



**ARA POUTAMA AOTEAROA**  
DEPARTMENT OF CORRECTIONS

## **ARA POUTAMA AOTEAROA, THE DEPARTMENT OF CORRECTIONS: SUBMISSION ON THE PROPOSED CENTRAL HAWKE'S BAY DISTRICT PLAN**

**To:** Central Hawke's Bay District Council  
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Ara Poutama Aotearoa, the Department of Corrections (**Ara Poutama**) makes submissions on the Proposed Central Hawke's Bay District Plan (PCHBDP) 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 behalf of Ara Poutama Aotearoa, the Department of Corrections

Dated this 6<sup>th</sup> day of August 2021

## **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 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 currently operate any custodial corrections facilities in the Central Hawke's Bay 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 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 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, 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 does not currently operate any non-custodial community corrections sites in the Central Hawke's Bay District. However, Ara Poutama requires that the PCHBDP provides for such facilities in appropriate locations, should they be required in the future.

## **Supported and Transitional Accommodation**

Ara Poutama 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; rehabilitation needs; 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 may be electronically monitored. In some instances, supervisory staff are present on-site to provide support on a 24 hour a day, seven day a week basis, but do not reside there. In other instances, supervisory staff will provide support on a part-time basis. A range of rehabilitation, integration and support services may also be provided on-site.

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 required to remain at a typical residential dwelling.

In summary, Ara Poutama is responsible for a range of supported and transitional accommodation activities, which vary in nature and scale, of all which fall within the ambit of a residential activity.

## **Ara Poutama's Submission on the Proposed Central Hawke's Bay District Plan**

Ara Poutama has a vested interest in the implications that the PCHBDP may have on the establishment and operation of non-custodial facilities and supported / transitional accommodation in the Central Hawke's Bay District. Ara Poutama's specific submissions on the PCHBDP are outlined in the following table.

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

## Submissions

PCHBDP Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
<p>Part 1 – Introduction and General Provisions / Interpretation / Definitions</p> <p>“Community corrections activity”</p>	<p><b>Support</b></p> <p>Ara Poutama requests that the definition of “community corrections activity” is retained.</p> <p>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.</p>	<p>1. Retain the definition of “community corrections activity”.</p>
<p>Part 1 – Introduction and General Provisions / Interpretation / Definitions</p> <p>“Residential activity”</p>	<p><b>Support</b></p> <p>Ara Poutama requests that the definition of “residential activity” is retained.</p> <p>The definition is consistent with the wording provided for in the National Planning Standards. This definition applies to supported and transitional accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential situation, who are subject to a level of support and/or supervision by Ara Poutama.</p>	<p>1. Retain the definition of “residential activity”.</p>
<p>Part 1 – Introduction and General Provisions / Interpretation / Definitions</p> <p>“Residential unit”</p>	<p><b>Support</b></p> <p>Ara Poutama requests that the definition of “residential unit” is retained.</p> <p>The definition is consistent with the wording provided for in the National Planning Standards. This definition applies to residential units that provide for supported and transitional accommodation activities, such as those provided for by Ara Poutama; i.e. people living in a residential unit, who are subject to a level of support and/or supervision by Ara Poutama.</p>	<p>1. Retain the definition of “residential unit”.</p>
<p>Part 3 – Area-Specific Matters / Zones</p> <p>Provision for community corrections activities in the Rural, Commercial and Industrial zones</p>	<p><b>Support</b></p> <p>Ara Poutama requests that the rules applying to community corrections activities in the Rural, Commercial and Industrial zones are retained.</p> <p>The PCHBDP provides the following status for “community corrections activities” in the Rural, Commercial and Industrial zones as specified below:</p> <ul style="list-style-type: none"> <li>• General Rural Zone – discretionary</li> </ul>	<p>1. Retain the rules applying to “community corrections activities” in the Rural, Commercial and Industrial zones. These include:</p> <ul style="list-style-type: none"> <li>• <i>GRUZ-R18</i></li> <li>• <i>RLZ-R12</i></li> <li>• <i>RPROZ-R18</i></li> <li>• <i>SETZ-R10</i></li> <li>• <i>COMZ-R6</i></li> </ul>

PCHBDP Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
	<ul style="list-style-type: none"> <li>• Rural Lifestyle Zone – discretionary</li> <li>• Rural Production Zone – discretionary</li> <li>• Settlement Zone – permitted</li> <li>• Commercial Zone – permitted</li> <li>• General Industrial Zone – permitted</li> </ul> <p>These activity statuses are appropriate in the context of the potential future establishment and operation of a community corrections facility within these areas in the Central Hawke’s Bay District. That is, there is certainty in terms of providing for these activities as permitted within the appropriate zones, and within the other zones the effects of any proposed facility would be able to be assessed through the resource consent process.</p>	<ul style="list-style-type: none"> <li>• <u>GIZ-R7</u></li> </ul>
<p>Part 3 – Area-Specific Matters / Zones</p> <p>Provision for community corrections activities in the Residential zones</p>	<p><b>Oppose</b></p> <p>Ara Poutama requests that the rules applying to community corrections activities in the Residential zones are amended.</p> <p>The PCHBDP provides the following status for “community corrections activities” in the Residential zones as specified below:</p> <ul style="list-style-type: none"> <li>• Large Lot Residential Zone (Coastal) – permitted (up to 100m<sup>2</sup> gross floor area)</li> <li>• General Residential Zone – permitted (up to 100m<sup>2</sup> gross floor area)</li> </ul> <p>These activity statuses are not appropriate in the context of the potential future establishment and operation of a community corrections facility within residential areas in the Central Hawke’s Bay District. That is, the effects of any proposed facility in a residential zone should be able to be assessed through the resource consent process, via a discretionary activity status, as opposed to a permitted status applying.</p>	<ol style="list-style-type: none"> <li>1. Delete the permitted rule LLRZ-R7 for “community corrections activities” in the Large Lot Residential Zone (Coastal). N.B. “community corrections activities” would then default to a discretionary activity status via the “any other activity not otherwise provided for” rule (LLRZ-R12).</li> <li>2. Delete the permitted rule GRZ-R8 for “community corrections activities” in the General Residential Zone. N.B. “community corrections activities” would then default to a discretionary activity status via the “any other activity not otherwise provided for” rule (GRZ-R13).</li> <li>3. Any consequential amendments required to give effect to this relief.</li> </ol>
<p>Part 3 – Area-Specific Matters / Zones</p> <p>Provision for residential activities in the Residential, Rural and Commercial zones</p>	<p><b>Support</b></p> <p>Ara Poutama requests that the rules applying to residential activities in the Residential, Rural and Commercial zones are retained.</p> <p>The PCHBDP provides the following status for “residential activities” in the zones specified below:</p> <ul style="list-style-type: none"> <li>• Large Lot Residential Zone (Coastal) – permitted</li> </ul>	<ol style="list-style-type: none"> <li>1. Retain the rules applying to “residential activities” in the Residential, Rural and Commercial zones. These include: <ul style="list-style-type: none"> <li>• <u>LLRZ-R1</u></li> <li>• <u>GRZ-R1</u></li> <li>• <u>GRUZ-R1</u></li> </ul> </li> </ol>

PCHBDP Provision	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in <del>strikethrough</del> )
	<ul style="list-style-type: none"> <li>• General Residential Zone – permitted</li> <li>• General Rural Zone – permitted</li> <li>• Rural Lifestyle Zone – permitted</li> <li>• Rural Production Zone – permitted</li> <li>• Settlement Zone – permitted</li> <li>• Commercial Zone – controlled</li> </ul> <p>These activity statuses are appropriate in the context of the establishment and operation of supported and transitional accommodation (residential) activities, such as those provided for by Ara Poutama (i.e. people living in a dwelling, who are subject to a level of support and/or supervision by Ara Poutama).</p>	<ul style="list-style-type: none"> <li>• <u>RLZ-R1</u></li> <li>• <u>RPROZ-R1</u></li> <li>• <u>SETZ-R1</u></li> <li>• <u>COMZ-R8</u></li> </ul>