

8 March 2019

**EMAIL:** ckirman@ellisgould.co.nz

Dr Claire Kirman  
Partner  
Ellis Gould  
**AUCKLAND**

Dear Dr Kirman

**Request for further information in accordance with section 92 of the Resource Management Act 1991 – Notices of Requirement by the Minister for Children to alter:**  
**(a) Designation 3800 ‘Care and Protection Centre – Upper North’ (currently known as Whakatakapokai) at 398 Weymouth Road, Section 2 SO362124, Weymouth**  
**(b) Designation 3802 ‘Youth Justice Centre – Upper North’ (Korowai Manaaki) at 21-24 Kiwi Tamaki Road, Lot 2 DP448846, Wiri**

I am writing with respect to the notices of requirement referred to above.

After completing a preliminary assessment of the notice of requirement documents, it is considered that further information is required to enable an adequate analysis of the two notices of requirement, their effects on the environment, and the way in which any adverse effects on the environment may be mitigated.

The information requested below will enable the Council to undertake a full and proper assessment of the notices of requirement, and provide a recommendation on them in the report required under section 198D of the Resource Management Act 1991 (**RMA**).

Under section 92 of the RMA, I request the following further information:

(1) **General**

- (a) Could you please provide further information concerning the various statutes and statutory provisions governing intended placements of children/tamariki and young persons/rangatahi at both residences.

(2) **Noise**

Whakatakapokai

- (a) In section 3, the acoustic report states that vehicle movements at night time (when the  $L_{Aeq}$  40dB limit applies) to the south-western car parking area would need to be

controlled in order to ensure the noise levels are compliant with the noise limits. The acoustic report states that “[f]or night times, the car parking could be managed to control noise levels by either using the main car park or limiting the number of vehicles using the accessway car parks”. Could you please describe whether these measures are practicable, and if so the detail of the controls that would need to be put in place to ensure compliance.

- (b) In respect of the generation of noise from outdoor spaces, the acoustic report does not mention whether or not a +5dB adjustment for special audible character has been applied. Could the reasons for not applying the adjustment be explained?
- (c) Similarly, the acoustic report does not discuss whether or not a Duration Adjustment has been applied to the predicted noise levels. Could it be confirmed whether or not a Duration Adjustment has been applied, and if so what assumptions have been used.
- (d) Although not detailed in the acoustic report, we expect that the noise predictions are restricted to day time only (except for vehicle movements) because there is a curfew in place. Could the details of any curfew and their effect on the noise level predictions be described.

#### Korowai Manaaki

- (e) Section 4 of the acoustic report discusses the reasons for adopting a single-figure A-weighted internal noise level requirement, and deleting the reference to the low frequency controls as set out in E25.6.10. The Council’s acoustic consultants, Styles Group, agree that deleting the low frequency requirements is sensible in this case, but consider that a spectrum of noise still needs to be provided for the design of any new building. Could a frequency spectrum for the design (and designation condition) be provided, along with details of its origin or basis.
- (f) The acoustic report states that the new proposed designation condition (requiring insulation against external noise intrusion) would only apply to new buildings constructed on the site, or to the existing buildings if modifications were undertaken that required any building consent. Is there any condition proposed that requires the existing buildings to be maintained in a state that would ensure compliance with the previous designation condition in the event that no works requiring building consent were undertaken?
- (g) Have the existing buildings been designed and constructed to meet the original designation condition 4? If so, what external noise levels were assumed (noting that the design work would have pre-dated the Auckland Unitary Plan (AUP))?

### (3) **Social Impact Assessment**

The Council has several questions relating to the Social Impact Assessment (SIA) undertaken for each site. You are welcome to provide a ‘standalone’ response to these questions. However, equally, if you consider it appropriate you may prefer to provide updated SIAs (perhaps with tracked changes).

## Both Residences – Korowai Manaaki and Whakatakapokai

(a) Please answer the following questions concerning the Case Study Reviews set out in the Literature Review section of both SIAs (refer to section 4.2 of each SIA):

i. Perceived fear is said to decrease over time, referencing the Final Report and Decision of the Board of Inquiry into the Proposed Men’s Correctional Facility at Wiri, 2011). It is understood that this statement was made by a SIA specialist involved in the proceedings. Please describe any empirical evidence to support this statement.

ii. The Case Study Reviews sections state:

*“... Daly (1999) reviewed the values of properties around Mt Eden, Paremoremo, Rimutaka, Wellington, Arohata and Manawatu correctional facilities concluding that no significant changes were noticeable. Daly (1999) notes that if there were any negative effects they were temporary and limited to immediate neighbours (as cited by Morgan & Baines, 2001)”... .*

Morgan and Baines (2001) does not appear to cite Daly. Please check this reference and update as required. Please also provide a copy of Daly (1999).

iii. The Case Study Reviews sections also refer to Shichor (1992) (mis-spelled in the SIAs as Schihor). Shichor draws on US research of 38 to 60 years ago. Please comment on the transferability of that evidence to South Auckland in 2019 and advise whether it is appropriate in this setting.

iv. The Case Study Reviews sections state:

*“Whilst reiterating that the above literature is almost completely focused to ‘correctional facilities’ (not youth justice, which is a different form of custodial care), it is acknowledged that these facilities are among some of the most undesirable land uses, and as a result their presence is often subject to strong public opinion (Takahashi & Gaber, 1998 as cited by Myers & Martin, 2004). In particular, Myers & Martin (2004) note that those people in closest proximity to the facility are the most resistant. However, as set out above, evidence has shown that in many cases the ‘feared’ or anticipated impacts were not as significant as may have been feared and did not necessarily come into fruition”.*

This is a US-based study about community perceptions, collected via a survey, before a prison was built. As presently framed, with evidence of effects described at the end of the paragraph, this passage suggests that this reflects the position in New Zealand. While this may be the case, could this discussion please be re-framed/expanded based on New Zealand perceptions and New Zealand empirical evidence of outcome.

- (b) Please consider, in relation to both SIAs, whether there may be benefit in re-visiting the use of descriptors such as 'immediately adjoining landowners', 'wider Waimahia development', 'regional', 'sub-local', 'local neighbourhood', 'community', and 'residents' etc, to ensure clarity of description regarding who is affected. Two examples are offered: one for Korowai Manaaki and one for Whakatakapokai. In the case of Korowai Manaaki and the following statement (page 21):

*“Sense of place of the local neighbourhood and wider community is likely to be affected by the presence of the three correctional facilities.”*

Does 'local neighbourhood' refer to the heavy industrial estate and is their sense of place affected? Is 'wider community' a term that includes both local and nearby communities, or just the residential community that is nearby?

In the case of Whakatakapokai, section 6.2.3 states that '*sense of place for neighbours*' impacts are considered to be low adverse for '*a small portion of the wider community*'. Discussion of '*immediately adjoining landowners*' is included, yet in section 6.2.2 (residential amenity), a potentially high adverse impact was identified for what appears to be the same residents.

### Whakatakapokai

- (c) The SIA refers to the previous youth justice use of the site:

*[Section 1, Introduction]*

*Whakatakapokai was opened as a care and protection residence in 2006 and currently provides care for up to 20 children at any one time. This residence was previously used as a youth justice residence and was redeveloped after the opening of Korowai Manaaki on Kiwi Tamaki Drive in 2003. At that time this reflected Child, Youth and Family's 1996 residential services strategy which set out to separate youth justice from care and protection services.*

*[Section 5.1 Site History]*

*In 2002 a Notice of Requirement was lodged by the Minister of Social Services and Employment to obtain a new designation for the site to limit the use of the redeveloped residence to care and protection of children and young persons. This is the designation currently in place. In the press release from the Ministry of Social Development and Employment, spokesperson Steve Maharey expressed his commitment to using the residence only for care and protection as soon as possible. Some articles referenced 'relief' from the community that the residence no longer includes youth justice residents (Thompson, June 4) and that violent offenders were previously removed from the residence in response to community concern.*

The Council has two questions arising from these passages:

- i. Please provide more information concerning the previous youth justice use of the Whakatakapokai site, and the rationale (at that time) for the change in use of the site to care and protection only. It is anticipated that this information will include more details relating to the community concerns referred to in the passage immediately above.
    - ii. In light of the above and given the proposal to reintroduce a youth justice function at the site, please provide further information concerning any changes that are either proposed at the site or which have already occurred at the site (whether operational, structural or otherwise), to support the reintroduction of a youth justice element.
  - (d) Please provide any evidence or information which may assist in assessing whether the neighbours and wider community understand what the proposed change in the role of facility is, especially the difference between a solely care and protection facility and its proposed transformation to a largely youth justice facility, with a 'care and protection' hub.
  - (e) The second paragraph at 6.2 of the SIA states that *"the overall social impact framework has been 'screened' to focus on the following potential social impacts for this proposal"*. Please describe how / why potential social impacts were screened.
  - (f) Section 6.2.3 of the SIA states that any impacts on property values are generally temporary. Please describe the empirical evidence to support this. Please also comment on the relevance or otherwise of the specific context of the residential area surrounding Whakatakapokai in this regard (i.e. with many new-build houses recently erected / sold).
  - (g) Please provide information about whether people have attempted to inappropriately enter the site, cause nuisance at or near the site (e.g. past residents returning or friends of), or pass contraband into the site via the surrounding neighbourhood. Please list date, activity, and any mitigation put in place / action taken as a consequence.
- (4) **Security (Community - Safety Health & Welfare)**
- (a) It is noted that Whakatakapokai presently has fewer 'static' security features than exist at the other youth justice residences. It is understood that it is not intended to modify the facility significantly when it offers a service to youth justice. In light of the reduced static security features at the site, it is important for the Council's security evaluation to know what the operations will look like and how that may either create or mitigate risk for the community. Accordingly, please provide more detail on the proposed operating philosophy at Whakatakapokai and how this will be operationalised.
  - (b) The AEE refers broadly to some additional security features being introduced at Whakatakapokai (at 7.5). Please provide more detail concerning these features.

- (c) It is proposed that Whakatakapokai will be taking young offenders. Is it intended that they will be assessed as to their potential security risk so that lower risk offenders are held at Whakatakapokai, rather than at Korowai Manaaki? How will risk be assessed? Will demand pressure impact on risk assessment decisions?
- (d) Older young people bring a different set of challenges from a security perspective than younger ones. The NOR documentation indicates that there will be some 19 year olds held at the residence. Please provide more detail about this group, i.e. anticipated numbers, nature of offending, legal status in the justice system etc?
- (e) Have there been any collective disruptions (incidents involving more than one young person) at the Whakatakapokai since the beginning of 2016? If so, what were they and did they lead to any changes in security-related behaviour?
- (f) Please provide the following information for both Korowai Manaaki and Whakatakapokai:
  - i. A description of escapes / abscondences from each facility from 2016 onwards broken down by those that occurred from the facility and those that occurred through off-site activity (e.g. visits, programmes etc).
  - ii. Information concerning the investigated cause of the event / the way youth escaped / absconded, the actions taken to avoid or mitigate the risk of further escapes / abscondences, and the success of these actions.
  - iii. Where young people escaped / absconded, information concerning how often this resulted in known offending behavior. What was the nature of the offending (if any)?
- (g) Is there intended to be a relationship between Korowai Manaaki and the lower security Whakatakapokai that may mitigate potential risk, and if so how will this work?

**(5) Traffic / Parking**

- (a) The parking assessments for both sites rely on the rate for supported residential care activity (T50) in Chapter E27 of the AUP, as a means to determine the appropriate number of parking spaces for the current activity and that required for the proposed alterations to the designations. The Council's traffic consultants, Flow, note the following matters:
  - The current activities at both sites have a fairly high dependence on private vehicle travel.
  - The use of T50 in isolation does not represent the full extent of the activities on each site (with administration, kitchen, professionals and visitors associated with activities at the site not being captured in the parking space evaluation). Tables 4 and 5 in each Transport Assessment appear to provide a better indication of parking demand.

- During the site visit to Whakatakapokai, the rear parking area was full, with vehicles being parked on the grass verge about the car park. Acknowledging that a number of cars associated with the site visit were parked in the front car park (which required several visitors to park on-street), it appears that while the current parking provision on site just meets current demand, further growth will need to provide for additional parking to manage off site effects.
- During the site visit to Korowai Manaaki, it was noted that a number of cars park on-street, with the car park on-site being full. While a staff parking area exists across the road, which was relatively empty, it is noted from the assessment that this parking area is shared with the Auckland South Corrections Facility staff. The Transport Assessment however assumes that Korowai Manaaki has 100% use of the shared car park.

With the above background, it is requested that the parking provision on each site is calculated based on anticipated staff numbers, visitor numbers and travel mode (rather than an AUP parking rate provision for an activity that does not reflect the full extent of site activities).

- (b) As noted, the number of cars parked on site at both residences suggests a high reliance on private vehicle travel, rather than alternative travel modes. The Transport Assessments do not provide an understanding on how alternative travel modes are encouraged (other than public transport) and what level of bicycle parking and facilities are provided for staff. Please provide further information on what facilities are or can be made available at both sites to staff who walk and cycle to work.
- (c) Please confirm whether 100% of the staff parking area across the road is available to Korowai Manaaki.

Please provide this information at the earliest opportunity. The Council is happy to receive responses in tranches.

If you have any queries regarding the above, please contact Barry Mosley by email at [Barry.Mosley@aucklandcouncil.govt.nz](mailto:Barry.Mosley@aucklandcouncil.govt.nz) or by phone on (09) 301 0101.

Yours faithfully,



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