



**ARA POUTAMA AOTEAROA THE DEPARTMENT OF CORRECTIONS:
SUBMISSION ON PORIRUA CITY COUNCIL PROPOSED DISTRICT PLAN**

To: Proposed District Plan
Environment and City Planning
Porirua City Council
PO Box 50-218
Porirua City

Email: dpreview@porirucity.govt.nz

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

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

Ara Poutama Aotearoa the Department of Corrections (“the Department”) makes submissions on the Porirua City Council Proposed District Plan in the **attached** document.

The Department confirms it could not gain an advantage in trade competition through this submission.

The Department wishes to be heard in support of its submission. If other submitters make a similar submission, the Department 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 horizontal line.

Andrea Millar – Manager, RMA and Land Management

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

Dated this 20th day of November 2020

INTRODUCTION

The Department 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, the Department establishes and operates custodial and non-custodial corrections facilities, and monitors people in the care of the Department serving their sentences in the community and supports some of these people to reintegrate back into the community.

Custodial corrections facilities include prisons and detention facilities. The Department has no custodial facilities in the Porirua area.

Community corrections sites (CCSs) 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 people in our care learn vital skills and to give back to their community, and in return the community benefits from improved amenities. The Department 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 RMA.

The service centres provide for probation, rehabilitation and reintegration services. People in our care report to probation officers as required by the courts or as conditions of parole. The Department's staff also 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. 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, the Department operates community work facilities. Community work is a sentence where individuals in our care are required to undertake unpaid work for non-profit organisations and community projects. They 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.

CCSs support people in our care living in that community. The Department therefore looks to locate its sites in areas accessible to these people, 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.

The Department operates a non-custodial CCS at 7-9 Prosser Street, Porirua (General Industrial Zone).

The Department also operates residential units in the community throughout New Zealand. Whilst there is a range of housing, rehabilitation and support provided in these facilities (depending on the needs of the residents), generally the activity can be described as supported and/or transitional residential housing. This service provides housing and other support for some people in our care following their release, to assist with their transition and integration back into the community and can also be used to accommodate those on bail or community-based sentences (such as home detention). Supported and transitional community accommodation units provide 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 transitional accommodation are not detained on site and are free to come and go out into the community, the same as anyone else living in the community, except that some people are electronically monitored.

In some instances, supervisory staff are present on-site to provide support on a "24/7" basis but do not reside there. In other instances, supervisory staff will provide support on a part time basis. A range of rehabilitation and support services *may* also be provided on site.

Home detention is both a punitive and rehabilitation sentence. It requires individuals serving a home based sentence to remain at a suitable and approved residence at all times and be monitored 24 hours a day, seven days a week. Home detention allows these individuals to seek or maintain employment, complete a sentence of community work if imposed, access programmes to address their offending and maintain their family relationships. It is an increasingly common sentence and is used as an alternative to imprisonment 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 required to remain at a typical residential dwelling.

The Department has a vested interest in the implications that the Porirua City Council Proposed District Plan has on the on-going operation and upgrade of its non-custodial corrections facilities, as well as the establishment of new facilities.

SUBMISSION 1A. INTEPRETATION SECTION

The specific provision of the proposal that my submission relates to:
Part 1: Definitions Nesting Tables <i>“Residential”</i>
Do you: Support? Oppose? Amend?
Amend
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
Add <i>“supported residential care activities”</i> to the Residential nesting table
Reasons:
<i>“Supported residential care activities”</i> have been specifically defined with the Proposed District Plan but have not been included within any of the proposed nesting tables. To provide clarity to the definition of <i>“supported residential care activities”</i> , it is sought that this be included as part of the <i>“Residential”</i> nesting table.

SUBMISSION 1B. INTEPRETATION SECTION

The specific provision of the proposal that my submission relates to:
Part 1: Definitions <i>“Supported residential care activities</i> <i>means land and buildings in which residential accommodation, supervision, assistance, care and/or support are provided by another person or agency for residents.”</i>
Do you: Support? Oppose? Amend?
Support
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
Retain the definition of <i>“supported residential care activities”</i>
Reasons:
To ensure supported and/or transitional residential housing and home detention is enabled in appropriate areas without the need to apply for a resource consent.

SUBMISSION 1C. INTEPRETATION SECTION

The specific provision of the proposal that my submission relates to:
<p>Part 1: Definitions</p> <p>“Community corrections activity <i>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.”</i></p>
Do you: Support? Oppose? Amend?
Support
What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?
Retain the definition of “ <i>community corrections activity</i> ”
Reasons:
To promote continued national consistency by using the wording of the National Planning Standards for community corrections activities and to ensure that they are enabled within appropriate areas of Porirua (also refer to the Department’s submission on the City Centre, Mixed Use, Local Centre and General Industrial Zones Rules).

SUBMISSION 2A. ACTIVITY STATUS

<p>The specific provision of the proposal that my submission relates to:</p> <p>City Centre, Mixed Use, Local Centre and General Industrial Zones Rules</p>
<p>Do you: Support? Oppose? Amend?</p> <p>The Department opposes in part the proposed City Centre, Mixed Use, Local Centre and General Industrial Zones Permitted Activity rules, insofar as they do not provide a specific activity status for community corrections activities within the appropriate zones.</p>
<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p> <p>The following activity status is sought by the Department for community corrections activities, within the zones in the Proposed District Plan:</p> <p>Permitted Activity: City Centre, Mixed Use, Local Centre and General Industrial zones.</p> <p>Discretionary Activity: All other zones.</p>
<p>Reasons:</p> <p>Community corrections activities are a compatible and appropriate activity in commercial centres and industrial areas. They are essential social infrastructure that 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.</p> <p>To offer certainty to the community and the Department around the establishment, operation and upgrade of community corrections facilities, the Department seeks that they be permitted activities within the appropriate zones, subject to achieving compliance with the relevant performance standards. In other zones, community corrections activities are appropriately provided for as discretionary activities.</p> <p>Under the zoning maps as part of the Proposed District Plan the Department's one community corrections facility is located in the General Industrial Zone.</p>

SUBMISSION 2B. ACTIVITY STATUS

<p>The specific provision of the proposal that my submission relates to:</p> <p>General Residential, Medium Density Residential and Mixed Use Zones Permitted Activity Rules</p>
<p>Do you: Support? Oppose? Amend?</p> <p>The Department supports General Residential Zone rule GRZ-R12 and Medium Density Residential Zone rule MRZ-R8 which classifies “supported residential care activities” as a Permitted Activity.</p> <p>The Department seeks to amend the Mixed Use Zone rules to include “supported residential care activities” as a Permitted Activity.</p>
<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p> <p>Retain “supported residential care activities” as a Permitted Activity in the General Residential and Medium Density Residential zone rules.</p> <p>Amend the Mixed Use Zone rules to include “supported residential care activities” as a Permitted Activity.</p>
<p>Reasons:</p> <p>To ensure supported and/or transitional residential housing is enabled in appropriate areas without the need to apply for a resource consent. Appropriate areas include all land which is zoned Residential and Mixed Use. These zones, as currently proposed, provide for residential activities. It is therefore appropriate that these zones also enable supported residential care activities for people in our care following their release to assist with their transition and integration back into the community.</p>

SUBMISSION 3. OBJECTIVES AND POLICIES

<p>The specific provision of the proposal that my submission relates to:</p> <p>The objectives and policies of the City Centre, Mixed Use, Local Centre and General Industrial zones.</p>
<p>Do you: Support? Oppose? Amend?</p> <p>Support</p>
<p>What decision are you seeking from Council? What action would you like: Retain? Amend? Add? Delete?</p> <p>The objectives proposed in the City Centre, Mixed Use and Local Centre zones anticipate ‘community activities’ (and other activities). In particular:</p> <p><i>“CCZ-01 Purpose of the City Centre Zone ... 3. Accommodates a wide range of commercial, community, recreational and residential activities.”</i></p> <p><i>“MUZ-01 Purpose of the Mixed Use Zone ... accommodates a wide range of activities, including commercial, recreational, community and compatible light industrial activities, that service both businesses and surrounding residential catchments, as well as residential activities.”</i></p> <p><i>“LCZ-01 Purpose of the Local Centre Zone ... 2. Accommodate a range of medium-scale commercial and community activities as well as residential activities.”</i></p> <p>The above provisions therefore are supported as notified given the alignment with community corrections activities.</p> <p>The objectives and policies within the Proposed District Plan for the General Industrial Zone refer to avoiding non-industrial activities, including sensitive activities, except for activities that (as per Policy GIZ-P2):</p> <p><i>“1. Are ancillary to an industrial activity; 2. Provide goods or services essential to industrial activities and have an operational need to locate in the General Industrial Zone; or 3. Do not result in reverse sensitivity effects that may constrain industrial activities.”</i></p> <p>Community corrections activities meet exception (3) and as such, these provisions are considered appropriate as drafted in terms of providing for community corrections activities as permitted within the zone.</p>
<p>Reasons:</p> <p>The objectives and policies in the City Centre, Mixed Use, Local Centre and General Industrial zones are supported as notified as they provide for community corrections activities within the zones.</p>

**Correspondence between
Council and submitter which
forms part of this submission**

Louise White

From: GIFFORD, Sam (WELLHO) <Sam.Gifford@corrections.govt.nz>
Sent: Friday, 5 February 2021 10:25 AM
To: Rory Smeaton
Subject: [EXTERNAL] Re: Proposed Porirua District Plan submission from the Department of Corrections - clarification

Kia ora Roy

Apologies, this one slipped off my radar. Happy to use the 'retain as with regard to relief sought on those points.

Cheers,
Sam

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From: Rory Smeaton <Rory.Smeaton@porirua.govt.nz>
Sent: Friday, 5 February 2021, 10:20 am
To: GIFFORD, Sam (WELLHO)
Subject: RE: Proposed Porirua District Plan submission from the Department of Corrections - clarification

Kia ora Sam,

Just chasing up on this clarification, I am away next week so it'd be great if you could get something back to me today, if that's possible!

Ngā mihi,

Rory

Rory Smeaton MNZPI
Senior Policy Planner
Kaihanga Mahere Kaupapahere Matua

Mob: 021 195 2071
Phn: 04 237 1504



porirua.govt.nz

From: MILLAR, Andrea (WELLHO) <Andrea.Millar@corrections.govt.nz>
Sent: Wednesday, 3 February 2021 7:51 AM
To: GIFFORD, Sam (WELLHO) <Sam.Gifford@corrections.govt.nz>
Cc: Rory Smeaton <Rory.Smeaton@porirua.govt.nz>
Subject: [EXTERNAL] FW: Proposed Porirua District Plan submission from the Department of Corrections - clarification

Hi Sam

Can you liaise with Rory please ?

Thanks
Andrea

From: Rory Smeaton <Rory.Smeaton@porirucity.govt.nz>
Sent: 02 February 2021 11:43 a.m.
To: MILLAR, Andrea (WELLHO) <Andrea.Millar@corrections.govt.nz>
Cc: dpreview <dpreview@porirucity.govt.nz>
Subject: Proposed Porirua District Plan submission from the Department of Corrections - clarification

Tēnā koe Andrea,

Thanks for the submission on the Proposed Porirua District Plan from the Department of Corrections.

I have summarised the submission into our submissions database, and just wanted to clarify something with you. You have stated support for the objectives and policies of the City Centre, Mixed Use, Local Centre and General Industrial zones (Submission 3), but did not identify any specific relief sought in relation to these provisions. Would you be happy if the relief sought for these provisions is 'Retain as notified' for the 'Summary of Decisions Requested' report?

Let me know if you have any questions or concerns around this.

Ngā mihi,

Rory

Rory Smeaton MNZPI
Senior Policy Planner
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