments required to give effect to this relief.</li> </ol>

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
Part 1 – Introduction and General Provisions / Interpretation / Definitions "Supported residential care activity"	Neutral Ara Poutama's position is that the definition of "residential activity" entirely captures supported residential care activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama. That is supported residential care activities uses land and buildings for people's living accommodation as per the residential activity definition. However, should Council disagree, the definition of "supported residential care activity", and the associated provisions throughout the Proposed Plan, would encapsulate these services provided by Ara Poutama and therefore the wording of the definition should be retained as notified.	<ol> <li>Retain the definition of "supported residential care activity accommodation" if the Council does not consider the definition of "residential activity" captures the supported accommodation activities provided by Ara Poutama.</li> </ol>
Part 2 – District-Wide Matters / Strategic Direction Objective SD-O1 Residential Areas and Activities	<ul> <li>Support in part</li> <li>Ara Poutama requests objective SD-O1 is retained, but amended to ensure a wide range of housing types are provided in residential areas to support the diverse housing needs of the community now and into the future.</li> <li>This includes supported accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama.</li> <li>Supported residential accommodation activities, such as those provided for by Ara Poutama, are an important component of the rehabilitation and reintegration process for people under Ara Poutama's care. They enable people and communities to provide for their social and cultural well-being and for their health and safety.</li> </ul>	<ol> <li>Amend Strategic Direction SD-O1 as follows:         <ol> <li>There is sufficient residential development capacity in existing and proposed urban areas to meet demand and household choice, provided through:                 <ul></ul></li></ol></li></ol>

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
Part 2 – District-Wide Matters / Strategic Direction Objective SD-O6 Business Areas and Activities	Support in part Ara Poutama requests that Objective SD-O6 is retained, but amended to ensure other compatible activities such as community corrections activities are provided for. Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.	<ol> <li>Amend Strategic Direction SD-O6 as follows:         <ul> <li>Business and economic prosperity in the District is enabled in appropriate locations, including by:</li> <li>providing sufficient land for a range of business activities to cater for projected growth;</li> <li>providing opportunities for a range of business activities and other compatible activities to establish and prosper, provided that commercial activities outside of commercial areas are limited so they do not detract from the role and function of the City Centre and Town Centre zones.</li> </ul> </li> </ol>
Part 2 – District-Wide Matters / Strategic Direction Objective SD-O7 Centres	Support in part Ara Poutama requests that Objective SD-O7 is retained, but amended to ensure that community activities such as community corrections activities are provided in the District's city and town centres for to meet the needs of the community. Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.	<ol> <li>Amend Strategic Direction SD-O7 as follows:         <ul> <li>The District's city and town centres:                 <ul></ul></li></ul></li></ol>
Part 3 – Area-Specific Matters / Zones / Commercial and Mixed Use Zones Objective and policy for community corrections activities in the Commercial and Mixed Use Zone	Support         Ara Poutama requests that the following objectives and policies are retained;         • MUZ-O1         • MUZ-P2         • TCZ-O1         • TCZ-P1         • CCZ-P1         The above objectives and policies appropriately enables the development of community corrections activities in commercial	<ol> <li>Retain following objectives and policies;</li> <li>MUZ-O1         <ul> <li>MUZ-P2</li> <li>TCZ-O1</li> <li>TCZ-P1</li> <li>CCZ-O1</li> <li>CCZ-P1</li> </ul> </li> </ol>

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
Part 3 – Area-Specific Matters / Zones / General Industrial Zones Objective and policy for community corrections activities in the General Industrial Zones	<ul> <li>and mixed use zones.</li> <li>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.</li> <li>Support in part</li> <li>Ara Poutama requests the objective GIZ-O1 and policy GIZ-P1 is amended to recognise the acceptability of or enable community corrections activities in the General Industrial Zone.</li> <li>Industrial Zone Objective GIZ-O1 states: "The General Industrial Zone objective GIZ-O1 states: "The General Industrial Zone provides for a range of industrial activities and other compatible activities that contribute to the economic wellbeing of the District." Community corrections activities.</li> <li>Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.</li> <li>As community corrections facilities are not sensitive to the effects of an industrial environment (e.g. noise, high traffic</li> </ul>	<ol> <li>Strikethrough)         <ol> <li>Amend General Industrial Zone Objective GIZ-O1 as follows:             The General Industrial Zone provides for a range of industrial activities and other compatible activities that contribute to the social and economic wellbeing of the District.         </li> <li>Amend policy GIZ- P1 as follows:         Enable a range of industrial activities, and associated activities, and community corrections activities where:         ancillary activities are conducted on the same site as the primary industrial activity; and         des not include residential activities; and         they are compatible and complementary to the purpose, character and qualities of the General Industrial Zone.         Any consequential amendments required to give effect to this relief.         Any consequential amendments required to give effect to this relief.         Strikethrough         Any consequential amendments required to give effect to this relief.         Strikethrough         Strikethrough         Any consequential amendments required to give effect to this relief.         Strikethrough         Stritethrough         Strikethroug</li></ol></li></ol>
Part 3 – Area-Specific Matters / Zones / Residential Zones	movements, etc), they are not prone to reverse sensitivity.  Support  Ara Poutama requests that objectives GRZ-O1 and MRZ-O1 and policies GRZ-P1 and MRZ-P1 are retained.	<ol> <li>Retain the following objectives and policies;</li> <li>GRZ-O1</li> <li>GRZ-P1</li> </ol>
Objectives and policies for residential activities in the Residential Zones	Objectives GRZ-O1 and MRZ-O1 and policies GRZ-P1 and MRZ-P1 provide for residential activities, including supported accommodation activities, such as those provided for by Ara Poutama. i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama.	<ul> <li>GRZ-P1</li> <li>MRZ-01</li> <li>MRZ-P1</li> </ul>

Proposed Plan Provision	Submission	Reli	ef Sough	t (additions shown in <u>u</u> strikethrou	underline, deletions shown in u <del>ah</del> )
	Supported residential accommodation activities provided for by Ara Poutama are an important component of the rehabilitation and reintegration process for people under Ara Poutama's supervision. They enable people and communities to provide for their social and cultural well-being and for their health and safety.				
Part 3 – Area-Specific Matters / Zones Permitted land use	New Provision           Ara Poutama requests that new provisions are inserted to provide for community corrections activities in the Mixed Use	1.	<ol> <li>Insert new provision in the land use activity rules applying to "community corrections activity" in the Mixed Use Zone, Town Centre Zone and City Centre Zone as follows:</li> </ol>		
activity rules for	Zone, Town Centre Zone and City Centre Zone.	Γ	MUZ-	Community Correction	ons Activity
activity rules for community corrections activities in the Commercial and Mixed Use Zones (Mixed Use Zone, Town Centre Zone and City Centre Zone and City Centre Zone).Zone, Town Centre Zone and City Centre Zone. Community corrections activities are compatible and appropriate activities in these zones. Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.		RX Mixed Use Zone	Activity status: Permitted Where: PER1 MUZ-S4 is complied with. Note: Any associated building and structure must be constructed in accordance with MUZ-R9 and MUZ- R10.	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. The matters of discretion of any infringed standard.	

Submission	Relief Sought (additions shown in <u>underline</u> , deletions s <del>strikethrough</del> )		<u>ınderline</u> , deletions showr <del>ıgh</del> )
	TCZ-RX	Community Correcti	ons Activity
	Town Centre Zone	Activity status: Permitted Where: PER1 TCZ-S4 is complied with. Note: Any associated building and structure must be constructed in accordance with TCZ-R6.	Activity status where compliance not achieved with: Restricted Discretionary Matters of discretion are restricted to: 1. The matters of discretion of any infringed standard.
	CCZ-RX	Community Correcti	ons Activity
	City Centre Zone	Activity status: Permitted Where: PER1 CCZ-S2 is complied with. Note: Any associated building and structure must be constructed in	Activity status where compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. The matters of discretion of any infringed standard.

Proposed Plan Provision	Submission	Relief Sought (a	additions shown in <u>u</u> <del>strikethrou</del>	i <u>nderline</u> , deletions shown in <del>Igh</del> )
Part 3 – Area-Specific Matters / Zones Permitted land use	Support in part Ara Poutama requests that a provision is inserted in GIZ-R1 to provide for community corrections activities in the General		e land use activity rule ty corrections activity"	GIZ-R1 to provide for in the General Industrial Zone
activity rules for community corrections activities in the General Industrial Zone.	Industrial Zone. Community corrections activities are compatible and appropriate activities in the General Industrial Zone. Community corrections activities are essential social infrastructure and play a valuable role in reducing reoffending. They enable people and communities to provide for their social and cultural well-being and for their health and safety.	GIZ-R1	Industrial activity Trade supplier Laboratories Service stations Motor garage Emergency service Veterinary clinics <u>Community Correct</u> Excluding any indu and offensive trade	<u>tions Activity</u> strial ancillary activity
		General Industrial Zone	Note: Industrial ancillary activity is provided in GIZ- R2 Offensive trades are provided in GIZ- R4 Activity status: Permitted Where: PER-1 The activity and its buildings and str uctures (excluding f ences) are located more than 50 metres from any Residential Zones or Rural Lifestyle Zone; and	Activity status where compliance not achieved with PER-1: Controlled Matters of control are restricted to: 1. hours of operation; and 2. noise and vibration; and 3. light spill; and 4. effects on air quality; and 5. length, height and alignment of

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )		
		PER-2 The activity does not require a new industrial and trade waste connection; andDiscretionaryPER-3 		
Part 3 – Area-Specific Matter / Zones Permitted land use activity rules for	Support Ara Poutama requests that the permitted land use activity rules applying to residential activity, residential unit and supported residential care activities in the General Residential Zone and	<ol> <li>Retain the land use activity rules applying to "residential activity", "residential unit" and "supported residential care activity" in the General Residential Zone and Medium Density Residential Zone. These include:</li> </ol>		

Proposed Plan Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
residential activity, residential unit and supported residential accommodation in the General Residential Zone, and Medium Density Residential Zone	Medium Density Residential Zone are retained. Residential accommodation activities provided for by Ara Poutama are an important component of the rehabilitation and reintegration process for people under Ara Poutama's supervision. They enable people and communities to provide for their social and cultural well-being and for their health and safety.	<ul> <li>GRZ - R1</li> <li>GRZ - R2</li> <li>GRZ - R6</li> <li>MRZ - R1</li> <li>MRZ - R2</li> <li>MRZ - R6</li> </ul>