

SUBMISSION ON THE PROPOSED OPOTIKI DISTRICT PLAN 2016

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The Department of Corrections ("the Department") makes the submissions on the Proposed Opotiki District Plan 2016 (the "Proposed Plan") in the **attached** document.

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

The Department would like 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.

 17.11.16

Craig Plim, Director Property

For and on behalf of the Department of Corrections

Dated this 17 November 2016.

Introduction

The Department of Corrections (“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.

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 give back to their community, and in return the community benefits from improved facilities. 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. Offenders report to probation officers as required by the courts or as conditions of parole. Department of Corrections 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 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. Service centres and community work facilities may also be co-located on the same site.

Community corrections sites support offenders living in that community. The Department 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.

In the Opotiki District, the Department currently operates two non-custodial community corrections sites, being:

- **Opotiki Service Centre** – 107 St John Street, Opotiki. The site operates as both a service centre and a community work facility.
- **Te Kaha Reporting Centre** – State Highway 35, Te Kaha. The site operates as a service centre.

The Opotiki Service Centre is located within the Mixed Activity Zone, and the Te Kaha Reporting Centre is located within the Coastal Residential Zone, in the Proposed Plan.

Proposed Plan Provision/s	Submission	Relief Sought (additions shown in <u>underline</u> , deletions shown in strikethrough)
Chapter 19 Definitions	<p>Oppose</p> <p>The Proposed Plan includes a definition for a “<i>community activity</i>”, which specifically refers to “<i>probation and periodic detention centres</i>”. Whilst this reference covers two of the important functions that a community corrections facility performs, these references alone do not encompass the full functionality of a community corrections facility. Additional functions include offender rehabilitation, reintegration, assessments, reporting, workshops, programmes, administration, as well as serving as a meeting point for community work groups.</p> <p>To allow for their reference and integration within the Proposed Plan, a specific definition for “<i>community corrections activity</i>” is sought, together with an amendment to the definition of “<i>community activity</i>”. The amendment of the definition of “<i>community activity</i>” will result in community corrections activities being a subset of this definition. Adopting this approach means that community corrections activities can be considered together with community activities throughout the Proposed Plan where this is appropriate, whilst also allow for reference to them specifically where this is necessary.</p> <p>The definition sought for “<i>community corrections activity</i>” is a standard wording being sought nationwide by the Department through other plan review processes (recent examples include the Proposed Dunedin City District Plan and the Proposed Marlborough Environment Plan). Adoption of a nationally consistent wording provides the Department with a greater degree of certainty in managing is community corrections facilities in an RMA planning context.</p>	<ol style="list-style-type: none"> Add new definition of community corrections activity as follows: <u>Community corrections activity</u> <u>Means the use of land and buildings for correctional administrative and non-custodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups.</u> Amend the definition of community activity as follows: <u>Community activity</u> <u>Means the use of land and buildings which provides social and cultural services and facilities for the general public in respect of education, religion. Community facilities and leisure, may be associated with health clinics, schools, churches, probation and periodic detention centres and community corrections activities.</u> Any consequential or similar amendments required to give effect to this relief.
Chapter 2 Residential Zone, Rule 2.6.5.1.1: standards for parking and loading	<p>Oppose</p> <p>Due to the relief sought in terms of the introduction of a definition of a ‘Community Corrections Activity’, and the removal of a reference to ‘periodic detention and probation centres’ under ‘community activity’, a consequential amendment is required to the parking and loading standard to reflect the definitions sought.</p> <p>The parking and loading standard also refers to “detainees”, which infers that the people using a community corrections facility are subject to incarceration, which is not the case. A reference to “people” instead of “detainees” is more appropriate, and ensures that the intent of the standard is still achieved.</p>	<ol style="list-style-type: none"> Amend the Residential Zone standard for Parking and Loading (2.6.5.1.1) as follows: <i>2.6.5.1 On-site carparking and provision for loading shall be provided in relation to every activity whether new, extended or where the activity has changed, as follows:</i> <i>1. On-site carparking shall be as follows:</i> ... Periodic detention and Probation centres <u>Community corrections activities</u> <i>1 space for every 2 full time equivalent employees and 1 space for every 10 detainees people the facility is designed to service</i> Any consequential or similar amendments required to give effect to this relief.

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Chapter 3 Town Centre Zone	<p>Oppose</p> <p>Proposed Objective 3.2.1 recognises the Town Centre Zone as being a “focal point for ... community activities”. Despite this objective, community activities are subject to a discretionary activity status pursuant to Rule 3.3.5.1.4. There is therefore a misalignment between the objective and the corresponding rule.</p> <p>Community corrections activities are a compatible and appropriate activity in the Town Centre Zone, on the basis that they are easily accessible to the communities they serve. Locating community corrections facilities in Town Centres mean that they have good accessibility to other government social agencies, such as the courts, Police, and Work and Income. This applies in particular to the administrative tasks carried out at community correction facilities, whereby the probation, rehabilitation and reintegration services undertaken are akin to office activities.</p> <p>The Town Centre Zone rules should therefore provide for community corrections activities as permitted. A consequential amendment is also required to the zone standards, to ensure that an appropriate parking rate, and the associated rate for financial contributions, is applied to community corrections activities.</p>	<ol style="list-style-type: none"> Amend the Town Centre Zone permitted activities rule (3.3.2.1) as follows: <p><i>3.3.2.1 Subject to compliance with the Zone Standards in Section 3.6, the following activities may be established in the Town Centre Zone, without resource consent:</i></p> <p>...</p> <p><u>X. Community corrections activities.</u></p> Amend the Town Centre Zone Zone standard for Parking and Loading (3.6.6.1.1) as follows: <p><i>3.6.6.1 Carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the building use has changed, and the parking ratios require stricter rules as follows:</i></p> <p><i>1. A financial contribution for customer carparking, in the form of money, will be required, and will be based on the following ratios:</i></p> <p>...</p> <p><u>Community corrections activities</u> <u>1 space for every 2 full time equivalent employees and 1 space for every 10 people the facility is designed to service</u></p> Any consequential or similar amendments required to give effect to this relief.
Chapter 4 Mixed Activity Zone	<p>Oppose</p> <p>Proposed Objective 4.2.1 outlines that the Mixed Activity Zone is a zone in which a combination of residential and non-residential activities are managed, where adverse effects on the amenity values of the zone are avoided, remedied or mitigated. Despite this objective, community activities are subject to a non-complying activity status pursuant to Rule 4.3.6.1.</p> <p>Community corrections activities are a compatible and appropriate activity in the Mixed Activity Zone, as such facilities are suitable on the basis that they are easily accessible to the communities they serve. An example of this is the existing Opotiki Service Centre, which is located within the zone near the CBD on St John Street. Locating community corrections facilities in in such areas mean that they have good accessibility to other government social agencies, such as the courts, Police, and Work and Income.</p> <p>Further, mixed activity areas provide opportunities to undertake yard-based</p>	<ol style="list-style-type: none"> Amend the Mixed Activity Zone permitted activities rule (4.3.2.1) as follows: <p><i>4.3.2.1 Subject to compliance with the Zone Standards in Section 4.6, the following activities may be established in the Mixed Activity Zone without resource consent:</i></p> <p>...</p> <p><u>X. Community corrections activities.</u></p> Amend the Mixed Activity Zone standard for Parking and Access (4.6.5.1.1) as follows: <p><i>4.6.5.1 On-site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the activity is changed, as follows:</i></p>

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	<p>activities, such as equipment and vehicle storage, which are necessary in association with community work facilities. The effects associated with such activities are managed through implementation of the zone standards.</p> <p>The Mixed Activity Zone rules should therefore provide for community corrections activities as permitted. A consequential amendment is also required to the zone parking standards, to ensure that a reference is made to community corrections activities as per the definition sought.</p>	<p>1. <i>On-site carparking shall be as follows:</i></p> <p>...</p> <p>Periodic detention and Probation centres 1 space for every 2 full time equivalent employees and 1 space for every 10 detainees <u>people the facility is designed to service</u></p> <p><u>Community corrections activities</u></p> <p>3. Any consequential or similar amendments required to give effect to this relief.</p>
Chapter 6 Industrial Zone	<p>Oppose</p> <p>Proposed Objective 6.2.1 enables “<i>industrial activities where the adverse effects of activities undertaken within the zone are managed, and do not conflict with the amenity values of adjoining zones</i>”. Whilst not an ‘industrial activity’ per se, community corrections activities exhibit some alignment with industrial activities. In particular this includes the community work components, where large sites with yard based activities and large equipment and/or vehicle storage are often required. Community activities overall however are subject to a non-complying activity status pursuant to Rule 6.3.6.1.</p> <p>The Industrial Zone rules should therefore provide for community corrections activities as permitted, as the effects associated with such activities can be managed through implementation of the zone standards. A consequential amendment is also required to the zone parking standards, to ensure that a reference is made to community corrections activities as per the definition sought.</p>	<p>1. Amend the Industrial Zone permitted activities rule (6.3.2.1) as follows:</p> <p>6.3.2.1 <i>Subject to compliance with the Zone Standards in Section 6.6, the following activities may be established in the Industrial Zone, without resource consent:</i></p> <p>...</p> <p><u>X. Community corrections activities.</u></p> <p>2. Amend the Industrial Zone standard for Parking and Loading (6.6.5.1.1) as follows:</p> <p>6.6.5.1 <i>On-site carparking and provision for loading shall be provided in relation to every activity whether new, extended or where the use is changed, as follows:</i></p> <p>1. <i>On-site carparking shall be as follows:</i></p> <p>...</p> <p>Periodic detention and Probation centres 1 space for every 2 full time equivalent employees and 1 space for every 10 detainees <u>people the facility is designed to service</u></p> <p><u>Community corrections activities</u></p> <p>3. Any consequential or similar amendments required to give effect to this relief.</p>
Chapter 10 Coastal Settlement Zone	<p>Oppose</p> <p>A consequential amendment is required to the Coastal Settlement Zone parking standards, to ensure that a reference is made to community corrections activities as per the definition sought.</p> <p>The controlled activity status in the zone for community activities within</p>	<p>1. Retain Rule 10.3.2.1.4 as notified.</p> <p>2. Amend the Coastal Settlement Zone standard for Parking and Access (10.6.5.1.1) as follows:</p> <p>10.6.5.1 <i>Parking and loading</i></p>

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	buildings less than 100m ² in area under Rule 10.3.2.1.4 is otherwise supported.	<p><i>On-site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the use is changed, as follows:</i></p> <p><i>1. On-site carparking shall be provided as follows:</i></p> <p>...</p> <p>Periodic detention and Probation centres <u>1 space for every 2 full time equivalent employees and 1 space for every 10 detainees people the facility is designed to service.</u></p> <p><u>Community corrections activities</u></p> <p>3. Any consequential or similar amendments required to give effect to this relief.</p>