PROPOSED NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

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From: Ara Poutama Aotearoa (Department of Corrections)
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Ara Poutama Aotearoa (the Department of Corrections (‘the Department’)) welcomes the opportunity to submit on the Ministry for the Environment’s (‘MfE’) discussion document on a proposed National Policy Statement on Urban Development (‘NPS-UD’). The Department is happy to discuss its submission further with the MfE or provide additional information and evidence that would be of assistance. Enquires should be directed via the contact details provided above.

Rather than responding to each of the questions in the discussion document, the Department has chosen to focus on its key issues. These are generally linked to one or more of the questions in the discussion document, under the ‘Future Development Strategy’, ‘Making room for growth’ and ‘Housing and Business Development Capacity Assessments’ topics.

For and on behalf of Ara Poutama Aotearoa (Department of Corrections)

Dated this 10th day of October 2019
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.

Custodial corrections facilities include prisons and detention facilities. The Department operates 18 custodial facilities across the country, which are established in a range of locations from rural to dense urban environments. At any given time approximately 10,000 individuals are in the Department’s care in these custodial facilities. Operation of these facilities not only ensures public safety, but allows the Department to work directly with offenders to ensure they receive the rehabilitation and support they need to change behaviour, reduce reoffending and break the cycle of intergenerational imprisonment.

Non-custodial community corrections sites include service centres and community work facilities. The Department operates more than 150 non-custodial facilities across the country, which are typically established in urban environments, where they are easily accessible for offenders and in close proximity to aligned social services (i.e. Work and Income, Courts, Police etc.). They are located within every “major urban centre” and “urban area” as identified in Tables 2 and 3 of the discussion document, as well as many other smaller centres. 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.

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 Resource Management Act (‘RMA’). Custodial and non-custodial facilities are key pieces of social infrastructure in this context and need to be factored into planning for urban development.

Specifically, custodial and non-custodial facilities are affected by urban growth pressures, both in our cities and our smaller urban centres. This can include the need to establish new facilities or expand existing facilities as a result of population growth, leading to incompatibility and/or reverse sensitivity effects with adjacent land-use activities. The Department therefore has a vested interest in the implications that the NPS-UD has on the on-going operation and upgrade of its existing facilities, as well as the establishment of new facilities.

In principle, the Department supports the proposal to create a new NPS-UD and the intent of the proposed document as set out in the discussion document. The following sections set out the key matters of importance to the Department in the NPS-UD.

Definitions

Appendix 2 of the discussion document provides the following definition for “other infrastructure”:

**Other infrastructure** means:

(a) public open space
(b) community infrastructure as defined in the Local Government Act 2002
(c) land transport as defined in the Land Transport Management Act 2003, that is not controlled by local authorities
(d) social infrastructure such as schools and healthcare
(e) telecommunications as defined in the Telecommunications Act 2001
(f) energy
(g) other infrastructure not controlled by local authorities.
This definition, as outlined, is supported as it is recognised that point (d) (“social infrastructure”) applies to custodial and non-custodial facilities in terms of the way they are referenced under the NPS-UD provisions. However, to avoid any doubt around the classification of these facilities as social infrastructure, the Department requests the inclusion of a reference to the following under point (d): "custodial and non-custodial facilities operated by the Department of Corrections”.

Future Development Strategy

It is important that any Future Development Strategy (‘FDS’) considers the importance and role of social infrastructure, including custodial and non-custodial facilities, as this allows for integrated, strategic, long-term planning, and ultimately provides for growth and well-functioning urban environments. As urban populations grow, new and/or expanded non-custodial facilities in particular are required to service those populations.

Through the FDS process, Councils should be proactively working with central government agencies to plan for social infrastructure in growth areas (including both intensification of existing areas and development of greenfield areas), to ensure the appropriate provision of such infrastructure is made into the future.

In this context, objective O1 and policies P1D and P1E are relevant to the Department. This objective and the two policies are supported as these require consideration as to the potential for custodial or non-custodial facilities to be developed (as per P1D(e) and (h)(iii)) and for Councils to work with central government agencies when preparing an FDS (as per P1E(b)). However, to make it clear that these provisions apply to “other infrastructure”, some minor additions are sought as indicated:

O1: To ensure long-term strategic planning, reflected in planning documents, provides for:
   a) integrated land use and infrastructure (including other infrastructure)
   b) quality urban environments.

P1D: Every FDS must identify:
   a) areas where evidence shows urban development must be avoided
   b) future infrastructure corridors/locations
   c) broad locations for long-term feasible residential and business development capacity
   d) broad locations for residential intensification that contributes to quality urban environments
   e) the development infrastructure and other infrastructure needed to support growth
   f) how to provide for business land
   g) how hapū and whānau aspirations for urban development on whenua Māori within their rohe will be taken into account
   h) how the strategy will be implemented. This must include:
      i. estimates of local authority contributions to development infrastructure funding, and the indicative timing and sequencing
      ii. financing gaps or other risks to the delivery of development infrastructure needs for the medium and long-term, and options for resolving this
      iii. processes for working with land owners, developers and infrastructure providers (including other infrastructure providers) to implement the FDS.

P1E: In addition to the policies P10A–P10C, when local authorities are developing or updating FDSs for a major urban centre they must:
   a) engage on their FDS with neighbouring local authorities where there are significant connections between infrastructure (including other infrastructure) or communities
   b) work with relevant central government agencies
   c) give local iwi and hapū opportunities to identify the resource management issues of concern/significance to them relating to urban environments.
Making room for growth

It is important that RMA planning instruments (such as Regional Policy Statements and District Plans) and the decisions made under them allow for growth, whilst acknowledging the importance and role of social infrastructure (including custodial and non-custodial facilities) in facilitating growth.

Through the plan making and resource consent processes, consideration of social infrastructure is essential to ensure provision of such infrastructure is made.

In this context, the following objective and policy are relevant to the Department:

**O5:** To ensure local authority policies, plans and strategies enable enough opportunities for development to meet diverse demands for housing and business land.

**P4C:** In providing development capacity, a local authority must be satisfied that the other infrastructure required to support urban development is, or is likely to be, available.

To ensure that a local authority can be satisfied that the appropriate level of “other infrastructure” is available, engagement with social infrastructure providers, such as the Department, will be necessary. To ensure that this engagement occurs, the Department suggests the addition of the following sentence to Policy PC4: “Local authorities must work with relevant central government and other relevant agencies to ensure that other infrastructure will be available.”

Reverse sensitivity is another issue that can impact custodial facilities, particularly where growth is proposed adjacent or near to an existing facility. This may manifest itself in terms of development of greenfield areas, or where land-use change is proposed (e.g. where an industrial or business area shifts to mixed use).

Custodial facilities, by their nature, often require elements such as high-security fencing on external boundaries, which do not necessarily align with the level of amenity anticipated for residential development. Where growth is proposed, it is important that reverse sensitivity effects are considered, in addition to the provision of appropriate infrastructure. As such, the following points of the ‘example policy’ (page 39 of the discussion document) are supported by the Department, subject to a minor addition to make it clear that point (e) applies to “other infrastructure”:

When considering a plan change that enables urban development that is not otherwise enabled in the plan, local authorities must provide for urban development when all of the following apply:

... 

d. Reverse sensitivities are appropriately managed within and adjacent to the location or locations that are the subject of the plan change.

e. Infrastructure (including other infrastructure) to enable the long-term development of the land can be provided.

**Housing and Business Development Capacity Assessments**

The Department supports the policy proposals that would require local authorities in major urban centres to prepare Housing and Business Development Capacity Assessments (HBAs). It is important that consideration of social infrastructure is provided when an HBA is undertaken, to ensure that the appropriate levels of land capacity can be provided in due course. In this context, the following policy is relevant, and is supported by the Department:
AP17: In carrying out the HBA, local authorities must seek and use input from the property development sector, (including major land owners and social housing providers where relevant), requiring authorities, and the providers of development infrastructure and other infrastructure.