



**ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS:
SUBMISSION ON VARIATION 3 TO THE PROPOSED WAIKATO
DISTRICT PLAN – DECISIONS VERSION**

To: Waikato District Council
Private Bag 544
Ngaruawahia 3742

Email: districtplan@waidc.govt.nz

Submitter: Ara Poutama Aotearoa the Department of Corrections
Private Box 1206
Wellington 6140

Attention: Andrea Millar – Manager, Resource Management and Land Management
Phone: 027 216 7741
Email: andrea.millar@corrections.govt.nz

Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) makes submissions on Variation 3 – Enabling Housing Supply to the Proposed Waikato District Plan – Decisions Version (**PDP**) 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 written over a light blue circular stamp.

Andrea Millar – Manager, Resource Management and Land Management

For and behalf of Ara Poutama Aotearoa the Department of Corrections

Dated this 27th day of October 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 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.

Within the Waikato district, Ara Poutama operates the Spring Hill Corrections Facility, which is located off Hampton Downs Road, Hampton Downs. Under the PDP this custodial facility is located within the Corrections Zone, and is subject to designation MCOR-1, with the Minister of Corrections being the Requiring Authority. Designation MCOR-1 has been given effect to and is subject to a number of conditions.

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 operates one non-custodial community corrections site in the Waikato district. 'Huntly Community Corrections' is located at 2 Glasgow Street, Huntly, and is within the Commercial Zone.

Ara Poutama requires that the PDP also provides for community corrections facilities in other appropriate locations, should they be required in the future.

Intensification and population growth in urban areas creates more demand for these types of facilities. It is important that provision is made to enable non-custodial community corrections sites to establish, operate and redevelop, within appropriate areas.

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.¹ 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 therefore 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 Waikato district. It is important that provision is made to enable residential accommodation activities (with support) to establish and operate within appropriate areas, which is likely to include areas of housing intensification.

Ara Poutama's Submission on Variation 3 to the PDP

Ara Poutama has an interest in the implications that the PDP will have on the establishment and operation of non-custodial community corrections sites, and residential accommodation (with support), in the Waikato district.

Variation 3 to the PDP incorporates the requirements of the National Policy Statement for Urban Development (**NPS-UD**) 2020 and gives effect to the Medium Density Residential Standards (**MDRS**). Intensification and population growth in urban areas has an implication for the delivery of the services Ara Poutama is required to provide in the Waikato district.

Ara Poutama's specific submissions on Variation 3 are outlined in the following table.

¹ Sentencing Act 2002, section 80E.

Submissions

Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in strikethrough)
<p>Part 1: Introduction and general provisions / Interpretation / Definitions</p> <p>“Household”</p>	<p>Support in part</p> <p>The National Planning Standards includes definitions for “residential activity” and “residential unit” that must be used when a local authority includes definitions for such in its plan. The PDP includes both of these definitions, which is supported.</p> <p>However, the definition of “residential unit” refers to a “household” which is not defined in the PDP, nor in Variation 3. 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).</p>	<p>1. Add the following definition to the PDP:</p> <p><u>Household</u></p> <p><u>Means a person or group of people who live together as a unit whether or not:</u></p> <p><u>(a) any or all of them are members of the same family; or</u></p> <p><u>(b) one or more members of the group (whether or not they are paid) provides day-to-day care, support and supervision to any other member(s) of the group.</u></p>
<p>Part 1: Introduction and general provisions / Interpretation / Definitions</p> <p>“Supported residential accommodation”</p>	<p>Support in part</p> <p>The PDP includes a definition of “supported residential accommodation”, which applies specifically to residential accommodation (with support) activities provided by Ara Poutama, as follows:</p> <p><i>Supported residential accommodation</i></p> <p><i>Means the use of a residential unit(s) by a person or persons who reside within such unit(s) on a short or long term basis and receives supervision, assistance, care and/or support from, or on behalf of, Ara Poutama Aotearoa – The Department of Corrections. It includes the provision of non-custodial rehabilitation activities.</i></p> <p>The intent of including this definition in the PDP was to capture non-custodial residential activities undertaken within the Spring Hill Corrections Facility site (i.e. the Corrections Zone), including the associated rehabilitation activities associated with such. This is apparent in that the only zone within the PDP within which there is a reference to “supported residential accommodation” is in the Corrections Zone chapter; as a permitted activity under Rule CORZ-R4.</p> <p>Ara Poutama therefore seeks a clarification to the “supported residential accommodation” definition to ensure that there is no potential for misinterpretation with other residential activities undertaken by Ara Poutama in other zones outside of the Corrections Zone within the PDP, in particular within the zones where residential activities are provided for as a permitted activity (i.e. under both the operative PDP rules and the rules proposed under Variation 3).</p>	<p>1. Amend the following definition in the PDP:</p> <p><i>Supported residential accommodation</i></p> <p><i>Means, in the Corrections Zone, the use of a residential unit(s) by a person or persons who reside within such unit(s) on a short or long term basis and receives supervision, assistance, care and/or support from, or on behalf of, Ara Poutama Aotearoa – The Department of Corrections. It includes the provision of non-custodial rehabilitation activities.</i></p>