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Email	[REDACTED]
Response Date	Aug 30 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here
	<p>Good evening,</p> <p>Please find attached feedback from Ara Poutama Aotearoa Department of Corrections on the Draft Waitaki District Plan.</p> <p>Please acknowledge receipt of this feedback.</p> <p>Kind regards</p>

ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS: FEEDBACK ON THE DRAFT WAITAKI DISTRICT PLAN

To: Waitaki District Council
Private Bag 50058
Oamaru 9444

Email: planreview@waitaki.govt.nz

From: Ara Poutama Aotearoa the Department of Corrections
Private Box 1206
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Attention: Andrea Millar – Manager, Resource Management and Land Management
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Ara Poutama Aotearoa the Department of Corrections (**Ara Poutama**) appreciates the opportunity to provide feedback on the Draft Waitaki District Plan (**Draft District Plan**).

Ara Poutama's feedback is provided in the **attached** document.

Ara Poutama welcomes the opportunity to discuss the matters raised further with Council planning officers, prior to the notification of the Proposed District Plan.



Andrea Millar – Manager, Resource Management and Land Management

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

Dated this 31st day of August 2022

Introduction: Ara Poutama's Role

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 residential accommodation (with support) to assist the rehabilitation and/or reintegration of people 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.

Ara Poutama does not operate any custodial corrections facilities within the Waitaki District.

Non-Custodial Community Corrections Sites

Background

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 Waitaki District, located at 10 Weir Street, Oamaru. This site, known as 'Oamaru Community Corrections', is a service centre and community work facility. It is located within the Town Centre Zone in the Draft District Plan.

Feedback

To ensure that the establishment, use and upgrading of non-custodial community corrections sites are appropriately provided for within the District Plan, it is necessary for an explicit definition to be adopted, so that these facilities may be specifically referred to in any rules or policies. The National Planning Standards includes a definition for “community corrections activity” that must be used when a local authority includes a definition for such in its plan. The Draft District Plan includes this definition, which is therefore supported.

However, critically, the Draft District Plan zone chapters do not provide any provisions that reference community corrections activities. That is, community corrections activities are referenced solely in the definitions section and nowhere else in the Draft District Plan. The result is that in all zones community corrections activities default to the “activities not otherwise listed” rules, which apply a discretionary activity status. This is not an appropriate outcome for zones within which non-custodial community corrections sites are a suitable activity.

As per the suite of zones under *Part 3 – Area-Specific Matters* section of the Draft District Plan, Ara Poutama recommends that community corrections activities are subject to a permitted activity status within the following zones (N.B. this is consistent with relief being sought by Ara Poutama, and being implemented by local authorities, within District Plans nationally):

- Mixed Use Zone
- Town Centre Zone
- General Industrial Zone

The same performance standards would apply as per the other permitted activities within these zones.

The default discretionary activity status would apply for community corrections activities within all other zones in the District Plan.

Feedback summary: Provisions relating to non-custodial community corrections sites

1. Retain the definition of *community corrections activity* (as included in *Part 1 – Introduction and General Provisions / Interpretation / Definitions*).
2. Within the Activities Rules for the Mixed Use, Town Centre, and General Industrial zones (as included in *Part 3 – Area-Specific Matters*), apply a permitted activity status to *community corrections activities*. The same performance standards would apply as per the other permitted activities within these zones.
3. Within the Activities Rules for all other zones in the District Plan (as per *Part 3 – Area-Specific Matters / Zones*), apply the default (“*activities not otherwise listed*”) activity status to *community corrections activities*.

Residential Activities

Background

Ara Poutama operates residential units in the community throughout New Zealand. There is a range of housing, rehabilitation, reintegration and support provided in these facilities, depending on the needs of the residents. Ara Poutama provides housing and associated support for some people in its care to assist with their transition and integration back into the community or with their rehabilitation needs. This may be for people following their release from prison and can also 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, reintegration 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.

In summary, Ara Poutama operates a range of residential accommodation activities with associated reintegration or rehabilitation support, which vary in nature and scale, all of which fall within the ambit of a residential activity.

Feedback

Residential and Household Definitions

Ara Poutama supports the implementation of appropriate residential definitions within the Draft District Plan, including “residential activity” and “residential unit”. Without appropriate definitions, interpretation issues could arise, particularly in the context of supported residential activities proposed and undertaken by Ara Poutama as outlined above (despite these being residential activities that are typically undertaken in a residential unit).

The National Planning Standards includes definitions for “residential activity” and “residential unit” that must be used when a local authority includes a definition for such in its plan. The Draft District Plan includes both of these definitions, which is therefore supported. However, the definition of residential unit refers to a “household”, which is not defined in the Draft District 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). The following definition is proposed (for insertion in *Part 1 – Introduction and General Provisions / Interpretation / Definitions*):

household

means a person or group of people who live together as a unit whether or not:

(a) any or all of them are members of the same family; or

(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.

Subject to the implementation of this definition, Ara Poutama generally supports the provisions relating to residential activities and residential units within the various zones; more specifically that these are provided for as a permitted activity (subject to meeting relevant performance standards) within the General Residential, Medium Density Residential, and Settlement zones.

Supported Residential Care Definition

The Draft District Plan provides a definition for “supported residential care”, which in some instances may be interpreted as applying to residential accommodation (with support) activities provided by Ara Poutama. Supported residential care is provided for as a permitted activity in the General Residential and Medium Density Residential zones in the Draft District Plan.

Ara Poutama considers the definition of “supported residential care” broadly captures the living and care arrangements within residential units that provides residential accommodation (with support) activities provided by Ara Poutama. In the event that the Council does not accept that residential accommodation provided by Ara Poutama fits within the definition of a residential activity or household, it considers the following changes are required to the definition of supported residential care to more clearly capture the full

scope of care and support activities, including supervision and assistance to residents. The reference to such care and support being provided on a '24-hour basis' should also be made less stringent, recognising that 24-hour on-site support may not necessarily always be provided for such accommodation.

The following amendments are therefore sought to the definition:

Supported residential care

means the use of a residential house(s) by people who live together and receive supervision, assistance, care and/or wellbeing respite support on a 24 hour basis or less to assist with independent living. This definition does not include retirement villages (and ancillary nursing and medical facilities) or regular and ongoing home-based care and assistance to a dependent person.

Strategic Direction and Residential Zone Objectives

In relation to the higher-level Strategic Direction objectives of the Draft District Plan (*Part 2 – District-wide Matters / Strategic Direction / Strategic Direction, Urban Form and Development*) and the Residential Zone objectives (*Part 3 – Area Specific Matters / Residential Zone*), these are considered to be generally appropriate for supporting, and managing the effects of, residential activities within the Waitaki District.

Specifically, Ara Poutama supports objectives and policies that seek to provide a variety of housing types, including housing that meets the community's diverse social and economic housing needs (Objectives SD-UFD-O2, RES-02). It is considered however that specific references could be made to support a diverse range of "households" in these objectives (as per the proposed definition above), as well as a variety of housing options. The following amendments are proposed in this regard:

Strategic Direction, Urban Form and Development, Objective SD-UFD-O2

A variety of housing types, households, sizes, and tenures are available across the District including:

- 1. housing that meets the community's diverse social and economic housing needs; and*
- 2. provision for higher density housing in locations:
 - a) where there is access to the transport network, multi-modal transport options; and*
 - b) within or near the Town Centre or a Local Centre where there is access to commercial services, community activities and public open space.**

Residential Zone, Objective RESZ-O2

New development in Residential Zones is of a form, scale and design that:

- 1. achieves high standards of amenity; and*
- 2. supports community health, safety and well-being; and*
- 3. provides for the changing character of higher density living environments; and*
- 4. allows for a diverse range of households, densities, housing typologies and living environments.*

Feedback summary: Provisions relating to residential activities

- 1.** Retain the definitions of *residential activity* and *residential unit* (as included in *Part 1 – Introduction and General Provisions / Interpretation / Definitions*).

2. Provide a new definition for *household* (within *Part 1 – Introduction and General Provisions / Interpretation / Definitions*).
3. Amend the definition for *supported residential care* (within *Part 1 – Introduction and General Provisions / Interpretation / Definitions*).
4. Amend Objective SD-UFD-O2 (within *Part 2 – District-wide Matters / Strategic Direction / Strategic Direction, Urban Form and Development*) and Objective RESZ-O2 (within *Part 3 – Area Specific Matters / Residential Zone*) to provide for a diverse range of households across the District.
5. Other than as specified in the points above, retain all provisions in the Draft District Plan as they relate to *residential activities, residential units and supported residential care*.