

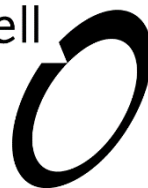
Oranga Tamariki Residence 398 Weymouth Road

Notice of Requirement and Assessment of Environmental Effects
Prepared for The Minister for Children

22 February 2019

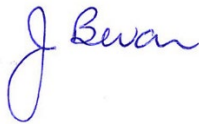



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**ORANGA
TAMARIKI**
Ministry for Children

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Form 18

Notice of Requirement by Minister for Children for Alteration of Designation

Section 181

Resource Management Act 1991

To: Auckland Council

The Minister for Children (the Minister) gives notice of a requirement (NoR) for an alteration to a designation in respect of a public work, namely Designation No. 3800 Care and Protection Residential Centre – Upper North in the Auckland Unitary Plan – Operative in Part.

The site to which the requirement applies is as follows:

398 Weymouth Road (previously 400S Weymouth Road), Weymouth, Section 2 SO362124.

The nature of the proposed public work is:

To alter the purpose of Designation No. 3800 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki-Ministry for Children by increasing the number of children/tamariki and young persons/rangatahi who may live at the Oranga Tamariki Residence at 398 Weymouth Road, Weymouth, (Oranga Tamariki Residence), for care and protection, youth justice or certain adult jurisdiction or transitional purposes from 20 to 30.

The nature of the proposed conditions that would apply are:

1. Alter the purpose of designation No. 3800 of the Auckland Unitary Plan - Operative in Part (AUP).
2. Alter Chapter K Designations of the AUP as follows:

a. Designation Schedule – Minister for Children

Number	Purpose	Location
3800	<u>Oranga Tamariki Residence</u> Care and protection residential centre – Upper North	398 Weymouth Road, Weymouth

b. Designation Schedule – Minister for Children

3800 Oranga Tamariki Residence – ~~Care and protection residential centre – Upper North~~

Designation Number	3800
Requiring Authority	Minister for Children
Location	398 Weymouth Road, <u>Weymouth</u> Section 2 SO362124
Rollover Designation	Yes
Legacy Reference	Designation 283, Auckland Council District Plan (Manukau Section) 2002. <u>Designation 5900 in the Auckland Unitary Plan (Operative in Part).</u>
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Oranga Tamariki Residence

An Oranga Tamariki residence operated to fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki—Ministry for Children for care and protection, youth justice and certain adult jurisdiction or transitional reasons including for:

- (a) The placement of children/tamariki and young persons/rangatahi for the purpose of providing care (including secure care), protection, control, treatment and transitional services; and
- (b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation, cultural and transitional facilities; and
- (c) Activities consistent with and ancillary to the establishment, operation and maintenance of the residence, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, shared services, access and car parking.

~~Care and Protection Residential Centre—Upper North, being a residence in terms of section 364 of the Children, Young Persons, and Their Families Act 1989 for:~~

- ~~(a) The placement of up to 20 children and young persons for the purpose of providing care (including secure care), protection, control and treatment; and~~
- ~~(b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation and cultural facilities; and~~
- ~~(c) Activities consistent with and ancillary to the establishment, operation and maintenance of the Care and Protection Residential Centre—Upper North, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, access and car parking.~~

Conditions

1. The placement of up to 30 children/tamariki and young persons/rangatahi up to and including the age of 19 years. That the Care and Protection Residential Centre—Upper North shall provide residential care for up to 20 children and young persons at any one time.
2. That the Manager of the facility shall convene a Community Liaison Committee in accordance with relevant regulations relating to the establishment, function and operation of Community Liaison Committees.

That in the period from 1 June 2019 and for a two-year period thereafter:

- (a) The Manager shall ensure that the Community Liaison Committee is provided with regular information and updates regarding activities at the facility that relate to the following specific activities:
 - i. Physical works proposed to the facility, particularly where such physical works may impact on the security or overall appearance of the facility;
 - ii. Safety and security arrangements at the facility including responses to emergencies or security incidents.
- (b) The Manager shall seek input from the Community Liaison Committee on any proposed works or arrangements in paragraph (a).

- (c) The Community Liaison Committee shall consider whether it is necessary to hold additional meetings or establish a sub-committee to consider and respond to issues raised by the local community in relation to matters in paragraph (a).
- (d) The Community Liaison Committee membership shall include additional representatives of the immediate neighbours of the facility and a representative of the Ministry of Education (to represent the neighbouring schools).
3. ~~A Community Liaison Committee shall be established to assist in the promotion of a positive relationship between the Care and Protection Residential Centre – Upper North and the local community. The Community Liaison Committee shall be kept informed of current and proposed programmes at the Care and Protection Residential Centre – Upper North and include two representatives of the local community.~~
3. That Oranga Tamariki–Ministry for Children, through the Manager of the facility, shall formulate and implement a Security Management Plan for the facility that takes into consideration the interests of key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups in accordance with any regulatory requirements. A Security Management Plan for the Care and Protection Residential Centre – Upper North shall be formulated and implemented in consultation with relevant emergency services and the Community Liaison Committee Children, Young Persons, and Their Families.
4. Activities (other than construction) on the site shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at any point within the boundary of any neighbouring residential site:

<u>Time</u>	<u>Noise Level</u>
<u>Monday to Saturday 7am – 10pm</u>	<u>50 dB L_{Aeq}</u>
<u>Sunday 9am – 6pm</u>	
<u>All Other Times</u>	<u>40 dB L_{Aeq}</u> <u>75 dB L_{AFmax}</u>

<u>Monday to Sunday (inclusive)</u>	
<u>7am – 10pm</u>	<u>L₋₁₀ 55 dBA</u>
<u>10pm – 7am</u>	<u>L₋₁₀ 45 dBA</u>
<u>10pm – 7am</u>	<u>L_{-max} 75 dBA</u>

Noise (other than construction noise) shall be measured ~~and assessed~~ in accordance with ~~the requirements of the New Zealand Standard NZS6801:2008 “Acoustic Measurement of Environmental Sound”~~ and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

5. ~~The site shall be landscaped generally in accordance with the landscape concept plan prepared by Opus International Consultants marked AC116.00 (September 2002) contained within Appendix B of the Notice of Requirement (2002). All planting associated with this landscape concept shall be maintained regularly and kept in a tidy condition.~~
6. ~~The lighting on site shall be sufficient for operational and security purposes and shall be designed to prevent the intrusion of direct light into neighbouring properties.~~

7. Any new buildings or building extensions shall not exceed 8m in height or project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along the side and rear boundaries; and shall be set back from all side, rear and front boundaries by 12 metres.
8. Prior to 1 July 2019 a Social Impact Management Plan (SIMP) shall be prepared. The purpose of the SIMP is to identify the mechanisms or measures for Oranga Tamariki to mitigate and manage any adverse social impacts to neighbours, the Weymouth community and other stakeholders arising from its use as a youth justice residence.

The attached Assessment of Effects (AEE) (Section 7) provides an explanation of the proposed alterations to the conditions of Designation 3800.

The effects that the proposed project will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The proposal will have no significant adverse effects. The attached AEE (Section 7) specifies the effects the proposed alteration to the Designation will have on the environment and the ways in which the potential adverse effects will be mitigated.

Alternative sites, routes, and methods have been considered to the following extent:

Section 171(1)(b) of the Resource Management Act 1991 states:

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

.....

- (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if —*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*

.....

Neither of the circumstances in clause (i) or (ii) apply. The proposed designation alteration for the Oranga Tamariki Residence applies to an existing site owned by the Crown and designated for care and protection, including secure care, purposes. The increase in the number of children/tamariki and young persons/rangatahi permitted by the proposed new designation will involve only minor works to enhance some security features and internal work within the Wharenui to make it suitable for use as a Care and Protection hub. There is a possibility that new/additional buildings may be established on the site in the future and these will be subject to proposed condition 7. The Minister has an interest in the land sufficient for undertaking the alteration to the Designation, and accordingly section 171(1)(b)(i) does not apply. In terms of section 171(1)(b)(ii), the conclusion of this AEE is that there will be no significant adverse effects as a result of the proposed alteration to the Designation.

The following resource consents are required for the proposed activity and have been applied for:

There are no resource consents required at this time.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The Oranga Tamariki Act 1989 (the Act) empowers the Minister to administer the Act, and designate residences (through the Chief Executive).

The objective of the Act is to promote the well-being of children, young persons, and their families and family groups. The Act (s364) allows the Chief Executive of Oranga Tamariki, with the approval of the Minister, *“to establish and maintain under this Act residences of such number and type as in the opinion of the chief executive may be required for the purpose of providing for the care and control of children and young persons to whom this section applies, and, in particular, shall endeavour to establish a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.”*

The Minister’s overarching objective is to improve outcomes for children and young people, and her responsibilities include approving the establishment of residences under the Act for the purpose of providing for the care and control of children and young persons, and providing a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.

Specifically, in this case, and in order to respond to legislative changes, including an increase in the age of children and young people included within the Youth Court’s jurisdiction to 17 years, that will increase demand for youth justice placements. The Minister’s objective is to enable the use of the residence for care and protection, transitional, youth justice and some adult jurisdiction purposes so as to enable the Chief Executive of Oranga Tamariki to meet his or her responsibilities where tamariki or rangatahi have been placed in his or her care or custody. Without the alteration, there is a risk that there will be insufficient beds to place tamariki or rangatahi in the Chief Executive’s care or custody for care and protection, transitional, youth justice and some adult jurisdiction purposes meaning that the Minister would be unable to meet her objectives as outlined above.

Where possible Oranga Tamariki is moving towards smaller facilities that have a more community, less institutional feel. The use of this residence for youth justice purposes is consistent with this direction as it has a less ‘correctional’ look and feel than other existing youth justice residences, which makes it suitable for the placement of lower risk children/tamariki and young people/rangatahi and certain young adults.

The attached AEE outlines the objectives of the requiring authority and the necessity for altering the purpose of the existing designation and increasing the capacity at the Oranga Tamariki Residence to achieve those objectives.

The following consultation has been undertaken with parties that are likely to be affected:

Consultation has been undertaken with the Manurewa Local Board, the Whakatakapokai Community Liaison Committee, and local Mana Whenua representatives that Oranga Tamariki maintains a relationship with. Additionally, occupiers and owners of nearby properties have been provided with information about the proposed alteration to the Designation and their feedback sought. The attached AEE includes a summary of the consultation.

The Minister requests that this Notice of Requirement be publicly notified.

A detailed AEE including appendices is attached to this Notice of Requirement.



22 February 2019

Signed by
Alan Geraghty
Director Youth Justice Transformation
Oranga Tamariki-Ministry for Children

Date

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Appendices

Appendix 1: Location Plan

Appendix 2: Certificate of Title

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Appendix 4: Consultation Material and Consultation Feedback

1.0 Introduction

The following document is a Notice of Requirement (NoR/Notice) by the Minister for Children (the Minister) for an alteration to a designation, under section 181 of the Resource Management Act 1991 (RMA). It includes an Assessment of Environmental Effects (AEE) Report.

The Notice specifically relates to an existing care and protection residential centre designation at 398 (formerly 400S) Weymouth Road, Weymouth, which will be altered by:

- amending the purpose of Designation No. 3800 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children (Oranga Tamariki);
- allowing the number of children/tamariki and young persons/rangatahi up to and including the age of 19 years who may live at the Oranga Tamariki Residence to increase from 20 to 30.

1.1 Background

The Oranga Tamariki Residence is an existing care and protection residential centre including secure care designation at 398 (formerly 400S¹) Weymouth Road, Weymouth. This is a residence in terms of section 364 of the Oranga Tamariki Act 1989 (Oranga Tamariki Act) (also called Children’s and Young People’s Well-being Act 1989, and formerly the Children, Young Persons, and Their Families Act 1989). Oranga Tamariki administers the Oranga Tamariki Act. Oranga Tamariki also have certain responsibilities under the Criminal Procedure Act 2011 and the Corrections Act 2004. The background to Oranga Tamariki is discussed further in section 1.1.1 below.

The site was first designated as a residence in 1967 by the Minister of Works and Development on behalf of the then Minister in charge of the Child Welfare Division. The designated purpose was recorded as “Girls Training Centre” and the residence established pursuant to that designation was known variously as ‘Weymouth Girls Centre’, ‘Weymouth Resource Centre’ and ‘Weymouth Residential Centre’. A boys’ hostel was opened on the site in 1985 and by 1992, the residence was being used as a care and protection and youth justice facility with a total capacity of 28 children and young persons (male and female). The Manukau City Council considered that the Centre was operating outside the scope of its designation as a “Girls Training Centre” and sought a declaration from the Planning Tribunal. The Planning Tribunal held that the designated purpose of “Girls Training Centre” did not authorise the use of the site for the accommodation of males, or for certain detention functions because the plain, ordinary meaning of ‘Girls Training Centre’ would not convey to the ordinary reasonable member of the public the use to which the land was being put (*Manukau City Council v Minister of Social Welfare* (1992) 1 NZRMA 197).

A Notice of Requirement was then lodged by the Minister of Social Welfare to alter the designation’s purpose to “Social Welfare Purposes: Residence for the care and control (including detention) of children and young persons” to cover the use of the site for both care and protection and youth justice purposes. The decision of the Minister on that Notice of Requirement was appealed by the Weymouth Residents and Ratepayers Association. The appeal was eventually settled by consent (in September 1993) with a series of conditions on the designation including

¹ Oranga Tamariki received notice on 13 February 2019 that the address of the site had been amended from 400S Section 2 SO 36124 to 398 Weymouth Road, Weymouth, Auckland 2013. Accordingly, this NoR and AEE refers to the updated property address of 398 Weymouth Road

the exclusion of certain categories of children and young persons from the centre, the creation of a Community Liaison Committee and controls on the extent of development on the site.

This modified designation with conditions was then included in the Manukau City Proposed District Plan which was notified in August 1995. The Minister of Social Services and Employment's decision on designation for the Northern Residential Centre (as it was then known) in the Proposed District Plan, in 1998, was appealed by the Council. The appeal was settled by consent in 2002, with the designated purpose incorporating care and protection and a sunset clause for the provision of youth justice facilities at the site. The conditions to the designation reflected those earlier agreed in the 1993 consent order. By this stage, the extent of the designation had also been reduced.

In 2002, the Minister of Social Services and Employment lodged a notice of requirement for 'the Care and Protection Centre – Upper North'. A decision on this Notice of Requirement was made by the Minister in April 2003. With the exception of two conditions (and advice notes) which related to the development on the site, the purpose and conditions of this designation reflect the conditions currently included in the AUP.

Following the opening of the Korowai Manaaki Residence in 2004, the site at Weymouth Road was redeveloped and reopened as Whakatakakopakai in 2006.

Whakatakakopakai (as it is currently known) is identified in the AUP as Designation 3800. Under the current designation, the Whakatakakopakai Care and Protection Residential Centre provides for the placement of up to 20 children and young persons for the purpose of providing care (including secure care), protection, control and treatment under the provisions of section 364 of the Children, Young Persons, and Their Families Act 1989 (now called the Oranga Tamariki Act 1989).

Under the Raising the Age changes to the Oranga Tamariki Act that come into force on 1 July 2019, Oranga Tamariki will be required to accept young persons/rangatahi who are aged up to and including 17 years where the Youth Court has ordered that they be detained in the custody of the Chief Executive or they are subject to certain orders requiring placement in a residence. This change means that most of the young people that Oranga Tamariki will be responsible for will be under 18 years, however, on occasion, Oranga Tamariki may also be required to accept a small number of young adults aged between 18 and 19 (inclusive) who Oranga Tamariki may have been asked by the adult or youth courts (or Police or Corrections) to provide care for. This means that the residence may accommodate young persons/rangatahi who are aged up to and including 19 years when they are placed in the custody of the Chief Executive of Oranga Tamariki.

In order to accommodate the additional demand for placements generated by the legislative changes to the Oranga Tamariki Act the Minister is seeking to alter Designation 3800 to enable an increase in the number of residential beds available at the residence currently known as Whakatakakopakai from 20 to 30. This is discussed in further detail in section 1.1.2 below.

Together with this NoR application the Minister has lodged a request with the Auckland Council (Council) pursuant to section 198B of the RMA to allow the NoR application to be directly referred to the Environment Court for determination under section 198E of the RMA, instead of a recommendation by the Council under section 171 and a decision by the Minister under section 172 of the RMA.

The direct referral process streamlines the process for determining publicly notified applications and has been requested due to the tight timeframes within which the Minister/Oranga Tamariki will need to have enabled sufficient capacity in its residences to be able to accommodate 17 year olds (1 July 2019). While the Council is yet to make a decision on the Minister's request under section 198C, and the Minister has yet to lodge the formal application with the Court under section

198E, the Minister has applied for (and been granted) anticipatory waivers and directions by the Court in relation to the foreshadowed direct referral request. Importantly, the Court's decision waives the usual requirement for submitters to file a section 274 notice to become a party to the Environment Court proceedings, and directs that any person who makes a submission on the NOR is automatically able to be a party to the Environment Court proceedings. The Court's decision also includes a draft timetable through to hearing (refer: *Re the Minister for Children* [2019] NZEnvC 007).

1.1.1 Oranga Tamariki – Ministry for Children

Oranga Tamariki was established as a separate agency on 1 April 2017 and replaced the business unit of the Ministry of Social Development formerly known as Child, Youth and Family. Oranga Tamariki is focused on children and young people whose wellbeing is at most serious risk – those at risk of harm and those who have offended. Oranga Tamariki was established to develop and implement a more child-centred care, protection and youth justice system to deliver better long-term outcomes in line with the new legislative duties set out in the Oranga Tamariki Act.

For some time, Oranga Tamariki has recognised a need to move away from institutionalised care for children and young people in need. The vision is one where children can live within the community and remain a part of that same community. The use of this residence for youth justice purposes is consistent with this direction as it has a less 'correctional' look and feel than other existing youth justice residences.

Oranga Tamariki also seeks to place children and young people close to their home, whānau and community. This reduces the travel demands for the child/young person when attending Court and also reduces obstacles to visits by family and whānau. Expanding the capacity at the residence will reduce the number of children and young people that Oranga Tamariki might otherwise have to place in a residence elsewhere in the country, away from the Auckland Region.

1.1.2 Amendment to the Oranga Tamariki Act

The Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill was passed into law on 13 July 2017. The Children, Young Persons, and Their Families Act 1989 has been renamed the Oranga Tamariki Act 1989, with an accompanying title of the Children's and Young People's Well-being Act 1989.

The amendments to the Oranga Tamariki Act (amongst other things):

- change the purposes and principles of the Act to better ensure children and young people are at the centre of decision-making while considering them within the context of their family, whānau, hapū, iwi, family groups, and broader networks and communities;
- allow young people to remain or return to living with a caregiver up to the age of 21, with transition support and advice available up to age 25;
- strengthen information sharing provisions to keep vulnerable children and young people safe from harm;
- extend the youth justice system to include most 17-year-olds (those charged with specified serious offences will be dealt with in the adult courts); and
- enhance the complaints processes.

A small number of amendments took effect immediately, while the majority will come into force by no later than 1 July 2019.

The change in the legislation of most relevance to this application to alter the Designation for the Residence relates to the extension of the youth justice system to include most 17-year-olds except for those charged with certain serious offences (who will be dealt with in the adult courts).

Most of the young people that Oranga Tamariki will be responsible for as a result of the changes are going to be under 18. There are a small number of young adults aged 18 to 19 (inclusive) who Oranga Tamariki may also be asked by the adult or youth courts (or Police or Corrections) to provide care for. Oranga Tamariki needs to ensure that they are able to place all of the young people that they might be asked to care for, when the law provides for Oranga Tamariki to be able to do that. This means that the residence may accommodate rangatahi who are aged up to and including 19 years when they are placed in the custody of the Chief Executive of Oranga Tamariki.

How the provisions of the Oranga Tamariki Act apply to rangatahi/young persons transitioning out of care is also changing. New “moving to independence” provisions have been introduced which mean that there are certain circumstances in which a young person may request to remain living with a caregiver up to and including the age of 20 years. Oranga Tamariki is only seeking an alteration to the Designation to allow for the placement of rangatahi up to and including 19 years of age for transitional purposes (and not up to and including 20 years as is provided for in the Act).

In order to accommodate the additional youth justice placements that will be required to enable Oranga Tamariki to meet its obligations once the Raising the Age legislative changes come into effect on 1 July 2019, additional placements will be needed at the Residence.

The changes proposed would enable an increase in the number of placements available at the Residence from 20 to 30. The increase in capacity from 20 to 30 will increase staff numbers. The number of staff will increase proportionally with the increase in the number of children and young people placed in the residence. It is noted that the increase in overall capacity does not mean that the facility will always operate at the maximum capacity.

1.2 AEE Structure

The NoR is supported by this AEE, which in turn is accompanied by specialist technical reports in Appendix 3. Together these documents provide background information, a description of the proposal to alter the purpose of the designation and increase placement capacity at the Residence, a description of the alternatives considered, a comprehensive assessment of effects on the environment, a description of the consultation undertaken with the community and consideration of the proposed alteration to the purpose and increase in capacity against the relevant statutory requirements.

This AEE addresses the matters set out in section 171(1) of the RMA.

Section 171(1) of the RMA sets out the basis for a consent authority to assess a NoR (subject to Part 2 of the RMA). It states:

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) any relevant provisions of—
 - (i) a national policy statement:

- (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
- (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) It is likely that the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

With reference to the above matters:

- Section 5 of this AEE sets out the Minister's Objectives.
- Section 7 of this AEE assesses the effects on the environment of allowing the requirement.
- Section 8 of this AEE assesses the proposal against the relevant provisions of the national policy statements, regional policy statement, the relevant regional and district plans, other statutory documents such as iwi management plans and Part 2 of the RMA.
- Section 9 of this AEE provides an assessment as to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work and whether the work and designation are reasonably necessary for achieving the objectives of the Minister.

2.0 Requiring Authority and NoR Details

2.1 The Minister as a Requiring Authority

The Minister for Children (the Minister) is a requiring authority under section 167 of the RMA. The Minister acts through Oranga Tamariki – Ministry for Children.

2.2 Summary Details of NoR

Summary details of the requiring authority and the area the subject of the NoR are as follows:

To:	Auckland Council
Requiring Authority:	Minister for Children
Nature of the Proposed Public Work	To alter the purpose of Designation No. 3800 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki by increasing the number of children/tamariki and young persons/rangatahi who may live at the Oranga Tamariki Residence for care and protection, transitional, youth justice and some adult jurisdiction purposes from 20 to 30.
Address for Service:	Boffa Miskell Ltd PO Box 91250, Auckland 1142 Attn: Nick Pollard Phone: 09 359 5234 Email: nick.pollard@boffamiskell.co.nz Copy to: Ellis Gould Lawyers PO Box 1509, Auckland 1140 Attn: Dr Claire Kirman Phone: 09 306 0743 Email: claire.kirman@ellisgould.co.nz
Address for Fees:	Oranga Tamariki–Ministry for Children PO Box 546 Wellington 6240 Attn: Steve Taylor Phone: 021 113 1018 Email: Steve.Taylor@ot.govt.nz
Site Address	398 Weymouth Road, Weymouth ²
Legal Description:	Section 2 SO362124 (refer Certificate of Title, in Appendix 2)
Site area	3.9930ha
District Plan	Auckland Unitary Plan – Operative in Part
District Plan Zoning:	Mixed Housing Suburban Zone

² Oranga Tamariki received notice on 13 February 2019 that the address of the site had been amended from 400S Section 2 SO 36124 to 398 Weymouth Road, Weymouth, Auckland 2013. Accordingly, this NoR and AEE refers to the updated property address of 398 Weymouth Road.

District Plan Overlay:	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] – Clevedon West Waitemata Aquifer
District Plan Controls:	Controls: Macroinvertebrate Community Index - Urban
District Plan Modification:	Notice of Requirements, NoR 7: Proposed Runway, Airspace Restriction Designations, Notified 15/02/2018
Designations:	Designations: Designations: - 3800, Care and protection residential centre, Designations, Minister for Children (previously Minister for Social Development). Designations: Airspace Restriction Designations – ID 1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd.

3.0 Description of the Environment

The site is located at 398 Weymouth Road, Weymouth and is legally described as Section 2 SO362124 held in certificate of title 288569. The subject site is rectangular in shape and comprises an area of approximately 3.9930ha. It is generally flat with a moderate fall in an easterly direction toward the Waimahia Creek which forms part of the Manukau Harbour.

The site currently accommodates the existing care and protection residential care including secure care facility and its associated buildings. The buildings are laid out in centre of the site. Visitor and staff parking is located between the road boundary and the administration building on the north-western side of the site. Additional staff parking is provided in the southern section of the site. Please refer to Figure 1 for an aerial photograph of the subject site.

As shown in Figure1, the Residence is located within a residential area with its northern, eastern and southern boundary bordering a residential development. The existing facilities on the site include an administration building, education building, a gym, areas for sports and recreation in addition to secure residential areas. All buildings that will be used for youth justice residents are contained within or adjoin the extent of the secure fenced area. All outdoor recreation areas for residents are within the secure fenced area.

The wider environment comprises properties zoned residential with Mixed Housing Suburban zone properties adjoining the side and rear site boundaries with Mixed Housing Urban zone properties located on the opposite side of Weymouth Road. Part of the northern side boundary adjoins an open space zone reserve. To the north-west of the site on Palmers Road is the Waimahia Intermediate School. Approximately 200 metres from the eastern boundary of the site is an Manukau Harbour estuary area.



Figure 1: Location of Whakatakapokai Residence and surrounds.

Source Auckland Council GIS Viewer.

4.0 Description of Proposal Public Work/Project

The Oranga Tamariki Act has been amended and those changes will take effect from 1 July 2019. As a response to prepare for these changes, Oranga Tamariki is proposing alterations to the designation of the Residence to better enable the purpose of the designation to align with these changes. These include the following:

- Enabling the Residence to accommodate tamariki and rangatahi who are aged up to 19 years (inclusive) to be placed there when there are in the custody of the Chief Executive of Oranga Tamariki.
- Increasing the capacity of the facility from 20 children/tamariki and young persons/rangatahi at any one time to 30. The number of staff would also be increased proportionally to reflect these changes.

To accommodate the increase in placement capacity from 20 to 30 residents additional buildings or alterations to the existing buildings may be required in the future, however, the scope and

extent of the detailed design changes have not been determined at this stage. The increase in the number of children/tamariki and young persons/rangatahi permitted by the proposed alteration to the existing designation will involve only minor works to enhance some security features and internal work within the Wharenui to make it suitable for use as a Care and Protection hub. Consequently, plans for any future development of the site are not included with this notice and will be addressed at the Outline Plan of Works stage.

Any future development of the site to accommodate the change in capacity from 20 to 30 placements is unlikely to have any significant adverse visual or amenity effects on the surrounding residential area due to:

- The small scale of the additional buildings that may be required;
- The building height, height in relation to boundary and building setbacks from the boundaries that are proposed as conditions for this designation and discussed further in section 6 of this AEE; and
- The extent of the setbacks currently existing and the separation distance from existing buildings on neighbouring sites.

5.0 The Minister's Objectives

The Minister is a requiring authority under section 166 of the RMA and has financial responsibility for residences which are public works pursuant to section 364(3) of the Oranga Tamariki Act. The Minister may therefore give the Council a notice of requirement for a designation for alterations to existing designations for residences established under the Oranga Tamariki Act.

The Oranga Tamariki Act (section 364) authorises the Minister to approve the Chief Executive of Oranga Tamariki establishing and maintaining residences under the Act that in the opinion of the Chief Executive are required for the care and control of children and young persons including residences for remand, training, rehabilitation and the provision of secure care. The amendments to the Oranga Tamariki Act (new section 364(1A)) that come into effect on 1 July 2019 also require that the Chief Executive consider establishing a sufficient number and sufficient types of community-based residences to be available for children and young persons who are detained in the Chief Executive's custody under section 238(1)(d) of the Oranga Tamariki Act which relates to the custody of child or young person pending hearing.

The Purposes set out in the Children, Young Persons and Their Families (Oranga Tamariki) Legislation Act 2017 which will replace the Objects in the Oranga Tamariki Act on 1 July 2019 of relevance to this application include:

4 Purposes

- 1) *The purposes of this Act are to promote the well-being of children, young persons, and their families, whānau, hapū, iwi, and family groups by—*
 - (a) *establishing, promoting, or co-ordinating services that—*
 - (i) *are designed to affirm mana tamaiti (tamariki), are centred on children's and young persons' rights, promote their best interests, advance their well-being, address their needs, and provide for their participation in decision making that affects them:*

- (ii) *advance positive long-term health, educational, social, economic, or other outcomes for children and young persons:*
- (iii) *are culturally appropriate and competently provided:*
- (b) *supporting and protecting children and young persons to—*
 - (i) *prevent them from suffering harm (including harm to their development and well-being), abuse, neglect, ill treatment, or deprivation or by responding to those things; or*
 - (ii) *prevent offending or reoffending or respond to offending or reoffending:*
- (c) *assisting families, whānau, hapū, iwi, and family groups to—*
 - (i) *prevent their children and young persons from suffering harm, abuse, neglect, ill treatment, or deprivation or by responding to those things; or*
 - (ii) *prevent their children or young persons from offending or reoffending or respond to offending or reoffending:*
- (d) *assisting families and whānau, hapū, iwi, and family groups, at the earliest opportunity, to fulfil their responsibility to meet the needs of their children and young persons (including their developmental needs, and the need for a safe, stable, and loving home):*
- (e) *ensuring that, where children and young persons require care under the Act, they have—*
 - (i) *a safe, stable, and loving home from the earliest opportunity; and*
 - (ii) *support to address their needs:*
- (f) *.....*
- (g) *.....*
- (h) *maintaining and strengthening the relationship between children and young persons who come to the attention of the department and their—*
 - (i) *family, whānau, hapū, iwi, and family group; and*
 - (ii) *siblings:*
- (i) *responding to alleged offending and offending by children and young persons in a way that—*
 - (i) *promotes their rights and best interests and acknowledges their needs; and*
 - (ii) *prevents or reduces offending or future offending; and*
 - (iii) *recognises the rights and interests of victims; and*
 - (iv) *holds the children and young persons accountable and encourages them to accept responsibility for their behaviour:*
- (j) *assisting young persons who are or have been in care or custody under the Act to successfully transition to adulthood in the ways provided in the Act.*

This alteration to the existing designation is required to enable Oranga Tamariki to achieve the purposes of the Oranga Tamariki Act relating to care and custody of young persons placed in the custody of the Chief Executive for care and protection, transitional, youth justice or certain adult jurisdiction reasons, and to provide for the additional demand generated by the amendments due to take effect on 1 July 2019.

6.0 Alteration of Designation 3800 in the Auckland Unitary Plan

The proposed amendments to the AUP of the existing designation purpose and conditions are detailed below (new text is underlined and deleted text is shown in ~~strike through~~).

1. Alter the purpose of designation No. 3800 of the Auckland Unitary Plan - Operative in Part (AUP OP).
2. Alter Chapter K Designations of the AUP OP as follows:

a. *Designation Schedule – Minister for Children*

Number	Purpose	Location
3800	<u>Oranga Tamariki residence</u> Care and protection residential centre – Upper North	398 Weymouth Road, Weymouth

b. *Designation Schedule – Minister for Children*
3800 Oranga Tamariki Residence – ~~Care and protection residential centre~~
~~Upper North~~

<i>Designation Number</i>	3800
<i>Requiring Authority</i>	Minister for Children
<i>Location</i>	398 Weymouth Road, <u>Weymouth</u> Section 2 SO362124
<i>Rollover Designation</i>	Yes
<i>Legacy Reference</i>	Designation 283, Auckland Council District Plan (Manukau Section) 2002, <u>Designation 5900, Auckland Unitary Plan (Operative in Part)</u>
<i>Lapse Date</i>	Given effect to (i.e. no lapse date)

Purpose

Oranga Tamariki Residence

An Oranga Tamariki residence operated to fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children for care and protection, youth justice and certain adult jurisdiction or transitional reasons including for:

- (a) The placement of children/tamariki and young persons/rangatahi for the purpose of providing care (including secure care), protection, control, treatment and transitional services; and
- (b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation, cultural and transitional facilities; and
- (c) Activities consistent with and ancillary to the establishment, operation and maintenance of the residence, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, shared services, access and car parking.

~~Care and Protection Residential Centre — Upper North, being a residence in terms of section 364 of the Children, Young Persons, and Their Families Act 1989 for:~~

~~(a) The placement of up to 20 children and young persons for the purpose of providing care (including secure care), protection, control and treatment; and~~

~~(b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation and cultural facilities; and~~

~~(c) Activities consistent with and ancillary to the establishment, operation and maintenance of the Care and Protection Residential Centre — Upper North, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, access and car parking.~~

Conditions

1. The placement of up to 30 children/tamariki and young persons/rangatahi up to and including the age of 19 years. That the Care and Protection Residential Centre — Upper North shall provide residential care for up to 20 children and young persons at any one time.

2. That the Manager of the proposed facility shall convene a Community Liaison Committee in accordance with relevant regulations relating to the establishment, function and operation of Community Liaison Committees.

That in the period from 1 June 2019 and for a two year period thereafter:

a. The Manager shall ensure that the Community Liaison Committee is provided with regular information and updates regarding activities at the facility that relate to the following specific activities:

i. Physical works proposed to the facility, particularly where such physical works may impact on the security or overall appearance of the facility;

ii. Safety and security arrangements at the facility including responses to emergencies or security incidents.

b. The Manager shall seek input from the Community Liaison Committee on any proposed works or arrangements in paragraph (a).

c. The Community Liaison Committee shall consider whether it is necessary to hold additional meetings or establish a sub-committee to consider and respond to issues raised by the local community in relation to matters in paragraph (a).

d. The Community Liaison Committee membership shall include additional representatives of the immediate neighbours of the facility and a representative of the Ministry of Education (to represent the neighbouring schools).

~~A Community Liaison Committee shall be established to assist in the promotion of a positive relationship between the Care and Protection Residential Centre — Upper North and the local community. The Community Liaison Committee shall be kept informed of current and proposed programmes at the Care and Protection Residential Centre — Upper North and include two representatives of the local community.~~

3. That Oranga Tamariki-Ministry for Children, through the Manager of the facility, shall formulate and implement a Security Management Plan for the facility that takes into consideration the interests of key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups in accordance with any regulatory requirements. A Security Management Plan for the Care and Protection Residential Centre – Upper North shall be formulated and implemented in consultation with relevant emergency services and the Community Liaison Committee Children, Young Persons, and Their Families.
4. Activities (other than construction) on the site shall be so conducted as to ensure that noise from the site shall not exceed the following noise limits at any point within the boundary of any neighbouring residential site:

<u>Time</u>	<u>Noise Level</u>
<u>Monday to Saturday 7am – 10pm</u>	<u>50 dB L_{Aeq}</u>
<u>Sunday 9am – 6pm</u>	
<u>All Other Times</u>	<u>40 dB L_{Aeq}</u> <u>75 dB L_{AFmax}</u>

<u>Monday to Sunday (inclusive)</u>	
<u>7am – 10pm</u>	<u>L₋₁₀ 55 dBa</u>
<u>10pm – 7am</u>	<u>L₋₁₀ 45 dBa</u>
<u>10pm – 7am</u>	<u>L_{max} 75 dBa</u>

Noise (other than construction noise) shall be measured and assessed in accordance with ~~the requirements of the New Zealand Standard NZS6801:2008 “Acoustic Measurement of Environmental Sound”~~ and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental Noise”.

5. The site shall be landscaped generally in accordance with the landscape concept plan prepared by Opus International Consultants marked AC116.00 (September 2002) contained within Appendix B of the Notice of Requirement (2002). All planting associated with this landscape concept shall be maintained regularly and kept in a tidy condition.
6. The lighting on site shall be sufficient for operational and security purposes and shall be designed to prevent the intrusion of direct light into neighbouring properties.
7. Any new buildings or building extensions shall not exceed 8m in height or project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along the side and rear boundaries; and shall be set back from all side, rear and front boundaries by 12 metres.
9. Prior to 1 July 2019 a Social Impact Management Plan (SIMP) shall be prepared. The purpose of the SIMP is to identify the mechanisms or measures for Oranga Tamariki to mitigate and manage any adverse social impacts to neighbours, the Weymouth community and other stakeholders arising from its use as a youth justice residence.

The purpose is amended to reflect the amendments to the Oranga Tamariki Act in relation to the extension of the youth justice system to include most 17-year-olds except for those charged with certain serious offences, and in relation to assisting those transitioning out of care. Also there are a small number of young adults aged 18 and 19 (inclusive) who Oranga Tamariki may also be asked by the adult or youth courts (or Police or Corrections) to provide care for pursuant to other legislation.

The conditions are amended to enable the increase in the number of placements at the Oranga Tamariki Residence from 20 to 30 and to ensure that the development and implementation of the Security Management Plan takes into consideration the interests of key stakeholders. The condition in relation to the Community Liaison Committee is also updated to ensure that the most relevant regulations apply to its establishment and operation and to ensure that any subsequent amendments to relevant regulations and Acts are provided for.

The noise condition has been updated to reflect the current AUP residential noise provisions.

The additional site-specific designation condition setting out building height, height in relation to boundary and building setbacks has been included with the intention of providing certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 20 to 30 placements. The inclusion of this condition will ensure that any future built development on the site will not be over bearing or significantly adversely impact on neighbouring sites. Any future building development on the site will proceed through the RMA Outline Plan of Works process and any relevant resource consents would also be sought at that time.

7.0 Assessment of Environmental Effects

Section 171(1) requires that the determining authority must, subject to Part 2, consider the effects on the environment of allowing the requirement.

Oranga Tamariki engaged a number of technical specialists to assess the effects on the environment of allowing this application. This section of the AEE describes the environmental effects of amending the existing designation to alter its purpose and to provide for the placement of an additional 10 children/tamariki and young persons/rangatahi.

These assessments take into account the existing approved designation which provides for the placement of 20 children/tamariki and young persons/rangatahi. These assessments also consider the effects of any future additional buildings located on the site.

7.1 Current Operation Description

7.1.1 Children / Unit Capacity / Classrooms

- Number of children/tamariki and young persons/rangatahi in residence:
 - Previously up to 20 children/tamariki and young persons/rangatahi occupied the secure accommodation units.
 - As at 30 June 2019:

- There will be no children/tamariki and young persons/rangatahi in the secure residence area of the site.
- There will be a maximum of 6 children/tamariki and young persons/rangatahi accommodated for care and protection reasons within the Wharenui building as they transition to Oranga Tamariki Community Houses. This occupancy rate varies depending on need.

7.1.2 Number of Staff

When the site was operating as a care and protection residence at fully capacity (20 children/tamariki and young persons/rangatahi) the staff numbers were approximately as follows:

Staff	Number of Staff	
	Weekday	Weekend
Care Team Floor (AM/PM shifts)	8 to 10 per shift for 20 young people	Same as weekday
Care Team Floor (night shift)	6 per shift	Same as weekday
Clinical team	4 (during business hours)	1 on call
Clinical external facilitators	1 to 2 per week for various clinics (business hours)	nil
Domestic/Admin support/kitchen	12 staff (business hours)	1
Medical	1 nurse Mon-Fri, GP every Tuesday (business hours)	On call
School	7 - Assistant Principal, teachers and teachers aides (school hours)	nil
School external facilitators	3 or 4 people spread across the week doing music programmes etc. (during school hours)	nil
Escorting staff	No team – escorts taken from the care team.	

7.1.3 Visiting Hours

- Professional specialists visit during business hours (9am – 5pm weekdays).
- Whanau visits 3pm - 6pm week days and concluded by 6pm at weekends.

All visits take place in visitor rooms.

7.2 Operational Changes arising from Designation Changes

The following sections describe the operational changes arising from the change in designation purpose to include the transitional, youth justice and adult jurisdiction placements and the increase in placement capacity from 20 to 30.

7.2.1 Children / Unit Capacity / Classrooms

The proposed change to the designation is seeking provision for up to 30 children and young people at the Residence (of which no more than 6 at any one time would be accommodated for care and protection purposes in the Wharenui and the remainder for transitional, youth justice or adult jurisdiction purposes).

Care and Protection:

- Children/tamariki and young people/rangitahi placed for care and protection purposes will only be at the Residence for the purposes of assessment and stabilisation before they would be placed at a community home where they will live and from which they will receive education and other programmes.
- Children/tamariki and young people/rangitahi placed for care and protection purposes will be accommodated at the Wharenui building which is separated from the secure residence. The Wharenui will include one secure room for use by Care and Protection.

Transitional placements

- Children/tamariki and young people/rangitahi placed for transitional purposes will be accommodated in a self-contained flat that would be available for transitioning young people who are not subject to an order requiring detention or care or custody.

Youth Justice and adult jurisdiction placements:

- Children/tamariki and young people/rangitahi placed for youth justice or adult jurisdiction purposes will be accommodated in the secure residence units.
- Standard education curriculum will be provided in the 2 classrooms. In addition, other training programmes including cultural, life skills, practical skills (such as music, art, technology) and job training skills will be delivered.
- Supervised exercise will be in the gym, pool or either the central courtyard or in the individual courtyards attached to each residential unit.

7.2.2 Number of Staff

The number of staff will be increased proportional to the increased capacity of the site and to meet the requirements, objectives and outcomes of the Oranga Tamariki Act, including the additional security requirements for a Residence taking youth justice and adult jurisdiction placements.

The following indicative staff numbers for the Residence are based on the current level of resourcing at other Oranga Tamariki Youth Justice Residences:

Residence Staff for secure residence taking youth justice and adult jurisdiction placements

These staff estimates are based on 24 children and young people.

Staff	Number of Staff	
	Weekday	Weekend
Floor staff (AM/PM shifts)	8 per shift (minimum of 1 staff for 3 children/tamariki and young persons/rangatahi and in practice this ratio is often higher)	Same as weekday
Floor staff (night shift)	8 per shift (minimum of 1 staff for 3 children/tamariki and young persons/rangatahi and in practice this ratio is often higher)	Same as weekday
Clinical team	3 (during business hours)	0
Clinical external facilitators	Up to 5 per week for various clinics (business hours)	0
Admin Staff	2-3 staff (based on some shared admin support with Korowai Manaaki) during business hours	1 during business hours
Medical	2-3 medical staff at times during business hours	1 (business hours)
School	6 - 7 teachers and teachers' aides (school hours)	0
School external facilitators	1-2 facilitators each for periods during week day plus 1-2 additional facilitators for periods 3 days per week	0
Escorting staff	On site as required 2 – 4 staff (varies with needs).	0

Residence Staff for care and protection placements

Staff	Number of Staff	
	Weekday	Weekend
Care Team Floor (AM/PM shifts)	4 per shift	Same as weekday
Floor (night shift)	3 per shift	Same as weekday
Care and Protection on-site team	13 (during business hours)	0

Care and Protection mobile team (who would operate from the Wharenui hub but work out across community home locations)	2 staff each for the am/pm 1 staff for the nightshift	0
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Shared Services Staff

Staff	Number of Staff	
	Weekday	Weekend
Kitchen	5	1
Caretaker	2	0

7.2.3 Visiting Hours

- Professional specialists visit during business hours.
- Whānau visits 2.30-5pm week days
- Whānau visits 10am-1pm at weekends.

7.3 Layout, buildings and uses

The proposed future site will operate:

- A Care and Protection hub that:
 - Will receive and assess children/tamariki and young people/rangatahi for care and protection purposes prior to their placement in a community home. This may involve up to 6 children/tamariki or young people/rangatahi at any one time.
 - Is based in the Wharenui which is located outside the secure fencing.
 - Will include one secure room.
- A Youth Justice residence comprising:
 - 2 Secure residential accommodation blocks which have TV/lounge rooms, dining room, toilet and shower facilities and an attached courtyard, and 5 additional secure bedrooms (note that these bedrooms are not counted in the bed count because they are only used for behaviour management of children and young people already placed at the residence).
 - Providing for up to 20 children/tamariki or young people/rangatahi up to and including the age of 19. The amended designation would allow for this to grow to 24 (or up to 30 in the event that the Care and Protection hub is relocated) if additional accommodation is built.

- A gymnasium (inside the secure perimeter).
- Education block (inside the secure perimeter).
- A crafts workshop (inside the secure perimeter).

Note: the care and protection placements and youth justice and adult jurisdiction placements would always be separated and managed by separate staff.

- The kitchen will continue to act as a shared service providing meals for all placements at this Residence and to the Korowai Manaaki Residence.
- A self-contained flat that would be available for transitioning young people out of care or youth justice but who are not subject to an order requiring detention.
- No change to car parking requirements.

7.4 Range of activities

The Oranga Tamariki approach to managing and caring for children/tamariki and young persons/rangatahi in Youth Justice residences is to provide an active and structured day which provides for a range of programmes and a high staff to young person ratio which ensures safe, secure supervision and behavioural management.

Programmes for residents:

- Educational and/or vocational programmes.
- Cultural programmes.
- Targeted intervention programmes.
- Additional classes like art are held in the education facility.
- Supervised exercise is held in the gym, swimming pool or the courtyard area adjacent to the residences.
- Programmes are run after school until 8pm and on weekends 8am-8pm, by floor staff and the education building is used for art and technology education.
- Supervised use of recreation facilities (within the secure fenced area).

Note: All activities within the residence units and in the education or recreation facilities are supervised.

7.5 Security and safety

Safety and security within Oranga Tamariki youth justice residences is achieved through a range of different components:

- Placement decisions are based on a robust assessment of each child/young person's circumstances and profile and matching this to the right location.
 - A range of factors are considered in this assessment including: whether remanded or sentenced; nature of offending; age, vulnerability. Importantly many of the children and young people placed for youth justice purposes are

- already known to Oranga Tamariki having had a care and protection status – this allows an accurate assessment to be made based on their behavioural history.
- Oranga Tamariki operate secure residences (e.g. Korowai Manaaki) which are suited to children and young people with a higher risk profile; and community based homes which are suited to low risk children and young people. This residence provides an opportunity to place and care for children and young people whose assessed needs show they are suitable for placement in this environment.
 - Close supervision:
 - High staff child/young person ratio. The minimum ratio for floor staff is 1 staff member per 3 children/young people and in practice the ratio is often higher where units are not full. This ratio does not include the other administrative, management, caretaking and specialist staff on site.
 - A line of site policy requires children and young people to always be within line of sight of a staff member.
 - Children and young people are always escorted when outside their secure accommodation (e.g. if accessing the classrooms, gym etc.).
 - Effective relationships and behaviour management. Staff work to achieve a relationship with children and young people that enables them to identify any warning signs and manage behaviour appropriately. The behaviour management system includes use of a tiered reward system to incentivise good behaviour.
 - Relevant programmes that may include structured education and vocational activities, intervention programmes, and tikanga programmes. This, together with the structured day they receive at a residence are key elements to establishing a safe and secure environment.
 - Effective preparation for transitioning children and young people who will be leaving the residence. Oranga Tamariki access local community groups and programmes to provide interesting activities for the children and young people and establish a connection for them with the community to which they will return. These will vary but may include cultural groups, sports groups or a local chess club.
 - Physical security features including secure doors and locks, high specification glazing, controlled entry and exit points, live CCTV monitoring, lockdown functionality (that permits doors/access points to be locked from a central location) and fencing. Oranga Tamariki will complete some additional security enhancements to this residence that are considered appropriate for the profile of children and young people that would be placed there, including upgrading the doors and locks to the same standard as other youth justice residences, increasing the specification of glazing, enhancing the live CCTV coverage and inserting bollards set back from the street front. No physical changes will impact the visual amenity of the residence.
 - The use of designated secure rooms where children and young people can be placed when behaviour requires it (this is managed within strict legislative requirements and internal protocols).
 - Effective incident management. Detailed emergency and security management plans are required at all sites that provide clear guidance for staff in relation to a range of potential events (such as fire or absconding).

7.6 Neighbourhood/Community and Social Impact Effects

A social impact assessment (SIA) of the designation purpose change and capacity increase at the Residence to provide for the placement of up to 30 children/tamariki and young persons/rangatahi has been prepared by Beca and is Attachment 3.

7.6.1 Methodology

The SIA has been developed for Oranga Tamariki to analyse, monitor and manage the social consequences of the proposed changes at the Residence. The SIA sets out the assessment framework under which it has been prepared consistent with the eight social impact matters described in the International Association of Impact Assessment Guidelines. The International Association of Impact Assessment describes social impacts as impact on one or more of the following:³

- People's way of life – how they live, work, play and interact with one another on a day-to-day basis.
- Their culture – their shared beliefs, customs, values and language or dialect.
- Their community – its cohesion, stability, character, services and facilities.
- Their political systems – the extent of which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose.
- Their environment – the quality of the air and water people use; availability and quality of the food that they eat, the level of hazard of risk, dust and noise they are exposed to; the adequacy of sanitation, their physical safety, and their access to and control over resources.
- Their health and wellbeing – health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity.
- Their person and property rights – particularly whether people are economically affected or experience personal disadvantage which may include a violation of their civil liberties.
- Their fears and aspirations – their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children.

The preparation of the SIA relied on information obtained from:

- Site visit on 21 January 2019;
- Review of residence plans, proposed alteration to designation and operational information supplied by Oranga Tamariki regarding site security and emergency management processes;
- Review of literature relating to justice facilities and social impacts in the community (including other SIAs and academic research);
- Review of New Zealand media coverage relating to youth justice facilities;

³ Vanclay, F. (2003). International principles for social impact assessment. *Impact assessment and project appraisal*, 21(1), 5-12.

- Review of Statistic New Zealand Data for the surrounding area;
- Review of minutes of Community Liaison Group, and other relevant internal documents;
- Review of consultation and stakeholder engagement carried out by Oranga Tamariki.

Information obtained from these sources was used to define the study area and provide a conceptual basis for this assessment.

An explanation of the rationale for determining the study area is discussed in section 5.2 of the SIA which is defined to be the Census area units of Clendon South, Weymouth West and Weymouth East. With a wider catchment identified as the catchment covered by the Manurewa Local Board area including Wiri Industrial Estate, Manurewa East, Homai, Weymouth and Wattle Downs.

7.6.2 Potential effects

The assessment discusses the social impacts at both the Local Board level and on the wider surrounding community. Based on the methodology outlined in the SIA through analysis of relevant literature and the project and community context, the broad framework from section 3.1 was reviewed and revised to specifically target potential impacts from this project for these communities. The SIA confirms that the refined social impacts comprise:

- Impacts on way of life – How people carry out and get to their activities of day living including consideration of access to and between communities and places / centres where people live, work and play.
- Impacts on their community – This includes community cohesion, stability, character, services and facilities.
- Impacts on the quality of the environment – This includes people’s well-being (related to changes to the environment), sense of place and identity and changes to the character and amenity of living environments and character of communities.
- Impacts on health and wellbeing – health is a state of complete physical, mental, social and spiritual wellbeing.
- Impacts on property values – This includes the community’s concerns for decreasing property values.
- Impacts on their fears and aspirations – This includes the community’s perceived safety, fears about the future of their community, and their aspirations for their future and the future of their children.

The SIA discusses these impacts under three headings at sections 6.2.1, 6.2.2 and 6.2.3. Those assessments are not repeated in this AEE, except to summarise those potential impacts and the quantified measure contained in the assessment.

Potential impacts on the quality of the environment from changes in visibility

The SIA concludes that there is the potential for high adverse impact on sense of place and how people live their lives, for local residents and for residents in wider Weymouth. This arises due to the location of the residence on Weymouth Road, being the main road in and out of the suburb. Any changes that affect the residence’s visibility with viewed by passing traffic and pedestrians will be recognisable from the street. In addition to this will be the changes in the community’s

perception or 'visibility' of the place as awareness of the transition grows, including changes to vehicle movements including secure vehicles. Community feedback reinforced this area of concern.

Potential impacts on wellbeing and fears and aspirations

The SIA concludes that there is the potential for high adverse impact on peoples' wellbeing and fears. This was a central piece of feedback raised by the community particularly relating to the families and children residing in the adjoining Waimahia Inlet development.

The SIA describes the uncertainties that build the potential for this perception as expressed by the community with a concern that the crime rate will increase with the expansion of the facility to increase numbers and with the inclusion of the youth justice activity.

The SIA notes that these perceived fears will be heightened during the planning and pre-implementation phase and recommends some specific measures to manage these potential impacts.

Potential impacts on way of life, including residential amenity and privacy

The SIA concludes there is the potential for moderate (to potentially high) adverse impact on the quality of the environment and residential amenity for neighbouring properties. The SIA highlights that during the transition of the residence from its current focus to the new use there is likely to be changes in the activity levels on the site.

The SIA identifies that this change and those impacts arise from increased resident capacity and staffing, potential for security surveillance and potential visibility between residents. The SIA is able to make specific reference to several areas of properties where these impacts are heightened, identifying residences on: Tutuwhatu Crescent where private open space areas adjoin the western boundary of the residence; Kaimoana Street where properties adjoin existing parking areas; and, Leaver Place which adjoins the eastern boundary of the residence.

The SIA notes that the impact is not considered permanent, and once operational plans are given effect to, safety and security issues will be reduced from high to moderate. Therefore, in the interim until the plans are finalised there will be uncertainty as to how visibility and amenity impacts will be addressed and the impact will remain.

Potential impacts on the quality of environment and sense of place for neighbours

The SIA concludes that there is the potential for low adverse impacts on the quality of the environment and sense of place for neighbours. The SIA makes specific comment in relation to the issue of a decrease in property values. This issue was raised in community feedback on the proposed changes to the residence. The SIA notes that whilst this is not necessarily a social impact "it is recognised that these issues can impact on the values that people and the community places on the quality of their environment and their sense of place."

The SIA refers to factors that can increase this potential social impact including: the uncertainty of change; and, the correlation of potential amenity impacts with property values, noting that this relates particularly for adjoining landowners. Ultimately these impacts are temporary and affect only a small number of properties within the wider community.

7.6.3 Mitigation measures

The SIA outlines mitigation measures to address the potential impacts identified above with two management measures are proposed:

- *Community Engagement*

Achieved through the existing and proposed amended designation conditions, with the purpose being ongoing community and stakeholder engagement to provide the community with a mechanism to address the potential for impacts on the community's sense of place and to address impacts associated with fears and perceptions. This would utilise the continuation of Community Liaison Committee but broaden its role and membership for a two-year period. During this time there would be a need to provide specific information to the Community Liaison Committee on planned physical works where these changes may impact on the security or physical appearance of the Residence for feedback. Amendments to the condition also include decision-making by the Community Liaison Committee on whether, further meetings or a subcommittee is required as well as whether to respond to issues raised by the local community. It is proposed that membership for this period include additional representatives for the immediate neighbours of the Residence and the Weymouth Community as well as a representative from the Ministry of Education to represent the neighbouring schools.

Proposed Community Liaison Committee condition:

That the Manager of the facility shall convene a Community Liaison Committee in accordance with relevant regulations relating to the establishment, function and operation of Community Liaison Committees.

That in the period from 1 June 2019 and for a two-year period thereafter:

- (a) The Manager shall ensure that the Community Liaison Committee is provided with regular information and updates regarding activities at the facility that relate to the following specific activities:*
 - i. Physical works proposed to the facility, particularly where such physical works may impact on the security or overall appearance of the facility;*
 - ii. Safety and security arrangements at the facility including responses to emergencies or security incidents.*
- (b) The Manager shall seek input from the Community Liaison Committee on any proposed works or arrangements in paragraph (a).*
- (c) The Community Liaison Committee shall consider whether it is necessary to hold additional meetings or establish a sub-committee to consider and respond to issues raised by the local community in relation to matters in paragraph (a).*
- (d) The Community Liaison Committee membership shall include additional representatives of the immediate neighbours of the facility and a representative of the Ministry of Education (to represent the neighbouring schools).*

This would comprise continued Community Liaison Committee as well as a specialised forum for adjoining neighbouring properties established for the duration of the transition.

- *A Social Impact Management Plan (SIMP)*

The preparation of SIMP to inform physical works and during the operational process design phases. The SIMP would be development in recognition of Oranga Tamariki's commitments to managing the social impacts identified in this SIA and define the mitigation measures required and monitoring/review process required.

Proposed Social Impact Management Plan condition:

Prior to 1 July 2019 a Social Impact Management Plan (SIMP) shall be prepared. The purpose of the SIMP is to identify the mechanisms or measures for Oranga Tamariki to mitigate and manage any adverse social impacts to neighbours, the Weymouth community and other stakeholders arising from its use as a youth justice residence.

The SIA concludes, overall, that the social effects of the alteration to the Designation will be more than minor and mitigation measures are necessary to manage the impacts on the local and wider community. Those potential effects on the local and wider community can be suitably mitigated by the measures identified above.

7.7 Physical Effects

The site contains the established residence and ancillary buildings and elements associated with its use. This includes a range of buildings, car parking areas, landscaping, swimming pool, gymnasium, education building and various control features such as fences, gates and associated infrastructure.

It should be noted that the higher security fence secures an inner part of the residence with the main administration building, Wharenui and area for care and protection use located outside the security fence with frontage to Weymouth Road. A combination of lower scale close boarded fencing and buildings form the public interface face of the residence.

Features of relevance include the High-Use Aquifer Management Areas Overlay and the obstacle limitation designation (ID 1102) associated with Auckland Internal Airport also overlays the site, but at a height unlikely to have any impact on development on the site.

7.7.1 Potential effects

Some minor works will occur to enhance some security features and internal work within the Wharenui to make it suitable for use as a Care and Protection hub but these will not impact the facilities visual amenity. If additional changes are sought in the future to provide for the full 30 placements, then an outline plans of works applications will be prepared. The proposed changes in terms of age and capacity will be able to be accommodated within the existing development boundaries and therefore there are no significant adverse effects on the environment as a result.

The site is landscaped and there is an existing condition (not proposed to be altered) which requires landscape planting to be established as part of the development on the site. This includes extensive boundary planting that has been implemented along the boundaries to residential properties which forms a dense screen to the residential properties located to the southwest and southeast of the residence. Given no physical changes are proposed in respect of the buildings, no changes to landscape treatment framework is proposed at this time.

The site is connected to the reticulated stormwater network, to managed piped flows of stormwater to Waimahia Creek and the Pahurehure Inlet. A stormwater memorandum regarding

the stormwater implications of the proposed alteration to the designation has been prepared by Beca and is Attachment 3. Given that no physical changes are proposed and the built form of the site will remain unchanged peak stormwater discharges and runoff volumes will remain unchanged and no changes or upgrades are proposed at this time.

The residence is located within a residential context with fencing and screening situated with landscape planting to achieve modest scaled development similar to a small school. Higher security fencing is located so as to ensure it is obscured by built development or planting. Setting aside the signage, its use as a Oranga Tamariki residence is not necessarily identifiable, and as very limited visible physical changes are proposed at this time, recognition of the change within the neighbourhood is negligible. Future development, if required, will be managed through the outline plan of works process and the additional conditions proposed by this NoR will ensure that any future development maintains its low scale, which recognises the development outcomes provided for under the provisions of the Mixed Housing Suburban zone with generous separation from the boundaries, particularly when considered in the context of the development potential provided by the underlying zone.

7.8 Traffic Effects

A transportation assessment of the designation purpose change and capacity increase at the Residence to provide for the placement of up to 30 children/tamariki and young persons/rangatahi has been prepared by Stantec and is provided in Attachment 3.

7.8.1 Additional trips generated effects

Traffic generated by staff, visitors and other trips (including servicing, school trips, court appearance and appointments) has been assessed in the transportation assessment.

The increase in the number of children/tamariki and young persons/rangatahi at the Residence is estimated to result in an increase of 54 weekday trips. Noting that the current 5-day average daily trip estimate for Weymouth Road is 14,986 vehicles per day this increase is assessed as minor as it is less than 1% of the current volume. The assessment concluded that additional traffic volumes generated as a result of the change in designation can be accommodated for in the surrounding road network without adverse effects on safety or efficiency.

The traffic generated as a result of the increase from 20 to 30 children/tamariki or young people/rangatahi to be accommodated on-site will be in the order of 54 daily trips and up to 12 trips in the peak hour. Such low additional traffic generated by the site will be readily accommodated without adverse effects on the safety or efficiency of the road network.

7.8.2 Parking effects

As the site is zoned Mixed Housing Suburban and the minimum parking requirement specified in AUP is provided in Table E27.6.2.4. The supported residential care activity provisions in the table are considered the closest in purpose to the activities on-site and these require 0.3 parking spaces per bed with no maximum rate specified. This would equate to a minimum of six spaces for the current designation (20 beds) and a minimum of nine spaces for the proposed designation (30 beds). A total of 57 spaces are provided on site and therefore the current provision complies with the AUP parking requirements in full.

7.9 Noise Effects

A noise assessment of the designation purpose change and capacity increase at the Residence to provide for the placement of up to 30 children/tamariki and young persons/rangatahi has been prepared by Hegley Acoustics Consultants and is provided in Attachment 3.

The noise assessment report has been developed for Oranga Tamariki to analyse and manage the noise consequences of the proposed changes.

It should be noted that the noise assessment highlights the AUP shifts to a new noise metric recommending that the measurement of sound to remain in line with the approach to measuring sound in the conditions should change, as proposed, from L_{10} to L_{Aeq} .

7.9.1 Potential noise effects on adjacent sites

The residence is located within the Mixed Housing Suburban zone and there are specified noise limits in the AUP measured at the boundary of the site. The noise assessment outlines the approach to determining the most appropriate standard that should apply identifying the standard at E25.6.23 Noise levels for care centres and E25.6.24. Noise levels for schools but as the Residence is not specifically one of these things the most prudent standard is considered to be E25.6.2 Maximum noise levels in residential zones.

The noise assessment has considered the effects of the proposed Designation alteration to each of the potential major areas for noise generation being the outdoor pool, the outdoor courts, the gymnasium, the multicultural centre and vehicles concluding that on-site activities can comply with the adopted noise limits that are established by E25.6.2 of the AUP.

7.9.2 Noise effects conclusion

The noise assessment concludes that noise resulting from activities arising from the proposed alteration to the designation will not result in any adverse effects on the neighbouring properties. The existing designation noise condition, subject to amendment to recognising the change in measurement standard, is appropriate for the control of noise from the Residence, as it provides an appropriate level of protection to the neighbouring residential sites.

7.10 Cultural Effects

Consultation has been undertaken with the relevant local Mana Whenua representatives that Oranga Tamariki maintains a relationship with.

No matters arising from Mana Whenua consultation indicated any reason why the proposed alteration to the Designation would result in adverse effects on cultural values.

7.11 Conclusion of Assessment of Environmental Effects

Technical specialists have assessed the potential social, traffic, and noise effects of the proposed alterations to designation for the Residence.

Social Effects

There will be some potential adverse social effects on the community as a result of the proposed alteration. These are set in the SIA and discussed above and relate to:

- Effects on how people in the Weymouth perceive the quality of the environment with changes in visibility arising from the transition of the residence.
- Effects on wellbeing, fears and aspirations for people in the community, particularly families and children residing in the adjoining Waimahia Inlet development, arising from uncertainties as the transition is implemented and a concern that there will be a change in the crime rate in the area.
- Effects of the way of life including residential amenity and privacy for adjoining neighbours as a result of the proximity of these properties to the change Residence.
- Effects on the perception of the quality of the environment and sense of place for neighbours and the more immediate neighbourhood with changes in the Residence impacting on property values.

To address the potential adverse social effects and further enhance the positive effects Oranga Tamariki will:

- Enhance community engagement, continuing the Community Liaison Committee and broadening its function and membership for the duration of the transition to provide the community with information and a system for feedback to ensure that concerns are addressed as the transition is implemented.
- Prepare a Social Impact Management Plan to provide a process to review social impacts as they are identified develop and implement measures to avoid, remedy or mitigate adverse social effects.

These measures will ensure that an appropriate positive relationship is maintained with the surrounding community and monitoring of the effects of the Residence including are monitored, with information disseminated and that concerns raised by the community are responded to.

Physical Effects

There will be no physical effects as a result of the proposed alteration to the designation as the changes can be accommodated with the existing built development. Some security changes are proposed however these are largely upgrades to the existing development which is well screened from the residential boundaries by landscape planting and fencing. Given the bulk and scale of the development, and its longstanding presence it is well integrated into the existing neighbourhood. Conditions are proposed to ensure that future built development, if required, is located to maintain suitable separation from the boundaries and to retain the residential bulk and mass that is characteristic of the area.

Traffic Effects

The traffic assessment has identified as a result of the change in capacity, weekday trips will increase by an additional 54 trips with weekends increasing by 14 trips. These increases are unlikely to be noticeable in terms of current weekday traffic volumes on Weymouth Road nor be

noticeable in terms of the operation of the surrounding road network. The traffic assessment comments on parking noting that there are currently 57 spaces and this exceeds the AUP standards for a similar activity in the zone.

Noise Effects

Given the location of the Residence with close proximity to sensitive residential uses there is the potential for noise generated by activities on the site to adversely affect nearby residential properties. Accordingly, a condition is proposed by this NoR to ensure that noise levels do not exceed the acceptable standards. This has been reviewed by the Acoustic Specialist who has recommended changes to align the measurement units with more contemporary metrics and concludes this provide an appropriate level of protection to the neighbouring properties and no effects are likely to arise as a result of the change in terms of noise.

Cultural Effects

Consultation is ongoing with Mana Whenua but to date no matters have arisen which would indicate the change would result in adverse effects on cultural values. Recognising the designation and Residence is established and no physical changes are proposed at this time.

Conclusion

Overall with the proposed mitigation measures implemented, it is considered that the proposed change to the designation will have acceptable effects on the environment.

8.0 Statutory Assessment

The RMA provides for the use and development of New Zealand's natural and physical resources through:

- Part 2, which establishes the purpose and principles applying to resource consents and designations;
- Section 181, which enables a requiring authority to lodge a notice of requirement with the relevant territorial authority to alter a designation; and
- Section 171, which subject to Part 2, prescribes the matters to which particular regard must be had in considering the effects on the environment of allowing the requirement.

In accordance with Section 171-(1)(a) of the RMA, this assessment addresses:

- Part II of the RMA
- Auckland Plan
- Auckland Regional Policy Statement (ARPS)
- Auckland Unitary Plan including relevant plan changes.

8.1 Part II of the RMA

Part II of the RMA sets out the purpose (**Section 5**) and principles (**Sections 6-8**) of the RMA.

8.1.1 Section 5 – Purpose

Section 5 of the RMA states that the purpose of the RMA is:

“to promote the sustainable management of natural and physical resources”.

Section 5 also states:

“(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The change in the purpose of the designation and the proposed capacity increase at the Residence achieves the sustainable management purpose of the RMA, in particular it allows people and communities to provide for their health and safety at a local and regional scale.

The proposed capacity increase at the Residence has minimal adverse effects on natural and physical resources. The site is already highly modified and contains an existing Care and Protection Residential Centre including secure care use. Traffic associated with the proposed new facility can be accommodated by the existing road network serving the site.

The proposed capacity increase at the Residence will enable Oranga Tamariki to provide for the social wellbeing and safety of people and the community. The fundamental purposes of the Oranga Tamariki Act relevant to this application is to respond to alleged offending and offending by children/tamariki and young persons/rangatahi in a way that:

- (i) promotes their rights and best interests and acknowledges their needs; and
- (ii) prevents or reduces offending or future offending; and
- (iii) recognises the rights and interests of victims; and
- (iv) holds the children and young persons accountable and encourages them to accept responsibility for their behaviour.

The Oranga Tamariki Act also seeks to assist young persons who are or have been in care or custody under the Act to successfully transition to adulthood in the ways provided in the Act.

Providing a safe, secure and supportive environment will enable delivery of these outcomes and assist young persons to develop skills and knowledge to enable them to change their lives for the better and prevent reoffending.

Additionally, enabling this residence to be used for youth justice and certain adult jurisdiction placements will better enable Oranga Tamariki to be able to place children and young people close to their home, whānau and community; reducing the number of children and young people that might otherwise need to be sent to a residence in another region away from Auckland.

The alterations to the designation reflect the principles of Part 2 of the RMA as they enable the community to provide for their social, cultural and economic well-being by providing necessary community infrastructure to service the projected demand increase for the placement of children/tamariki and young persons/rangatahi arising from the amendments to the Oranga Tamariki Act. The effects of the alteration to the designation are evaluated later in this report and demonstrate that any actual and potential adverse effects on the environment will be able to be avoided, remedied or mitigated. The alterations to the designation will assist the Minister / the Chief Executive of Oranga Tamariki in fulfilling the security, safety and supportive environment obligations and functions under the Oranga Tamariki Act and other relevant legislation.

The social impact assessment undertaken for the proposed designation purpose change and capacity increase concludes that there will be some potential adverse social effects on the community the effects of the proposal which will be mitigated through the conditions proposed for the Designation.

8.1.2 Section 6 - Matters of National Importance

Section 6(e) requires the following matter of national importance to be recognised and provided for:

- *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

No matters arising from Mana Whenua consultation indicated any reason why the proposed alteration to the Designation would result in adverse effects on cultural values.

8.1.3 Section 7 - Other Matters

This section lists certain matters to which particular regard is to be had in making resource management decisions. The relevant matters are as follows:

- (a) *Kaitiakitanga;*
- (aa) *The ethic of stewardship;*
- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*

Consultation undertaken with the relevant local Mana Whenua representatives that Oranga Tamariki maintains a relationship with is outlined in the consultation section of this AEE report below. Consultation undertaken with Mana Whenua has confirmed that the proposed alteration to the Designation would not result in adverse effects on cultural values.

The proposed capacity increase at the Residence represents an efficient use of resources as contemplated by section 7(b) of the RMA to meet a predicted capacity increase arising from the increase in the age of young persons/rangatahi that can be placed at the Residence due to the amendments to the Oranga Tamariki Act. The use of an existing site which is designated and suitable for secure Youth Justice purposes is an efficient use of resources. The use of the site

for slightly expanded number of placements is compatible with the surrounding land uses, and in particular will not adversely impact on the ability of surrounding activities to continue to use their sites efficiently.

Regard has been had to the maintenance and enhancement of amenity values under section 7(c) of the RMA and the quality of the environment under section 7(f) in a number of ways. “Amenity values” are defined in the RMA as meaning those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. The alteration of the designation purpose and small increase in capacity will not result in noticeable changes to the natural or physical characteristics of the site as assessed in Section 7 of this AEE.

Any future additional buildings on the site will be assessed through the Outline Plan of Works process and the proposed additional site-specific designation condition setting out building height, height in relation to boundary and building setbacks provides certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 20 to 30 placements. The inclusion of this condition will ensure that any future built development on the site will not be over bearing or significantly adversely impact on neighbouring sites.

8.1.4 Section 8 – Treaty of Waitangi

Section 8 states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

This section requires those exercising powers or functions under the RMA to take into account the principles of the Treaty of Waitangi. It is considered that the principles of the Treaty of Waitangi have been taken into account in terms of the consultation undertaken to date with Mana Whenua representatives that Oranga Tamariki maintains a relationship with and any ongoing engagement that may be required as a result of this designation process and future implementation.

A significant proportion of children and young people in Oranga Tamariki custody are Māori (approximately 75%). Consequently, any improvements that Oranga Tamariki make for the placement of children and young people has a substantial benefit for Māori children and young people in our custody. The increase in placements Oranga Tamariki seeks as part of the designation change will better enable Oranga Tamariki to be able to accommodate Māori tamariki and rangatahi close to their home, whānau and community. This has been recognised as improving the chances of better long term outcomes for those tamariki and rangatahi.

8.1.5 Section 181 – Notice of Requirement

The Minister for Children is a Minister of the Crown. This NoR has been lodged with the relevant territorial authority under section 181 of the RMA. The Minister has also lodged a request under section 198B of the RMA for this NoR to be directly referred to the Environment Court for a decision under section 198E of the RMA, instead of a recommendation by the Council under section 171 and a decision by the Minister under section 172 of the RMA.

8.1.6 Section 198E – Environment Court decides

Under section 198E (6), the Environment Court:

- (b) *may -*
 - i. *cancel the requirement; or*
 - ii. *confirm the requirement; or*
 - iii. *confirm the requirement, but modify it or impose conditions on it that the court thinks fit; and*
- (c) *may waive the requirement for an outline plan to be submitted under section 176A.*

The decision is based on matters the Environment Court is required to have particular regard to when considering a notice of requirement under sections 181 and 198E-(6)(a). The matters to be considered are set out in section 171(1) of the RMA and are as follows:

- (1) *When considering a requirement and any submissions received, the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) *Any relevant provisions of—*
 - (i) *a national policy statement,*
 - (ii) *a New Zealand coastal policy statement,*
 - (iii) *a regional policy statement, or proposed regional policy statement; and*
 - (iv) *a plan or a proposed plan; and*
 - (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have significant adverse effect on the environment; and*
 - (c) *Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

The proposal to alter the designation purpose and capacity number for this site has taken into account the relevant statutory planning documents as listed. With the exception of the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) noted below, there are not considered to be any relevant national policy statements. Nor is the New Zealand Coastal Policy Statement considered to be of direct relevance to the proposed designation alteration.

In terms of the New Zealand Coastal Policy Statement it is noted that the site is within 200 metres of an estuary however the proposed change in purpose and increase in capacity will not result in any further discharges. If in the future any additional buildings are required on the site these will go through the Outline Plan of Works process and if required any relevant regional plan consents, such as discharge consents would be sought at that time.

Under the NPS-UDC there is recognition of the significance of well-functioning urban environments and a recognition of the need to enable these environments to develop and change. Residences can be considered within the umbrella of social infrastructure, which is included in the defined term *Other infrastructure*. Objective OD1 seeks to ensure through Coordinated planning evidence and decision-making, other (social) infrastructure is integrated with land use, development and development infrastructure. Policy PA3 is also of relevance, and provides that particular regard should be had to promoting the efficient use of other infrastructure:

When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;

b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and

...

The AUP Regional Policy Statement and District Plan is the key statutory planning document under the RMA requiring consideration under s171(1)(a). An assessment of the AUP is provided below.

The requiring authority has an interest in the land (which is already designated for Care and Protection Residential Centre including secure care use), and, as set out in AEE, the alteration to the designation is not likely to have significant adverse environmental effects. Accordingly, it is not necessary to assess alternative sites, routes or methods under section 171(1)(b).

Alteration to the designation is considered to be the most appropriate method for the efficient delivery of additional Youth Justice services required as a result of the forthcoming amendments to the Oranga Tamariki Act, for addressing any additional buildings that may be required to accommodate the additional capacity of 10 placements over time, and for providing the long-term planning certainty that is required by the Minister.

The designation alteration is considered reasonably necessary for the provision of the Youth Justice services by the Minister. The Minister's objectives are discussed further in Section 5 of this AEE report.

8.1.7 Section 176A – Outline Plan

An Outline Plan of Works is required to undertake future development of the site once a designation is confirmed, so that the territorial authority is able to understand in detail the nature of proposed physical works, and if necessary request any changes prior to development. At this stage no additional building or development work for site are proposed for the site.

Any future additional buildings on the site will be assessed through the Outline Plan of Works process. In addition, the additional site-specific designation condition proposed in the NoR sets out building height, height in relation to boundary and building setbacks to provide certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 20 to 30 placements.

8.2 Auckland Plan 2050

The Auckland Plan 2050 sets out the direction for how Auckland will grow and develop of the next 30 years. It identifies that a key challenge facing Auckland is population growth and its implications which increases demand for infrastructure and services.

It notes that at the time of the 2013 census a third of all children and young people in New Zealand (those aged under 25 years) live in Auckland. Also that a third of the Auckland population is made up of children and young people.

A focus area in the Auckland Plan is to meet the needs and support the aspirations of tamariki and their Whānau. It notes that investing in the future of our tamariki is vital to advancing Maori wellbeing.

Another focus area is to provide accessible services and social infrastructure that are responsive to meeting people's evolving needs noting that population growth will put pressure on existing services and facilities. The Auckland Plan identifies that it is essential for services and infrastructure to be adaptable to different usage and demand over time. While this is directly referring to the services and facilities provided by Auckland Council, it reflects the needs of Oranga Tamariki to respond to the changing needs of the children/tamariki and young persons/rangatahi that they support through the Youth Justice requirements.

8.3 Regional Policy Statement

The purpose of the Regional Policy Statement (RPS) is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and the policies and methods required to achieve integrated management of natural and physical resources of the whole region. The other provisions of the AUP including the district plan objectives, policies and rules must give effect to the regional policy statement.

The following provisions of the RPS are of particular relevance to the proposed alterations to the designation:

B2 – Tāhuhu whakaruruhau ā-taone - Urban growth and form

B2.1 - Issues

Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities and services.

Growth needs to be provided for in a way that does all of the following:

- (1) enhances quality of life for individuals and communities;*
- (2) supports integrated planning of land use, infrastructure and development;*
- (3) optimises the efficient use of the existing urban area;*
- (4) encourages the efficient use of existing social facilities and provides for new social facilities;*
- (5)*
- (6) maintains and enhances the quality of our environment, both natural and built;*
- (7)*
- (8) enables Mana Whenua to participate and their culture and values to be recognised and provided for.*

The alteration to the designation will enable the existing Residence to be used in an efficient and effective way. If additional placements are not provided on the existing site new sites will have to be purchased and new residence facilities constructed. Using the existing site optimises the efficient use of the site and ensures that an appropriate secure and safe facility can deliver for the growing Auckland Region population.

B2.4.1 Objectives - Residential growth

- (5) *Non-residential activities are provided in residential areas to support the needs of people and communities.*

B2.4.2 Policies – Residential neighbourhood and character

- (10) *Require non-residential activities to be of a scale and form that are in keeping with the existing and planned built character of the area:*

The Residence has been in existence since 1967, and has an underlying zoning and is adjacent to properties zoned Residential Mixed Housing Suburban.

The proposed designation purpose will support the needs of people and communities to provide safe and secure care, rehabilitation, skills and job training and social services to children/tamariki and young persons/rangatahi within the care of Oranga Tamariki.

The site is large and the buildings are sufficiently set back from the site boundaries of the adjoining properties and the road frontage and a section of the north east boundary adjoins open space zoned land. The scale and form of the buildings existing on the site are in keeping with the surrounding existing and built character. In the future if additional buildings are required to accommodate the additional 10 placements within a site of this size and location this will not compromise the character, scale or form of the area as they will be restricted in height, height in relation to boundary and location through the proposed designation condition 7. This proposed designation condition provides certainty as to the scale and location of any future additional buildings on the site and any additions would be required to be assessed through the Outline Plan of Works process.

B.2.8.1 Social Facilities Objectives

- 1) *Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.*
- 2) *Social facilities located where they are accessible by an appropriate range of transport modes.*
- 3) *Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.*

B.2.8.2 Social Facilities Policies

- (2) *Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.*
- (3) *Enable intensive use and development of existing and new social facility sites.*
- (6) *Manage the transport effects of high trip-generating social facilities in an integrated manner.*

In the explanation to the social facilities objectives and policies the RPS states that Social Facilities include public facilities that provide for services including justice facilities. The explanation also notes that with increasing growth existing social facilities will need to be expanded to meet the needs of new residents and the increased level of use, and this achieves greater efficiencies than building a new facility.

The RPS objectives and policies relating to social facilities recognise that the diverse demographic and cultural needs of people and communities must be provided for in the most efficient and flexible way. The policies also enable more intensive use of these facilities which is what the alteration to the designation is seeking through the increase in the number of placements (by 10) who can be accommodated onsite.

The increase in the number of staff and visitors to the site arising from the increase in placement capacity will not result in the Residence becoming a 'high trip-generating' social facility as discussed further in the Traffic Assessment in Section 3 of this AEE.

The alteration to the Designation will provide for increased capacity that will benefit the community by providing secure and safe care for children/tamariki and young persons/rangatahi for youth justice (or certain adult jurisdiction) purposes but also in terms of employment opportunities. The facility will specifically enable the provision of youth justice secure care, rehabilitation, skills and job training and social services to children/tamariki and young persons/rangatahi and certain young adults within the care of Oranga Tamariki. The potential adverse effects of the facility can be appropriately managed through the imposition of conditions (as proposed) on the Designation.

The proposed alteration to the designation is required to support the needs for children/tamariki, young persons/rangatahi and young adults for the region. Accordingly, the proposal is considered to support the Regional Policy Statement objectives and policies of the AUP.

8.4 Auckland Unitary Plan

The site is designated for Care and Protection Residential Centre including secure care purposes in the AUP with an underlying zoning of Mixed Housing Suburban.

The following provisions of the AUP are of particular relevance to the proposed alterations to the designation:

H.4.2 Residential – Mixed Housing Suburban Zone Objectives

- (4) *Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.*

.....

H.4.3 Residential – Mixed Housing Suburban Zone Policies

- (9) *Provide for non-residential activities that;*
- (a) *support the social and economic well-being of the community;*
 - (b) *are in keeping with the scale and intensity of developments anticipated within;*
 - (c) *avoid, remedy or mitigate adverse effects on residential amenity; and*
 - (d) *will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and Business – Town Centre Zone*

The Residence is an existing Care and Protection Residential Centre including secure care that is surrounded by residential dwellings. A Residence has been operating at this site for over 50

years. The site is large and the existing buildings used for secure care are set back a minimum of 28 metres from the neighbouring property boundaries. The Wharenui and the kitchen buildings are the closest buildings to the boundaries outside the security fenced areas. The Wharenui is set back 19 metres from the boundary with the reserve on the north eastern boundary and the kitchen building is set back 16 metres from the south western boundary. As discussed in Section 7.2 of this AEE and as required by proposed designation condition 7 any future additional buildings on the site would be required to meet the height and height in relation to boundary requirements of the Mixed Housing Suburban zone and to be set back a minimum of 12 metres from the site boundaries. Any future additional buildings on the site will be assessed through the Outline Plan of Works process. In addition, the additional site-specific designation condition proposed sets out building height, height in relation to boundary and building setbacks.

This provides a suitable buffer and protects the amenity of the residential uses on the adjoining sites and the adjacent reserve. The scale of the increase in the accommodation capacity of the residence being sought is small (10 additional placements) and will not compromise the integrity of the zone or result in adverse amenity effects on the adjoining residential and open space zoned land.

The proposed alterations to the designation purpose and residence capacity provide for the community's social and cultural well-being and are considered to be of a scale and intensity compatible with the development anticipated by the Mixed Housing Suburban zone. The additional internal security infrastructure, increased staff levels and the location of any future additional buildings on the site will be well set back from the site boundaries and will not compromise the residential amenity of the residential neighbourhood.

9.0 Other Considerations

Section 171 sets out the matters to which the Council will have regard to when considering a Notice of Requirement. Along with the Assessment of Environmental Effects (AEE) and the relevant requirements in Part II of the RMA and the provisions of the statutory resource management documents discussed in Sections 7 and 8 of this report, this section of the report addresses the further relevant matters outlined in section 171(1)(b) as follows:

- Adequate consideration of alternative sites, routes, or methods of undertaking the work (if the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that the work will have a significant adverse effect on the environment)
- Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

9.1 Alternative Sites, Routes or Methods

The proposed designation alteration for the Residence applies to an existing site owned by the Crown and designated for Care and Protection Residential Centre including for secure care purposes. The existing buildings on the site are of a secure design which will require minor security upgrading to allow it to also operate as a youth justice facility. The increase in the number of children/tamariki and young persons/rangatahi placed at the Residence will not involve any

immediate physical changes to the site. The Minister has an interest in the land and existing buildings on the site sufficient for undertaking the alteration to the Designation, and accordingly section 171(1)(b)(i) does not apply. In terms of section 171(1)(b)(ii), the conclusion of this AEE is that there will be no significant adverse effects as a result of the proposed alteration to the Designation. Accordingly, it is not necessary to assess alternative sites, routes or methods.

Part 8 of the RMA provides for requiring authorities to seek provision for designations in District Plans. The primary reasons for adopting this technique are:

- The Minister has an obligation to oversee the implementation of the provisions relating to residences and placements made under the Oranga Tamariki Act and other relevant legislation where persons are placed in the custody of the Chief Executive of Oranga Tamariki.
- Designations provide greater certainty in terms of the purpose, use and management of the activities on the site, because it allows the Minister to carry out ongoing development and use of the site in accordance with the designated purpose and conditions indefinitely.
- Designation recognises the long-term commitment to the particular site, as well as identifying the site on the District Plan maps.

9.2 Whether the public work is necessary to achieve the objectives

The Oranga Tamariki Act empowers the Minister to administer the Act, and designate residences (through the Chief Executive).

The objective of the Oranga Tamariki Act is to promote the well-being of children, young persons, and their families and family groups. The Oranga Tamariki Act (section 364) allows the Chief Executive of Oranga Tamariki, with the approval of the Minister for Children, *“to establish and maintain under this Act residences of such number and type as in the opinion of the chief executive may be required for the purpose of providing for the care and control of children and young persons to whom this section applies, and, in particular, shall endeavour to establish a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.”*

The Minister’s overarching objective is to improve outcomes for children and young people, and her responsibilities include approving the establishment of residences under the Oranga Tamariki Act for the purpose of providing for the care and control of children and young persons, and providing a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.

Specifically, in this case, and in order to respond to legislative changes that will increase demand for youth justice placements, the Minister’s objective is to enable an increase in the number of placements available at the residence so as to enable the Chief Executive of Oranga Tamariki to meet his or her responsibilities where tamariki or rangatahi have been placed in his or her care or custody. Without the alteration to the designation, there is a risk that there will be insufficient beds to place tamariki or rangatahi in the Chief Executive’s care or custody for youth justice or certain adult jurisdiction purposes meaning that the Minister would be unable to meet her objectives as outlined above.

This AEE outlines the objectives of the requiring authority and the necessity for altering the purpose of the existing designation and increasing the capacity at the Residence to achieve those objectives.

9.3 Conclusion on Other Considerations

The consideration of alternative sites is not considered relevant as the Minister has a sufficient interest in the land as required by section 171(1)(b)(i), and there is not likely to be significant adverse effects on the environment as a result of the alteration. Also of relevance is the existing operation of the care and protection residence on the site including for secure care purposes.

The proposed alteration to the Designation is necessary to achieve the purposes and objectives of the Oranga Tamariki Act, and the Chief Executive's responsibilities under the Oranga Tamariki Act and other legislation. As such, it is considered that the use of the designation process, as specifically provided for in the RMA, is appropriate. The principal alternative method would be to seek resource consent for the change in purpose, increased capacity and any additional buildings required. This would be inconsistent with the planning status of the similar facilities in the AUP, and the majority of other Oranga Tamariki youth justice residences nationwide. As outlined above in section 9.1 there is no requirement to consider alternatives as the Minister has an interest in the land and existing buildings and the conclusion of this AEE is that there will be no significant adverse effects as a result of the proposed alteration to the Designation.

10.0 Consultation

This section provides a summary of the consultation undertaken by Oranga Tamariki to date. It is supported by Appendix 4 which contains a record of the information material provided and a summary of the feedback responses on the proposal to modify the designation of the Oranga Tamariki Residence.

In order to raise community awareness of the proposed increase in capacity and changes to the purpose of the designation, consultation was undertaken and feedback was sought.

10.1 Resource Management Act (RMA) 1991 Requirements

Section 36A of the RMA expressly provides that an applicant or requiring authority does not have a duty under the RMA to consult any person regarding a NoR. While consultation is not mandatory for the designation of land, case law has clearly established that undertaking consultation is best practice.

10.2 Neighbouring Properties

A letter and information sheet outlining the proposed increase in capacity and changes to the purpose of the designation were sent to 920 properties adjacent or nearby to the Residence at 398 Weymouth Road. This extent of the area sent information and feedback letters was based on discussions with the Council and were within a 500 metre radius from the site. Feedback forms were provided and a summary of the feedback that has been received at the time of lodging this NoR application is provided in Appendix 4 which also contains a record of the consultation material used.

Following feedback from the Community Liaison Committee that in some streets only properties on one side of the road received letters and/or that some neighbouring properties did not

receive letters, Oranga Tamariki has requested to Auckland Council that the extent of the notification area be extended to include both sides of streets within a wider physical area from the Residence.

It is also noted that the Minister has requested full notification of the Notice of Requirement alteration application.

10.3 Stakeholders / Other Agencies

A Community Liaison Committee (CLC) exists to connect the Residence with the local community providing a forum for any local issues to be raised and addressed. The New Zealand Police have a representative on the CLC. Three members of the Manurewa Local Board are also members of the CLC.

At the quarterly meeting on 13 December 2018 Oranga Tamariki explained its intentions with respect to Care and Protection changes at the residence (i.e. the intent to move to operating a hub from the Wharenui) and that it was looking at options for possible use as a youth justice residence.

A further meeting was held with the CLC on 13 February 2019 to discuss the changes proposed to the designation to provide for part of the site to be used for care and protection placements and a separate part of the site for youth justice and certain adult jurisdiction placements and to seek feedback. The main matters raised at the meeting were:

- *Safety and security.*
 - Concerns about absconding and other issues when the site was previously a Youth Justice residence.
 - Concerns that young people would be able to leave the residence and go into the local area.
 - Concerns about the raise in age of young people who could be placed at the Residence.
 - The difference in relative security between the Korowai Manaaki Residence and the Weymouth Road Oranga Tamariki Residence was raised and a question was asked as to whether additional security would be put in place at Whakatakapokai.
 - The placement of children and young people at Whakatakapokai who were from 'out of town' and the issues that can arise with people visiting them from 'out of town'.
- *Consultation and engagement*
- *Potential amenity and noise effects*
 - Impact of any additional security on the visual appeal of the area.
 - Concerns that there may be additional noise issues.

10.4 Iwi / Tangata Whenua

Oranga Tamariki has engaged with local Mana Whenua representatives with whom it has an on-going relationship. These representatives have been supportive of the proposed changes. Oranga Tamariki will be requesting these representatives have discussions with other interested Iwi to ensure their views are considered.

10.5 Council / Community Board

A Council visit to this residence took place on Monday 4 February. This visit included a tour of the facility hosted by the Residence Manager and Residences Team Leader Operations followed by an open forum discussion and Q&A to provide the Council representatives with more information regarding the residence, how it operates and the services it delivers.

A briefing was provided to the Manurewa Local Board on Tuesday 14 February after the CLC meeting on 13 February where members of the Local Board attended. The main matters raised at the meeting in relation to the proposed changes to the Residence designation were:

- Changes to the age of residents and the change of purpose to allow for youth justice placements.
- Whether there was capacity in other youth justice residences elsewhere that could accommodate the increase in capacity required.
- The potential or perceived concerns that residents might have in relation to the increased ages of residents and the reasons for them being at the site.
- Security and safety.
 - Queries relating to what would the changes to security on-site be and how the security management planning would reflect the new purpose.
 - What conditions would address the community's concerns.
- Designation Process and Timing
 - How the community would be involved in the Environment Court Direct Referral process.

10.6 Summary of the Feedback Received

Summary of key issues raised during the public consultation process

Topic	Summary of Feedback Received
Amenity	<p>Several the neighbours who provided feedback were concerned about the following:</p> <ul style="list-style-type: none"> • Increased security measures may visually portray the facility as similar to a corrections facility. • Increased security measures in the facility would potentially degrade the visual identity of the area and wider neighbourhood. • The cumulative effects of the existing correction facilities in the area and the additional youth justice use proposed. • The construction of a new building to house the 10 additional residents.
Security and Safety	<p>The majority of the feedback received related to security and safety issues. The key issues raised included:</p> <ul style="list-style-type: none"> • The proposed changes will significantly increase the safety risk posed to families and especially the young children within the community. • Concerns about the adequacy of security measures to ensure that residents do not escape. • The proposed increase in the age of the residents in the facility makes a number of respondents uncomfortable as it might increase the severity of crimes and safety risk within the area. • The additional use of the facility for Youth Justice reasons would increase the frequency of crime within the area. • The proposed changes will contribute to an already high degree of crime within the area.
Traffic	One of the neighbours who provided feedback raised concerns regarding the potential increase in traffic congestion within the area.
Noise	One of the neighbours who provided feedback was concerned about the current and future noise effects from the staff of the facility.
Lighting	No concerns were raised regarding lighting effects.
Iwi / Cultural Interest	None of the neighbours raised any concerns regarding Iwi/ Cultural effects. Consultation undertaken with the relevant Mana Whenua representatives that Oranga Tamariki maintains a relationship with has indicated support for the proposed designation changes.

11.0 Notification

Sections 95 to 95G of the RMA set out the statutory tests around notification. The Minister requests that this application be publicly notified. Section 95A(2) of the RMA requires a consent authority to notify an application if the applicant requests public notification.

12.0 Conclusion

The Minister for Children is giving a Notice of Requirement (NoR), pursuant to section 181 of the Resource Management Act 1991 (RMA) for an alteration to Designation 3800 in the Auckland Unitary Plan.

This NoR to alter the designation will amend the purpose of the designation and the existing conditions as necessary to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children and to increase the number of children/tamariki and young persons/rangatahi who may live at the Residence, for care and protection, transitional, youth justice or certain adult jurisdiction purposes, from 20 to 30. The spatial extent of the designation is not being altered.

The requiring authority has assessed the relevant matters as set out in section 171(1) of the RMA and concludes that the amendment to the designation is necessary for achieving the Minister's objectives and it is appropriate for the designation alteration to be confirmed subject to conditions. The amended designation arrangements for the site will enable the delivery of the youth justice requirements of the Oranga Tamariki Act 1989, and responsibilities under other legislation.

An assessment of effects on the environment has been undertaken based on the parameters of the alterations to the designation proposed, which involves a change in purpose which will increase the age and number of the children/tamariki and young persons/rangatahi able to reside at the facility.

Technical specialists have assessed the potential social, traffic and noise effects of the proposed purpose alteration and capacity increase at the Residence and concluded that the environment effects are acceptable with appropriate mitigation put in place.

That mitigation includes a range of designation conditions that address noise, security management, community liaison, social impacts and future building scale and location matters to ensure the continued operation of the residence facility on site does not affect or compromise the residential amenity or functionality of the surrounding properties and addresses security and safety, social effects, and noise concerns raised during consultation.

The proposed alteration to the purpose of the Designation and the capacity increase at the Residence is consistent with the objectives and policies of the relevant planning policy documents.

Having considered, subject to Part 2 of the RMA, the effects on the environment of allowing the alteration to the requirement, and having particular regard to the relevant provisions of the Auckland Plan, the Auckland Regional Policy Statement and the AUP, it is concluded that the alteration to the designation can be confirmed under section 171(2) of the RMA.

The Minister requests that the Council publicly notifies this NoR.

Appendix 1: Location Plan

Appendix 2: Certificate of Title

Appendix 3: Technical Reports

Appendix 4: Consultation Material and Consultation Feedback

Korowai Manaaki Oranga Tamariki Residence

Notice of Requirement and Assessment of Environmental Effects
Prepared for The Minister for Children

22 February 2019

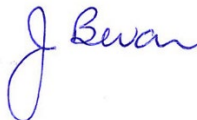



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**ORANGA
TAMARIKI**
Ministry for Children

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Form 18

Notice of Requirement by Minister for Children for Alteration of Designation

Sections 181

Resource Management Act 1991

To: Auckland Council

The Minister for Children (“the Minister”) gives notice of a requirement (“NoR”) for an alteration to a designation in respect of a public work, namely Designation No. 3802 Youth Justice Centre – Upper North in the Auckland Unitary Plan – Operative in Part (“AUP”).

The site to which the requirement applies is as follows:

21 - 24 Kiwi Tamaki Road, Wiri, Lot 2 DP448846.

The nature of the proposed public work is:

To alter the purpose of Designation No. 3802 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children by increasing the number of children/tamariki and young persons/rangatahi who may live at the Oranga Tamariki Residence at 21 - 24 Kiwi Tamaki Road, Wiri (Korowai Manaaki Residence) from 46 to 56.

The nature of the proposed conditions that would apply are:

1. Alter the purpose of Designation No. 3802 of the Auckland Unitary Plan - Operative in Part (“AUP”).
2. Alter Chapter K Designations of the AUP as follows (new text is underlined and deleted text is shown in ~~strike through~~):

a. Designation Schedule – Minister for Children

Number	Purpose	Location
3802	<u>Oranga Tamariki Residence</u> The Youth Justice Centre – Upper North	21 - 24 Kiwi Tamaki Road, Wiri

b. Designation Schedule – Minister for Children

3802 Oranga Tamariki Residence ~~Youth Justice Centre – Upper North~~

Designation Number	3802
Requiring Authority	Minister for Children
Location	21 - 24 Kiwi Tamaki Road, <u>Wiri</u> Lot 2 DP448846.
Rollover Designation	Yes
Legacy Reference	Designation 278, Auckland Council District Plan (Manukau Section) 2002. <u>Designation 5902 in the Auckland Unitary Plan Operative in Part.</u>
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Oranga Tamariki Residence

An Oranga Tamariki residence operated to fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children for youth justice and certain adult jurisdiction reasons, including for:

- (a) The placement of children/tamariki and young persons/rangatahi for the purpose of providing care (including secure care), protection, control, treatment and transitional services; and
- (b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation, cultural and transitional facilities; and
- (c) Activities consistent with and ancillary to the establishment, operation and maintenance of the residence, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, shared services, access and car parking.

~~The Youth Justice Centre – Upper North being a residence under s 364 of the Children Young Persons and Their Families Act 1989 for the care and control of children and young persons under the youth justice provisions of that Act and the Criminal Justice Act 1985 (if agreed by the chief executive for the time being responsible for the administration of the Children Young Persons and Their Families Act) at 21– 24 Kiwi Tamaki Road, Manurewa.~~

Conditions

- ~~1. The placement of up to 56 children/tamariki and young persons/rangatahi up to and including the age of 19 years. That the proposed facility shall provide residential care and control for up to a maximum of 46 children and young persons at any one time. This is to be inclusive of not more than 6 children and young persons held under the provisions of the Criminal Justice Act 1985 at any one time.~~
- ~~2. That the Manager of the facility shall convene a Community Liaison Committee in accordance with relevant regulations relating to the establishment, function and operation of Community Liaison Committees.~~
- ~~2 3. That Oranga Tamariki–Ministry for Children the Department of Child, Youth and Family Services, through the Manager of the facility, shall formulate and implement a Security Management Plan for the proposed facility that takes into consideration the interests of in consultation with key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups in accordance with any regulatory requirements.~~
- ~~3. That the Manager of the proposed facility shall convene a Community Liaison Committee in accordance with the Children, Young Persons, and Their Families Oranga Tamariki (Residential Care) Regulations 1996.~~
- ~~4. Noise sensitive spaces constructed or altered to the point that a building consent is required after July 2019 must be designed and constructed so that the internal noise levels do not exceed:
 - 35dB L_{Aeq} in bedrooms; and
 - 40dB L_{Aeq} in all other noise sensitive spaces.~~

Based on the assumption of an incident of 70dB L_{Aeq} at the site boundaries shared with the Business – Heavy Industry zones sites.

Noise sensitive spaces are teaching spaces and residential spaces excluding any bathroom, water closet, laundry, pantry, walk-in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, kitchens not part of a dwelling, garage or other space of a specialised nature occupied neither frequently nor for extended periods.

Noise sensitive spaces shall be adequately ventilated in accordance with a design provided by a mechanical engineer in ventilation design.

That the parts of the proposed facility comprising the sleeping, living and learning areas shall be designed and constructed to comply with the following internal noise limits:

<i>Internal Noise Limits</i>	<i>L_{dn}</i>	<i>L_{max}</i>
	<i>45 dBa</i>	<i>55 dBa</i>

5. Any new buildings or building extensions shall not exceed 20m in height or project beyond a 35 degree recession plane measured from a point 6m vertically above ground level along the boundary of residential zones, open space zones, special purpose – Māori purpose zone or the special purpose – school zone; and shall be set back from all adjoining property boundaries and open space zones boundaries by 12 metres.

The attached Assessment of Effects (AEE) (Section 7) provides an explanation of the proposed alterations to the conditions of Designation 3802.

The effects that the proposed project will have on the environment, and the ways in which any adverse effects will be mitigated, are:

The proposal will have no significant adverse effects. The attached AEE (Section 7) specifies the effects the proposed alteration to the Designation will have on the environment and the ways in which the potential adverse effects will be mitigated.

Alternative sites, routes, and methods have been considered to the following extent:

Section 171(1)(b) of the Resource Management Act 1991 states:

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

.....

- (b) *Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if —*
- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*

.....

Neither of the circumstances in Section 171(1)(b) clause i) or ii) apply. The proposed Designation alteration for the Korowai Manaaki Residence applies to an existing site owned by the Crown and designated for youth justice purposes. The existing Designation already provides for a youth justice facility on the site. The increase in the number of children/tamariki and young persons/rangatahi placed at the residence will not involve any immediate physical changes to the site. There is a possibility that new/additional buildings may be established on the site in the future and these will be subject to proposed condition (5). The Minister for Children has an interest in the land sufficient for undertaking the alteration to the Designation, and accordingly section 171(1)(b)(i) does not apply. In terms of section 171(1)(b)(ii), the conclusion of this AEE is that there will be no significant adverse effects as a result of the proposed alteration to the Designation.

The following resource consents are required for the proposed activity and have been applied for:

There are no resource consents required at this time.

The public work and designation are reasonably necessary for achieving the objectives of the requiring authority because:

The Oranga Tamariki Act 1989 (the Act) empowers the Minister for Children to administer the Act and designate residences (through the Chief Executive).

The objective of the Act is to promote the well-being of children, young persons, and their families and family groups. The Act (s364) allows the Chief Executive of Oranga Tamariki, with the approval of the Minister for Children, *"to establish and maintain under this Act residences of such number and type as in the opinion of the chief executive may be required for the purpose of providing for the care and control of children and young persons to whom this section applies, and, in particular, shall endeavour to establish a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons."*

The Minister for Children's overarching objective is to improve outcomes for children and young people, and her responsibilities include approving the establishment of residences under the Act for the purpose of providing for the care and control of children and young persons, and providing a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.

Specifically, in this case, and in order to respond to legislative changes, including an increase in the age of children and young people included within the Youth Court's jurisdiction to 17 years, that will increase demand for youth justice placements, the Minister's objective is to enable an increase in the number of youth justice and certain adult jurisdiction placements available at the residence so as to enable the chief executive of Oranga Tamariki to meet his or her responsibilities where tamariki or rangatahi have been placed in his or her care or custody. Without the alteration, there is a risk that there will be insufficient beds to place tamariki or rangatahi in the chief executive's care or custody meaning that the Minister would be unable to meet her objectives as outlined above.

The attached AEE outlines the objectives of the requiring authority and the necessity for altering the purpose of the existing Designation and increasing the capacity at the Korowai Manaaki Residence to achieve those objectives.

The following consultation has been undertaken with parties that are likely to be affected:

Consultation has been undertaken with the Manurewa Local Board, the Chair of the Community Liaison Committee and local Mana Whenua representatives that Oranga Tamariki maintains a relationship with. Additionally, occupiers and owners of adjacent properties have been provided with information about the proposed alteration to the Designation and their feedback sought. The attached AEE includes a summary of the consultation.

The Minister for Children requests that this Notice of Requirement be publicly notified.

A detailed AEE including appendices is attached to this Notice of Requirement.



22 February 2019

Signed by
Alan Geraghty
Director Youth Justice Transformation
Oranga Tamariki–Ministry for Children

Date

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1.0 Introduction

The following document is a Notice of Requirement (NoR/Notice) by the Minister for Children (the Minister) for an alteration to a designation, under s181 of the Resource Management Act 1991 (“RMA”). It includes an Assessment of Environmental Effects (AEE) Report.

The Notice specifically relates to an existing Youth Justice Centre Designation at 21 - 24 Kiwi Tamaki Road, Wiri which will be altered by:

- amending the purpose of Designation No. 3802 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children (Oranga Tamariki).
- allowing the number of children/tamariki and young persons/rangatahi who may live at the Korowai Manaaki Residence to increase from 46 to 56.

1.1 Background

Korowai Manaaki Residence is an existing Youth Justice Residence located at 21 - 24 Kiwi Tamaki Road, Wiri, Auckland. The residence was established in 2004, under section 364 of the Oranga Tamariki Act 1989 (Oranga Tamariki Act) (also called Children’s and Young People’s Well-being Act 1989, and formerly the Children, Young Persons, and Their Families Act 1989). Oranga Tamariki administers the Oranga Tamariki Act. Oranga Tamariki also have certain responsibilities under the Criminal Procedure Act 2011 and the Corrections Act 2004. The background to Oranga Tamariki is discussed further in section 1.1.1 below.

The residence is identified in the Auckland Unitary Plan Operative in Part (AUP) as Designation 3802. Under the current Designation, the residence provides a safe, secure and supportive care environment for up to 46 young people aged up to and including 17 years of age who have been placed under the provisions of the Oranga Tamariki Act, the Corrections Act 2004 or the Criminal Procedure Act 2011 (which replace the now repealed Criminal Justice Act 1985¹). The average length of stay is approximately 42 days but this varies and in some cases can be several months and in certain rare circumstances up to a year or more.

Under the Raising the Age changes to the Oranga Tamariki Act that come into force on 1 July 2019, Oranga Tamariki will be required to accept young persons/rangatahi who are aged 17 years where the Youth Court has ordered that they be detained in the custody of the Chief Executive or they are subject to certain orders requiring placement in a residence. This change means that most of the young people that Oranga Tamariki will be responsible for will be under 18 years, however, there are a small number of young adults aged between 18 and 19 (inclusive) who Oranga Tamariki may also be asked by the adult or youth courts (or Police or Corrections) to provide care for. This means that the residence may accommodate young persons/rangatahi who are aged up to and including 19 years when they are placed in the custody of the Chief Executive of Oranga Tamariki.

In order to accommodate the additional demand for placements generated by the changes to the Oranga Tamariki Act, the Minister is seeking to alter Designation 3802 to enable an increase in the number of residential beds available at Korowai Manaaki from 46 to 56. This is discussed in further detail in section 1.1.2 below.

¹ The current designation refers to the Criminal Justice Act 1985, which has since been repealed. The sections addressing placement of children and young persons in a residence are now contained in the Corrections Act 2004 and the Criminal Procedure Act 2011.

Together with this NoR application the Minister has lodged a request with the Auckland Council (Council) pursuant to section 198B of the RMA to allow the NoR application to be directly referred to the Environment Court for determination under section 198E of the RMA instead of a recommendation by the Council under section 171 of the RMA and a decision by the Minister under section 172 of the RMA.

The direct referral process streamlines the process for determining publicly notified applications and has been requested due to the tight timeframes within which the Minister/Oranga Tamariki will need to have enabled sufficient capacity in its residences to be able to accommodate 17 year olds (1 July 2019). While the Council is yet to make a decision on the Minister's request under section 198C, and the Minister has yet to lodge the formal application with the Court under section 198E, the Minister has applied for (and been granted) anticipatory waivers and directions by the Court in relation to the foreshadowed direct referral request. Importantly, the Court's decision waives the usual requirement for submitters to file a section 274 notice to become a party to the Environment Court proceedings, and directs that any person who makes a submission on the NOR is automatically able to be a party to the Environment Court proceedings. The Court's decision also includes a draft timetable through to hearing (refer: *Re the Minister for Children* [2019] NZEnvC 007).

1.1.1 Oranga Tamariki–Ministry for Children

Oranga Tamariki–Ministry for Children (Oranga Tamariki) was established as a separate department on 1 April 2017 and replaced the business unit of the Ministry of Social Development formerly known as Child, Youth and Family. Oranga Tamariki is focused on children and young people whose wellbeing is at most serious risk – those at risk of harm and those who have offended. Oranga Tamariki was established to develop and implement a more child-centred care, protection and youth justice system to deliver better long-term outcomes for children/tamariki and young people/rangatahi in line with the new legislative duties set out in the Oranga Tamariki Act.

Oranga Tamariki also seeks to place children and young people close to their home, whānau and community where possible. This reduces the travel demands for the child/young person when attending Court and also reduces obstacles to visits by family and whānau. Expanding the capacity at Korowai Manaaki will reduce the number of children and young people that Oranga Tamariki might otherwise have to place in a residence elsewhere in the country, away from the Auckland Region.

1.1.2 Amendment to the Oranga Tamariki Act

The Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill was passed into law on 13 July 2017. The Children, Young Persons, and Their Families Act 1989 has been renamed as the Oranga Tamariki Act 1989, with an accompanying title of the Children's and Young People's Well-being Act 1989.

The amendments to the Oranga Tamariki Act (amongst other things):

- change the purposes and principles of the Act to better ensure children and young people are at the centre of decision-making while considering them within the context of their family, whānau, hapū, iwi, family groups, and broader networks and communities;
- allow young people to remain or return to living with a caregiver up to the age of 21, with transition support and advice available up to age 25;

- strengthen information sharing provisions to keep vulnerable children and young people safe from harm;
- extend the youth justice system to include most 17-year-olds (those charged with specified serious offences will be dealt with in the adult courts); and
- enhance the complaints processes.

A small number of amendments took effect immediately, while the majority will come into force by no later than 1 July 2019.

The change in the legislation of most relevance to this application to alter the Designation for the Korowai Manaaki Residence relates to the extension of the youth justice system to include most 17-year-olds except for those charged with certain serious offences (who will be dealt with in the adult courts).

Most of the young people that Oranga Tamariki will be responsible for as a result of the changes are going to be under 18. There are a small number of young adults aged 18 and 19 years old (inclusive) who Oranga Tamariki may also be asked by the adult or youth courts (or Police or Corrections) to provide care for. Oranga Tamariki need to ensure that they are able to place all of the young people that they might be asked to care for, when the law provides for Oranga Tamariki to be able to do that. This means that the residence may accommodate rangatahi who are aged up to and including 19 years when they are placed in the custody of the chief executive of Oranga Tamariki.

Additional placements are needed at the Korowai Manaaki Residence in order to accommodate the additional youth justice placements that will be required to enable Oranga Tamariki to meet its obligations once the Raising the Age legislative changes come into effect on 1 July 2019.

The changes proposed would enable an increase in the number of placements available at Korowai Manaaki from 46 to 56. The increase in capacity from 46 to 56 will increase staff numbers. The number of staff will increase proportionally with the increase in the number of children and young people placed in the residence. It is noted that the increase in overall capacity does not mean that the facility will always operate at the maximum capacity.

1.2 AEE Structure

The NoR is supported by this AEE, which in turn is accompanied by specialist technical reports in Appendix 3. Together these documents provide background information, a description of the proposal to alter the purpose of the Designation and increase placement capacity at Korowai Manaaki Residence, a description of the alternatives considered, a comprehensive assessment of effects on the environment, a description of the consultation undertaken with the community and consideration of the proposed alteration to the purpose and increase in capacity against the relevant statutory requirements.

This AEE addresses the matters set out in Section 171(1) of the RMA.

Section 171(1) of the RMA sets out the basis for a consent authority to assess a NoR (subject to Part 2 of the RMA). It states:

When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) any relevant provisions of—

- (i) a national policy statement:
 - (ii) a New Zealand coastal policy statement:
 - (iii) a regional policy statement or proposed regional policy statement:
 - (iv) a plan or proposed plan; and
- (b) whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—
- (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or
 - (ii) It is likely that the work will have a significant adverse effect on the environment; and
- (c) whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and
- (d) any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

With reference to the above matters:

- Section 5 of this AEE sets out the Minister’s Objectives.
- Section 7 of this AEE assesses the effects on the environment of allowing the requirement.
- Section 8 of this AEE assesses the proposal against the relevant provisions of the national policy statements, regional policy statement, the relevant regional and district plans, other statutory documents such as iwi management plans and Part 2 of the RMA.
- Section 9 of this AEE provides an assessment as to whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work and whether the work and designation are reasonably necessary for achieving the objectives of the Minister.

2.0 Requiring Authority and NoR Details

2.1 The Minister as a Requiring Authority

The Minister for Children is a requiring authority under Section 167 of the RMA. The Minister acts through Oranga Tamariki–Ministry for Children.

2.2 Summary Details of NoR

Summary details of the requiring authority and the area the subject of the NoR are as follows:

To:	Auckland Council
Requiring Authority:	Minister for Children
Nature of the Proposed Public Work	To alter the purpose of Designation No. 3802 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children by increasing the number of children/tamariki and young persons/rangatahi who may live at the Oranga Tamariki Residence for youth justice and certain adult jurisdiction reasons at 21 - 24 Kiwi Tamaki Road, Wiri from 46 to 56
Address for Service:	Boffa Miskell Ltd PO Box 91250, Auckland 1142 Attn: Nick Pollard Phone: 09 359 5234 Email: nick.pollard@boffamiskell.co.nz Copy to: Ellis Gould Lawyers PO Box 1509, Auckland 1140 Attn: Dr Claire Kirman Phone: 09 306 0743 Email: claire.kirman@ellisgould.co.nz
Address for Fees:	Oranga Tamariki - Ministry for Children PO Box 546 Wellington 6240 Attn: Steve Taylor Phone: 021 113 1018 Email: Steve.Taylor@ot.govt.nz
Site Address	21 - 24 Kiwi Tamaki Road, Wiri
Legal Description:	Lot 2 DP 448846 (refer Certificate of Title, in Appendix 2)
Site area	10.17ha
District Plan	Auckland Unitary Plan – Operative in Part
District Plan Zoning:	Business- Heavy Industry Zone
District Plan Overlays:	Natural Resources: Significant Ecological Areas Overlay – SEA – T – 589, Terrestrial Natural Resources: High-Use Stream Management Areas Overlay [rp] Natural Resources: High-Use Aquifer Management Areas Overlay [rp] – Manukau Waitemata Aquifer Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] – Wiri Volcanic Aquifer
District Plan Controls:	Controls: Macroinvertebrate Community Index – Exotic Controls: Macroinvertebrate Community Index – Rural Controls: Macroinvertebrate Community Index - Urban
District Plan Modification:	Notice of Requirements, NoR 7: Proposed Runway, Airspace Restriction Designations, Notified 15/02/2018
District Plan Designations:	Designations: Designations: -3802, Youth justice centre, Designations, Minister for Children (previously Minister for Social Development).

Designations: Designations: - 9529, Southwestern Interceptor Line
Designations, Watercare Services Ltd

Designations: Airspace Restriction Designations – ID 1102, Protection of
aeronautical functions – obstacle limitation surfaces, Auckland International
Airport Ltd.

3.0 Description of the Environment

The site is located at 21 - 24 Kiwi Tamaki Road, Wiri and is legally described as Lot 2 DP 448846 held in certificate of title 568162. The subject site is irregular in shape and comprises an area of approximately 10.17ha. It is generally flat and currently accommodates the existing Youth Justice facility and its associated buildings. The buildings are laid out in a circular manner. Visitor and staff parking is located on the northern end of the site, on the southern side of Kiwi Tamaki Road. Please refer to Figure 1 for an aerial photograph of the subject site.

As shown in Figure 1, Korowai Manaaki is located at the edge of an industrial area with its southern boundary bordering a large open green space and estuary. The existing facilities on the site include an administration building, education building, a gym, areas for sports and recreation in addition to secure residential areas. All buildings on site are contained within the extent of the secure fenced area.

The wider environment comprises properties zoned Heavy and Light Industry which are used for industrial manufacturing, warehouses and vehicle storage activities. The Auckland South Corrections Facility adjoins the western boundary of the site and the Auckland Region Women's Corrections Facility is located further to the north. Land adjoining to the immediate east of the site is currently undeveloped with buildings and is used for vehicle storage. The land adjoining the southern boundary of the site comprises of a large open space zoned site and estuary which are both well vegetated. The eastern corner of the site is covered in vegetation which is identified as a Significant Ecological Area (SEA) Terrestrial (ID 589) in the AUP. This SEA area is outside of the existing secure fenced boundary. Please refer to Appendix 1, Figure 4.

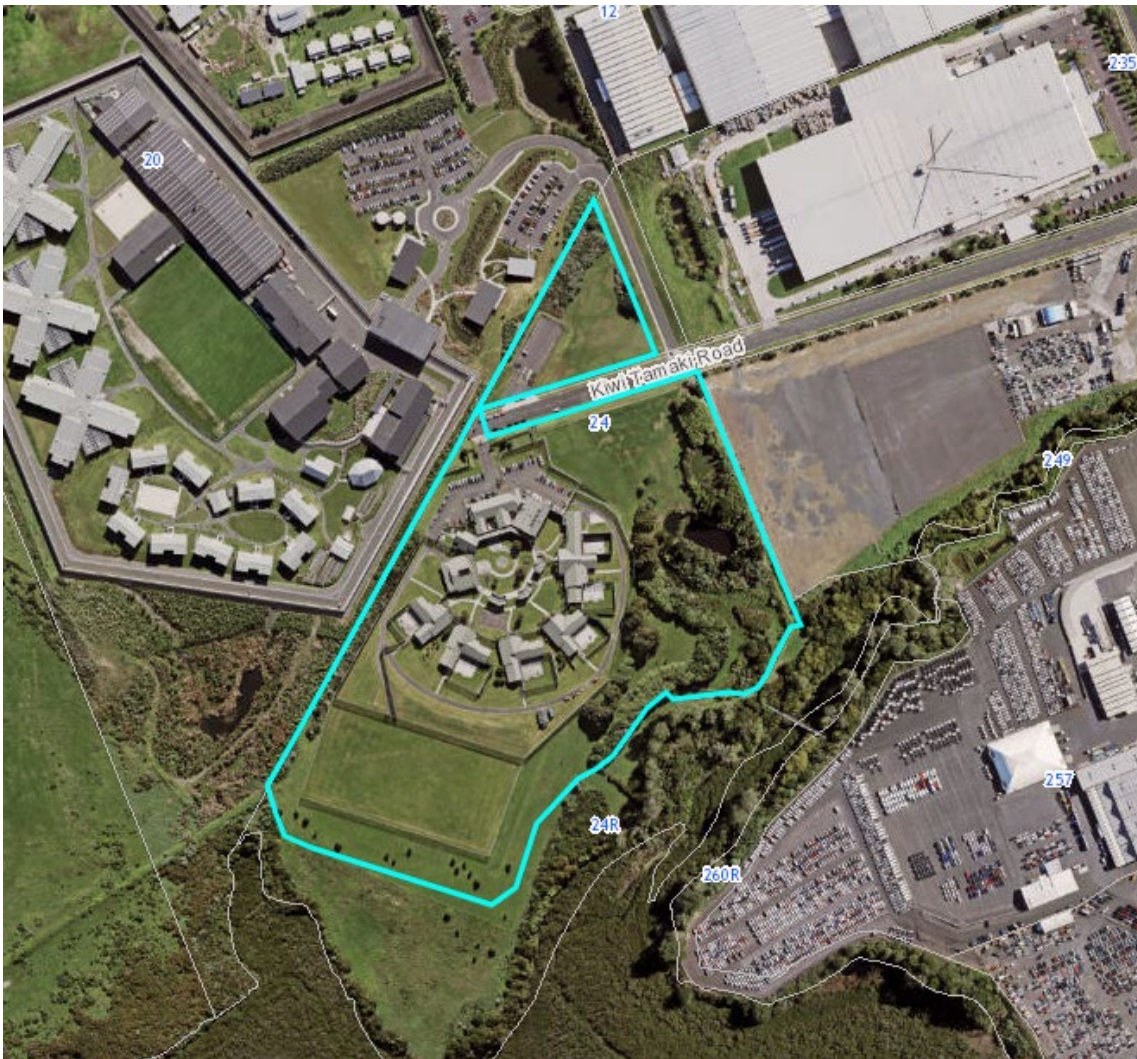


Figure 1: Location of Korowai Manaaki Residence and surrounds.

Source Auckland Council GIS Viewer.

4.0 Description of Proposal Public Work/Project

The Oranga Tamariki Act has been amended and those changes will take effect from 1 July 2019. As a response to prepare for these changes, Oranga Tamariki is proposing alterations to the Designation of Korowai Manaaki Residence to better enable the purpose of the Designation to align with these changes. These include the following:

- Enabling Korowai Manaaki to accommodate children/tamariki and young persons/rangatahi who are aged up to 19 years (inclusive) to be placed there when there are in the custody of the chief executive of Oranga Tamariki,
- Increasing the capacity of the facility from 46 children/tamariki and young persons/rangatahi at any one time to 56. The number of staff would also be increased proportionally to reflect these changes.

To accommodate the increase in placement capacity from 46 to 56 residents, additional buildings or alterations to the existing buildings may be required in the future, however, the scope and extent of the detailed design changes have not been determined at this stage. The proposed alterations to the Designation do not currently involve any physical changes to the site and subsequently, plans for any future development of the site are not included with this notice and will be addressed at the Outline Plan of Works stage.

Any future development of the site to accommodate the change in capacity from 46 to 56 placements is unlikely to have any significant adverse visual or amenity effects on the surrounding industrial area due to:

- the small scale of the additional buildings that may be required;
- the building height, height in relation to boundary and building setbacks from the boundaries that are proposed as conditions for this Designation and discussed further in section 7.6 of this AEE
- the extent of the setbacks currently existing and the separation distance from existing buildings on neighbouring sites.

5.0 The Minister's Objectives

The Minister is a requiring authority under section 166 of the RMA and has financial responsibility for residences which are public works pursuant to section 364(3) of the Oranga Tamariki Act. The Minister may therefore give the Council a notice of requirement for a designation for alterations to existing designations for Youth Justice residences established under the Oranga Tamariki Act.

The Oranga Tamariki Act (section 364) authorises the Minister to approve the chief executive of Oranga Tamariki establishing and maintaining residences under the Act that in the opinion of the Chief Executive are required for the care and control of children and young persons including residences for remand, training, rehabilitation and the provision of secure care. The amendments to the Oranga Tamariki Act (new section 364(1A)) that come into effect on 1 July 2019 also require that the Chief Executive to consider establishing a sufficient number and sufficient types of community-based residences to be available for children and young persons who are detained in the Chief Executive's custody under section 238(1)(d) of the Oranga Tamariki Act which relates to the custody of children or young people pending hearing.

The Purposes set out in the Children, Young Persons and Their Families (Oranga Tamariki) Legislation Act 2017, which will replace the Objects in the Oranga Tamariki Act 1989 on 1 July 2019, of relevance to this application include:

- 1) *The purposes of this Act are to promote the well-being of children, young persons, and their families, whānau, hapū, iwi, and family groups by—*
 - (a)
 - (b) *supporting and protecting children and young persons to—*
 - (i)
 - (ii) *prevent offending or reoffending or respond to offending or reoffending:*
 - (c) *assisting families, whānau, hapū, iwi, and family groups to—*
 - (i)

- (ii) *prevent their children or young persons from offending or reoffending or respond to offending or reoffending:*
- (d)
- (e) *ensuring that, where children and young persons require care under the Act, they have—*
 - (i)
 - (ii) *support to address their needs:*
- (f)
- (g)
- (h) *maintaining and strengthening the relationship between children and young persons who come to the attention of the department and their—*
 - (i) *family, whānau, hapū, iwi, and family group; and*
 - (ii) *siblings:*
- (i) *responding to alleged offending and offending by children and young persons in a way that—*
 - (i) *promotes their rights and best interests and acknowledges their needs; and*
 - (ii) *prevents or reduces offending or future offending; and*
 - (iii) *recognises the rights and interests of victims; and*
 - (iv) *holds the children and young persons accountable and encourages them to accept responsibility for their behaviour:*
- (j) *assisting young persons who are or have been in care or custody under the Act to successfully transition to adulthood in the ways provided in the Act.*

This alteration to the Korowai Manaaki Residence Designation is required to enable Oranga Tamariki to achieve the purposes of the Oranga Tamariki Act relating to care and custody of young persons placed in the custody of the chief executive through the youth justice system and to provide for the additional demand generated by the amendments due to take effect on 1 July 2019, as well as to provide for the placement of certain children, young people and young adults under the Criminal Procedure Act 2011 or the Corrections Act 2004 where they are subject to certain orders requiring placement in a residence.

6.0 Alteration of Designation 3802 in the Auckland Unitary Plan

The proposed amendments to the Auckland Unitary Plan of the existing Designation purpose and conditions are detailed below (new text is underlined and deleted text is shown in ~~strikethrough~~).

- 1) Alter the purpose of Designation No. 3802 of the Auckland Unitary Plan - Operative in Part (“AUP”).
- 2) Alter Chapter K Designations of the AUP as follows:

a. *Designation Schedule – Minister for Children*

<i>Number</i>	<i>Purpose</i>	<i>Location</i>
3802	<u>Oranga Tamariki Residence</u> The Youth Justice Centre – Upper North	21 - 24 Kiwi Tamaki Road, Wiri

b. *Designation Schedule – Minister for Children*

3802 Oranga Tamariki Residence ~~Youth Justice Centre – Upper North~~

<i>Designation Number</i>	3802
<i>Requiring Authority</i>	Minister for Children
<i>Location</i>	21 - 24 Kiwi Tamaki Road, <u>Wiri</u> Lot 2 DP448846.
<i>Rollover Designation</i>	Yes
<i>Legacy Reference</i>	Designation 278, Auckland Council District Plan (Manukau Section) 2002. <u>Designation 5902 in the Auckland Unitary Plan Operative in Part</u>
<i>Lapse Date</i>	Given effect to (i.e. no lapse date)

Purpose

Oranga Tamariki Residence

An Oranga Tamariki residence operated to fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children for youth justice and certain adult jurisdiction reasons, including for:

- (a) The placement of children/tamariki and young persons/rangatahi for the purpose of providing care (including secure care), protection, control, treatment and transitional services; and
- (b) Ancillary educational, recreational, rehabilitative, administrative, visitor accommodation, cultural and transitional facilities; and
- (c) Activities consistent with and ancillary to the establishment, operation and maintenance of the residence, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks, outdoor recreation areas, shared services, access and car parking.

~~The Youth Justice Centre – Upper North being a residence under s 364 of the Children Young Persons and Their Families Act 1989 for the care and control of children and young persons under the youth justice provisions of that Act and the Criminal Justice Act 1985 (if agreed by the chief executive for the time being responsible for the administration of the Children Young Persons and Their Families Act) at 21– 24 Kiwi Tamaki Road, Manurewa.~~

Conditions

- 1. The placement of up to 56 children/tamariki and young persons/rangatahi up to and including the age of 19 years. That the proposed facility shall provide residential care and control for up to a maximum of 46 children and young persons at any one time. This is to be inclusive of not more than 6

~~children and young persons held under the provisions of the Criminal Justice Act 1985 at any one time.~~

- ~~2. That the Manager of the facility shall convene a Community Liaison Committee in accordance with relevant regulations relating to the establishment, function and operation of Community Liaison Committees.~~
- ~~3.2. That Oranga Tamariki–Ministry for Children the Department of Child, Youth and Family Services, through the Manager of the facility, shall formulate and implement a Security Management Plan for the proposed facility that takes into consideration the interests of in consultation with key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups in accordance with any regulatory requirements.~~
- ~~3. That the Manager of the proposed facility shall convene a Community Liaison Committee in accordance with the Children, Young Persons, and Their Families Oranga Tamariki (Residential Care) Regulations 1996.~~
4. Noise sensitive spaces constructed or altered to the point that a building consent is required after July 2019 must be designed and constructed so that the internal noise levels do not exceed:
 - 35dB L_{Aeq} in bedrooms; and
 - 40dB L_{Aeq} in all other noise sensitive spaces.

Based on the assumption of an incident of 70dB L_{Aeq} at the site boundaries shared with the Business– Heavy Industry zones sites.

Noise sensitive spaces are teaching spaces and residential spaces excluding any bathroom, water closet, laundry, pantry, walk in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, kitchens not part of a dwelling, garage or other space of a specialised nature occupied neither frequently nor for extended periods.

Noise sensitive spaces shall be adequately ventilated in accordance with a design provided by a mechanical engineer in ventilation design.

~~That the parts of the proposed facility comprising the sleeping, living and learning areas shall be designed and constructed to comply with the following internal noise limits:~~

<u>Internal Noise Limits</u>	<u>L_{dn}</u>	<u>L_{max}</u>
	<u>45 dBa</u>	<u>55 dBa</u>

5. Any new buildings or building extensions shall not exceed 20m in height or project beyond a 35 degree recession plan measured from a point 6m vertically above ground level along the boundary of residential zones, open space zones, special purpose – Māori purpose zone or the special purpose – school zone; and shall be set back from all adjoining property boundaries and open space zones boundaries by 12 metres.

The purpose is amended to reflect the amendments to the Oranga Tamariki Act in relation to the extension of the youth justice system to include most 17-year-olds except for those charged with certain serious offences. Also there are a small number of young adults aged 18 and 19 (inclusive) who Oranga Tamariki may also be asked by the adult or youth courts (or Police or Corrections) to provide care for pursuant to other legislation.

The conditions are amended to enable the increase in the number of placements at the Korowai Manaaki Residence from 46 to 56 and to ensure that the development and implementation of the Security Management Plan takes into consideration the interests of key stakeholders. The condition in relation to the Community Liaison Committee is also updated to ensure that the most relevant regulations apply to its establishment and operation and to ensure that any subsequent amendments to relevant regulations and Acts are provided for.

The existing noise condition (4) has also been amended to ensure that any future buildings or major building refits for the residential or teaching areas are designed to ensure that any noise effects from the adjoining Business – Heavy Industry zone properties are mitigated.

The additional site-specific Designation condition setting out building height, height in relation to boundary and building setbacks has been included with the intention of providing certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 46 to 56 placements. The inclusion of this condition will ensure that any future built development on the site will not be over bearing or significantly adversely impact on neighbouring sites. Any future building development on the site will proceed through the Resource Management Act Outline Plan of Works process and any relevant resource consents would also be sought at that time.

The updated noise condition is to ensure that should any new residential buildings be developed on the site or existing buildings undergo a refit the design will adequately control the internal noise levels given the surrounding business zoned sites.

7.0 Assessment of Environmental Effects

Section 171(1) requires that the determining authority must, subject to Part 2, consider the effects on the environment of allowing the requirement.

Oranga Tamariki engaged a number of technical specialists to assess the effects on the environment of allowing this application. This section of the AEE describes the environmental effects of amending the Korowai Manaaki Designation to alter its purpose and to provide for the placement of an additional 10 children/tamariki and young persons/rangatahi.

These assessments take into account the existing approved Designation which provides for the placement of 46 children/tamariki and young persons/rangatahi. These assessments also consider the effects of any future additional buildings located on the site.

7.1 Current Operation Description

7.1.1 Capacity

- Number of children/tamariki and young persons/rangatahi currently in residence:
 - Currently there is capacity for 46 children/tamariki and young persons/rangatahi in secure residence at Korowai Manaaki noting that at times the number of residents on site may be lower depending on demand.
 - The capacity for 46 residents which includes up to 6 bedrooms for any children and young people placed there from the adult jurisdiction.
 - There are 5 accommodation units totalling 46 beds (one unit with 6 beds, 2 units with 8 beds and 2 units with 12 beds). These also have classroom /learning and TV/lounge rooms, dining room and toilet and shower facilities.
 - A secure care unit with 8 beds. Note that this unit is not counted in the bed count because it is occupied for short periods by existing residents for behaviour management reasons.

7.1.2 Number of Staff

The current staffing for a capacity of 46 children/tamariki and young persons/rangatahi for the Korowai Manaaki Residence is approximately as follows:

Staff	Number of Staff	
	Weekday	Weekend
Care Team Floor (AM/PM shifts)	18 to 20 per shift, (minimum of 1 staff for 3 children/tamariki and young persons/rangatahi, although in practice this ratio is sometimes higher)	Same as weekday
Care Team Floor (night shift)	15 to 17 per shift	Same as weekday
Clinical team	6 staff (during business hours)	0
Clinical external facilitators	10 staff	0
Admin / caretaker / support services	9 staff (business hours)	1 (during business hours)
Medical	3 staff each day (4 staff every second day) (during business hours)	0
School	12 – 14 staff teachers and teachers aid (school hours)	0
School external facilitators	3 staff (Monday to Friday) and 3 staff (three times per week taking specialist education programmes) - (during school hours)	0

Escorting staff	5 - 10 staff (varies with needs)	Normally 0 unless required
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7.1.3 Visiting Hours

- Professional specialists visit during business hours (9am – 5pm weekdays).
- Whānau visits 2.30-5pm week days
- Whānau visits 10am-1pm at weekends.

7.2 Operational Changes arising from Designation Changes

The following sections describe the operational changes arising from the change in Designation purpose to increase the placement capacity from 46 to 56 children/tamariki and young persons/rangatahi.

7.2.1 Capacity

The proposed change to the Designation is seeking provision for up to 56 children/tamariki and young persons/rangatahi at the Korowai Manaaki Residence. This is an increase of 10 children/tamariki and young persons/rangatahi.

7.2.2 Number of Staff

The proposed staffing for the increase in capacity from 46 to 56 children/tamariki and young persons/rangatahi for the Korowai Manaaki Residence is approximately as follows:

Staff	Number of Staff	
	Weekday	Weekend
Care Team Floor (AM/PM shifts)	22 - 24 per shift (minimum of 1 staff for 3 children/tamariki and young persons/rangatahi, although in practice this ratio will often be higher)	Same as weekday
Care Team Floor (night shift)	18 - 20 per shift (minimum of 1 staff for 3 children/tamariki and young persons/rangatahi, although in practice this ratio will often be higher)	Same as weekday
Clinical team	7 staff (during business hours)	0
Clinical external facilitators	12 staff	0
Admin / caretaker / support services	11 staff (business hours)	1 (during business hours)
Medical	4 staff each day (during business hours)	0

School	14 – 17 staff teachers and teachers aid (school hours)	nil
School external facilitators	4 staff (Monday to Friday) and 3 staff (three times per week taking specialist education programmes) - (during school hours)	nil
Escorting staff	6 - 12 staff (varies with needs)	Normally 0 unless required

7.2.3 Visiting Hours

The proposed alteration to the Designation capacity will not result in any changes to the current visiting hours.

7.3 Layout, buildings and uses

The current layout of the Korowai Manaaki Residence includes:

- 5 accommodation units totalling 46 beds (one unit with 6 beds, 2 units with 8 beds and 2 units with 12 beds). These also have classroom/learning and TV/lounge rooms, dining room and toilet and shower facilities;
- a secure care unit with 8 beds. Note that this unit is not counted in the bed count because it is occupied for behaviour management reasons by young people already admitted to the residence;
- an administration block;
- an education area for educational activities (such as art and music) that are additional to the classrooms in each residential unit;
- a gym;
- a medical centre;
- staff car parking area within the secure boundary;
- visitor parking on site; and
- a secure loading area for the transfer of escorted residents.

Kitchen services are provided from the Oranga Tamariki Whakatakapokai Residence.

The proposed increase in capacity at the Korowai Manaaki Residence will currently not involve the addition of any buildings on the site however should additional buildings or extensions to existing buildings be required in the future these will proceed through the Resource Management Act Outline Plan of Works process and any relevant resource consents would also be sought at that time.

Although there will be an increase in the number of staff there will be no change to the car parking requirements.

7.4 Range of activities

The Oranga Tamariki approach to managing and caring for children/tamariki and young persons/rangatahi in Youth Justice residences is to provide an active and structured day which provides for a range of programmes and a high staff to young person ratio which ensures safe, secure supervision and behavioural management.

The range of activities on-site include:

- Programmes for residents:
 - education which is provided onsite by Kingslea School (each residential unit has a classroom area);
 - drug and alcohol programmes; and
 - a range of cultural identity programmes.
- Additional classes like art are held in the education facility.
- Exercise is held in the gym or the courtyard areas adjacent to the residences.
- Programmes are run after school until 8pm and on weekends 8am-8pm, by staff and an education building is used for art and technology education.
- Supervised use of recreation facilities (within the secure fenced area).
- All activities within the residence units and in the education or recreation facilities are supervised.

7.4.1 Security and safety

The arrangements in place for children/tamariki and young persons/rangatahi at the Korowai Manaaki Residence to provide a safe and secure environment include: behaviour management, high staff-young person ratio and supervision, providing a structured day with worthwhile activities and programmes, comprehensive security and emergency management plans and physical security infrastructure (including fencing, building features, CCTV etc.). Oranga Tamariki has found since implementing this holistic child/young person-focussed approach to the care and management of children/tamariki and young persons/rangatahi at Youth Justice residences that there are much improved outcomes in terms of young person behaviours and overall safety and security.

As outlined in Section 7.2.2 above the increase in capacity of children/tamariki and young persons/rangatahi at the Korowai Manaaki Residence will be reflected in a proportional increase in staff. This will ensure that any safety and security matters are appropriately managed.

7.5 Neighbourhood/Community and Social Impact Effects

The site is located on land zoned as Business – Heavy Industry and adjoins the Adult Correctional Facility (AUP(OP) ref. Designations - 3910). Land to the east is used for a range of industrial and other business activities as anticipated by the AUP(OP). The site also adjoins the riparian reserve associated with the coastal interface with the Manukau Harbour, this connects with a wider area of Open Space zoned land known as the Puhinui Coastal Reserve.

A social impact assessment ('SIA') of the Designation purpose change and capacity increase at Korowai Manaaki to provide for the placement of up to 56 children/tamariki and young persons/rangatahi has been prepared by Beca and is Appendix 3.

7.5.1 Methodology

The SIA has been developed for Oranga Tamariki to analyse, monitor and manage the social consequences of the proposed changes. The SIA sets out the assessment framework under which it has been prepared consistent with the eight social impact matters described in the International Association of Impact Assessment Guidelines. The International Association of Impact Assessment describes social impacts as impact on one or more of the following:²

- People's way of life – how they live, work, play and interact with one another on a day-to-day basis.
- Their culture – their shared beliefs, customs, values and language or dialect.
- Their community – its cohesion, stability, character, services and facilities.
- Their political systems – the extent of which people are able to participate in decisions that affect their lives, the level of democratisation that is taking place, and the resources provided for this purpose.
- Their environment – the quality of the air and water people use; availability and quality of the food that they eat, the level of hazard of risk, dust and noise they are exposed to; the adequacy of sanitation, their physical safety, and their access to and control over resources.
- Their health and wellbeing – health is a state of complete physical, mental, social and spiritual wellbeing and not merely the absence of disease or infirmity.
- Their person and property rights – particularly whether people are economically affected or experience personal disadvantage which may include a violation of their civil liberties.
- Their fears and aspirations – their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children.

The preparation of the SIA relied on information obtained from:

- Site visit on 21 January 2019;
- Review of residence plans and operation plans made available (e.g. security management), and the proposed alteration to Designation;
- Review of literature relating to justice facilities and social impacts in the community (including other SIAs and academic research);
- Review of New Zealand media coverage relating to youth justice facilities;
- Review of Statistic New Zealand Data for the surrounding area; and
- Review of Risk Register and other relevant internal documents.

Information obtained from these sources was used to define the study area and provide a conceptual basis for this assessment. An explanation of the rationale for determining the study

² Vanclay, F. (2003). International principles for social impact assessment. *Impact assessment and project appraisal*, 21(1), 5-12.

area is discussed in section 5.2 of the SIA which is defined to be Wiri, with a wider catchment identified as the catchment covered by the Manurewa Local Board area including Wiri Industrial Estate, Manurewa East, Homai, Weymouth and Wattle Downs

7.5.2 Potential effects

The assessment discusses the social impacts at both the Local Board level and on the wider surrounding community. Based on the methodology outlined in the SIA through analysis of relevant literature and the project and community context, the broad framework from section 3.1 was reviewed and revised to specifically target potential impacts from this project for these communities. The SIA confirms that the refined social impacts comprise:

- Impacts on perceived sense of and actual safety; and
- Impacts on the quality of the environment – This includes people’s well-being (related to changes to the environment), sense of place and identity and changes to the character and amenity of living environments and character of communities.

Importantly the SIA recognises the modest change in terms of capacity, noting at section 6.2:

“The proposed change...to provide for 10 additional residents... is a less than 25% increase in numbers and will be accommodated by a proportional increase in staff to maintain ratios.”

The SIA also recognises the established land use pattern of the area given its location in an industrial area, alongside two large adult correctional facilities. In addition, the SIA notes that there are no households within a 10-minute walk from the facility. In light of these factors, the SIA concludes that any adverse effects on perceived and actual safety of the community are considered to be very low.

Given the presence of the Residence along with the two correctional facilities there is the potential for effects on the sense of place of the local neighbourhood and wider community, recognising the separation away from residential properties. The SIA outlines that collectively these uses “have been subject to strong opposition by some members of the community in the past, in particular those that feel they are overburdening an already disadvantaged community”. However, given the modest scale of change in terms of capacity and age, noting the residence has been long established in this location, the change will be barely discernible by the community. The SIA concludes that any adverse effects on community sense of place will be low.

The SIA includes, based on findings from the literature review, a commentary in respect of the for potential adverse effects on property value noting this is usually temporary and limited to immediate neighbours of a correctional facility. Given that the residence is already established and it is proximate to two other existing correctional facilities the SIA concludes that as a result of the change any adverse effect on property values of on the wider community are considered to be very low.

7.5.3 Mitigation measures

The SIA makes comment on the existing condition requiring a Community Liaison Community that is established for the interaction between the community, stakeholders and Oranga Tamariki and recommends that this condition is retained.

7.6 Physical Effects

The site contains the established residence and ancillary buildings and elements associated with its use. This includes a range of buildings, car parking areas, landscaping, the ring road and various control features such as fences, gates and associated infrastructure. Within the perimeter fence and boundary of the Designation a playing field is located to the south east of the main area.

Features of relevance include the Significant Ecological Area overlay (SEA – T – 589 Terrestrial) which covers areas of vegetation along riparian margins of the Puhinui Creek. The adjacent arm of the Puhinui Creek is also subject to a marine Significant Ecological Area overlay (SEA – M2 – 27a, Marine 2). The site is also subject to the Natural Resources overlays for: High-Use Stream Management Areas Overlay; High-Use Aquifer Management Areas Overlay – Manukau Waitemata Aquifer; and, Quality-Sensitive Aquifer Management Areas Overlay – Wiri Volcanic Aquifer.

Watercare's Southern Interceptor Line (AUP(OP) Designation 9529) passes through the southern part of the site and the Designation boundary underlies built development on the site.

7.6.1 Potential effects

No physical changes are proposed as part of this application noting that in the event they are sought in the future, outline plans of works applications will be prepared. The proposed changes in terms of age and capacity will be able to be accommodated within the existing development boundaries and therefore there are no significant adverse effects on the environment as a result.

Existing landscape planting and other planting around the perimeter of the site including that covered by the SEA overlay visually screens and buffers the residence from adjoining sites and the coast. Development potential afforded by the AUP(OP) can be relatively large and bulky recognising that the underlying zone provides for a range of built form development with a permitted height of up to 20 metres with a 6 metre and 35° height in relation boundary control. There is no restriction in terms of building coverage, however yard setbacks apply to buildings with a 2 metre front yard and 5 metre side and rear yard where boundaries are shared with Open Space zoned land.

As no physical changes are proposed at this time there will be no landscape or visual change to the residence. An outline plan of work application will need to include a landscape plan and proposed condition (5) will ensure that a suitable separation is maintained to achieve continued visual screening and buffering.

The residence is located adjacent to other justice facilities and secured by perimeter fencing. In an area characterised by a range of industrial and storage activities. No physical development is proposed at this time and therefore recognition of the change within the neighbourhood is negligible. Future development, if required, will be managed through the outline plan of works process and the additional conditions proposed by this NOR will ensure that any future development maintains its low scale and separation from the boundaries, particularly when considered in the context of the development potential provided by the underlying zone.

The Southern Interceptor will not be affected by the change given that no new development is proposed.

7.7 Traffic Effects

A transportation assessment of the Designation purpose change and capacity increase at Korowai Manaaki Residence to provide for the placement of up to 56 children/tamariki and young persons/rangatahi has been prepared by Stantec and is provided in Appendix 3.

7.7.1 Additional trips generated effects

Traffic generated by staff, visitors and other trips (including servicing, school trips, court appearance and appointments) has been assessed in the transportation assessment.

The traffic generated as a result of the increase of 10 children/tamariki or young people/rangatahi to be accommodated on-site will be in the order of 65 daily trips and up to 14 trips in the peak hour. Noting that the current average daily trip estimate for Kiwi Tamaki Road is 1,400 – 1,600 vehicles per day. This increase in daily trips is therefore assessed as minor.

The assessment concluded that the low level of additional traffic generated by the proposed increase in the capacity on site will be readily accommodated without adverse effects on the safety or efficiency of the road network.

7.7.2 Parking effects

As the site is zoned Business - Heavy Industry and the minimum parking requirement specified in AUP is provided in Table E27.6.2.4. The supported residential care activity provisions in the table are considered the closest in purpose to the activities on-site and these require 0.3 parking spaces per bed with no maximum rate specified. This would mean only 14 spaces are required for the current Designation and 17 spaces for the proposed increase in capacity.

The total number of parking spaces allocated to staff is 59 and the total number of parking spaces available for visitors is 33 (including two mobility spaces) therefore the current car parking provision is consistent with the AUP parking requirements.

7.8 Noise Effects

A noise assessment of the Designation purpose change and capacity increase at Korowai Manaaki Residence to provide for the placement of up to 56 children/tamariki and young persons/rangatahi has been prepared by Hegley Acoustics Consultants and is provided in Appendix 3.

The noise assessment report has been developed for Oranga Tamariki to analyse and manage the noise consequences of the proposed changes.

7.8.1 Potential noise effects on adjacent sites

The residence is within the Business – Heavy Industry zone and as it is used for residential purposes it is expected to be well below the AUP permitted noise level standard of 70dB L_{Aeq}. In relation to the adjoining Open Space zoned land the residential activity proposed by the change in Designation has been assessed as not resulting in any undue effects.

The noise assessment concluded that noise resulting from activities arising from the proposed alteration to the Designation will not result in any adverse effects on the neighbouring properties

and therefore it is not considered that any specific Designation noise condition for the control of noise from the residence is required.

7.8.2 Potential internal noise effects

Given the proximity of the neighbouring Business – Heavy Industry zoned sites there is a potential for noise from the legitimate activities resulting in higher noise levels within the residential and teaching areas than desirable. Existing condition (4) of the Designation mitigates these effects by requiring that the building façade be designed to control the permitted high external noise levels to internal levels that are fit for purpose.

Although no additional buildings are proposed at the present time the noise assessment considers that any future buildings or major refits should ensure that the appropriate noise standards of the AUP are met, noting that this would not apply retrospectively to buildings previously constructed under the existing Designation.

Rule E25.6.10 provides specific internal criteria for dwellings within the Business – Heavy Industry zone relating to A-weighted criteria, which is measured sound levels to account for the relative loudness perceived by the human ear. The noise report has assessed the effects of the activities within the Residence through the alteration to the Designation against the A-weighted criteria and also the timeframes for those activities. The AUP rules that relate to noise sensitive spaces including bedrooms within the Business – Heavy Industry zone only applies during the night time which does not start until 11pm however the noise assessment notes that young people are likely to be in bed prior to 11pm. Therefore, the noise assessment considers that the external limit of 70dB L_{Aeq} should apply over the entire 24-hour period, rather than just from 11pm.

Given the nature of the activities undertaken within the wider facility the noise assessment considers that any new or additional teaching areas should also be included as noise sensitive spaces. To achieve the noise reductions for any new or refitted residential or teaching space required to satisfy the proposed noise condition and meet the AUP standards for any future noise sensitive buildings the units will be required to be ventilated and would be assessed and addressed at the time of the building consent application.

The noise report concludes that the following condition will address any future noise effects arising from the additional of new or altered noise sensitive spaces:

Condition

Noise sensitive spaces constructed or altered to the point that a building consent is required after July 2019 must be designed and constructed so that the internal noise levels do not exceed:

- *35dB L_{Aeq} in bedrooms; and*
- *40dB L_{Aeq} in all other noise sensitive spaces.*

Based on the assumption of an incident of 70dB L_{Aeq} at the site boundaries shared with the Business – Heavy Industry zones sites.

Noise sensitive spaces are teaching spaces and residential spaces excluding any bathroom, water closet, laundry, pantry, walk in wardrobe, corridor, hallway, lobby, stairwell, clothes drying area, kitchens not part of a dwelling, garage or other space of a specialised nature occupied neither frequently nor for extended periods.

Noise sensitive spaces shall be adequately ventilated in accordance with a design provided by a mechanical engineer in ventilation design.

7.8.3 Noise effects conclusion

The noise assessment concludes that the proposed alteration to the Designation will not result in any significant changes to noise received or generated at the site. The proposed activities on the site will comply with the AUP noise rules to the surrounding sites and there will be no noticeable effects on the neighbouring activities.

The current Designation conditions require that residences and teaching facilities are designed to control internal noise levels as a result of the surrounding business activities. There will be no change to the current effects arising from the alteration to the Designation. An amended condition is proposed to future proof the Designation should new buildings be developed on the site or should the existing buildings ever undergo a major refit.

7.9 Cultural Effects

Consultation has been undertaken and is ongoing with the relevant local Mana Whenua representatives that Oranga Tamariki maintains a relationship with.

No matters arising from Mana Whenua consultation indicated any reason why the proposed alteration to the Designation would result in adverse effects on cultural values.

7.10 Conclusion of Assessment of Environmental Effects

Technical specialists have assessed the potential social, traffic, and noise effects of the proposed alterations to designation for the Residence.

Social Effects

There will be some potential adverse social effects on the community as a result of the proposed alteration. These are set in the SIA and discussed above and relate to:

- Potential impacts on perceived sense of and actual safety; and
- Impacts on the quality of the environment – This includes people's well-being (related to changes to the environment), sense of place and identity and changes to the character and amenity of living environments and character of communities.

To address the potential adverse social effects and further enhance the positive effects Oranga Tamariki will:

- Maintain a Security Management Plan and
- Convene regular meetings of a Community Liaison Committee.

These measures will ensure that an appropriate positive relationship is maintained with the surrounding community and monitoring of the of the effects of the Residence including the effectiveness of the security management methods on the surrounding community is identified with information disseminated and that concerns raised by the community responded to.

Physical Effects

There will be no physical effects as a result of the proposed alteration to the designation as the changes can be accommodated with the existing built development. The site is well integrated into the surrounding environment comprised of other correctional facilities, industrial development and the open space areas associated with the estuarine margins of the Puhinui Creek and associated open space land. Conditions are proposed to ensure that future built development is located to maintain suitable separation from the boundaries and to retain continued visual screening and buffering from planting located at the perimeter and along the eastern parts of the site.

Traffic Effects

The traffic assessment has identified as a result of the change in capacity, weekday trips will increase by an additional 66 trips with weekends increasing by 28 trips. These increases are unlikely to be noticeable in terms of current weekday traffic volumes on Roscommon Road nor be noticeable in terms of the operation of the intersection of Kiwi Tamaki Road and Roscommon Road. The traffic assessment comments on parking noting that there is currently 97 spaces and this exceeds the standards for a similar activity in the zone.

Noise Effects

Given the location of the Residence with close proximity to the neighbouring Business – Heavy Industry zoned sites there is a potential for noise from the legitimate activities resulting in higher noise levels. Accordingly, a condition is established to ensure that adequate internal noise amenity is achieved within identified parts of the Residence. This has been reviewed by the Acoustic Specialist who has recommended changes to align the measurement with more contemporary metrics and with inclusion of reference to the ventilation requirements. Consequently, no effects are likely to arise as a result of the change in terms of noise.

Cultural Effects

Consultation is ongoing with Mana Whenua but to date no matters have arisen which would indicate the change would result in adverse effects on cultural values. Recognising the designation and Residence is established and no physical changes are proposed at this time.

Conclusion

Overall with the proposed mitigation measures implemented, it is considered that the proposed change to the designation will have acceptable effects on the environment.

8.0 Statutory Assessment

The RMA provides for the use and development of New Zealand's natural and physical resources through:

- Part 2, which establishes the purpose and principles applying to resource consents and designations;
- Section 181, which enables a requiring authority to lodge a notice of requirement with the relevant territorial authority to alter a designation; and
- Section 171, which subject to Part 2, prescribes the matters to which particular regard must be had in considering the effects on the environment of allowing the requirement.

In accordance with Section 171 (1)(a) of the RMA, this assessment addresses:

- Part II of the RMA
- Auckland Plan
- Auckland Regional Policy Statement ('ARPS')
- Auckland Unitary Plan including relevant plan changes.

8.1 Part II of the RMA

Part II of the RMA sets out the purpose (**Section 5**) and principles (**Sections 6-8**) of the RMA.

8.1.1 Section 5 – Purpose

Section 5 of the RMA states that the purpose of the RMA is:

“to promote the sustainable management of natural and physical resources”.

Section 5 also states:

“(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The change in the purpose of the Designation and the proposed capacity increase at the Korowai Manaaki Residence achieves the sustainable management purpose of the RMA as it enables people and communities to provide for their health and safety at a local and regional scale.

The proposed capacity increase at Korowai Manaaki Residence has minimal adverse effects on natural and physical resources. The site is already highly modified and contains an existing Youth Justice Residence. Traffic associated with the proposed new facility can be accommodated by the existing road network serving the site.

The proposed capacity increase at Korowai Manaaki Residence will enable Oranga Tamariki to provide for the social wellbeing and safety of people and the community. The fundamental purposes of the Oranga Tamariki Act relevant to this application is to respond to alleged offending and offending by children/tamariki and young persons/rangatahi in a way that:

- (i) promotes their rights and best interests and acknowledges their needs; and
- (ii) prevents or reduces offending or future offending; and
- (iii) recognises the rights and interests of victims; and

- (iv) holds the children and young persons accountable and encourages them to accept responsibility for their behaviour.

The Oranga Tamariki Act also seeks to assist young persons who are or have been in care or custody under the Act to successfully transition to adulthood in the ways provided in the Act.

Providing a safe, secure and supportive environment will enable delivery of these outcomes and assist young persons to develop skills and knowledge to enable them to change their lives for the better and prevent reoffending. Additionally, expanding the capacity of this residence will better enable Oranga Tamariki to be able to place children and young people close to their home, whānau and community; reducing the number of children or young people that might otherwise need to be sent to a residence in another region away from Auckland.

The alterations to the Designation reflect the principles of Part 2 of the RMA as they enable the community to provide for their social, cultural and economic well-being by providing necessary community infrastructure to service the projected demand increase for the placement of children/tamariki and young persons/rangatahi arising from the amendments to the Oranga Tamariki Act. The effects of the alteration to the Designation are evaluated later on in this report and it is demonstrated that any actual and potential adverse effects on the environment will be able to be avoided, remedied or mitigated. The alterations to the Designation will assist the Minister / the Chief Executive of Oranga Tamariki–Ministry for Children in fulfilling the security, safety and supportive environment obligations and functions under the Oranga Tamariki Act and other relevant legislation.

The social impact assessment undertaken for the proposed Designation purpose change and capacity increase concludes that the effects of the proposal will be that the changes at the facility will largely be internalised. Potential adverse effects on the local and wider community are not likely to be appreciable by the community due to the small scale of the proposed changes within the context of current land use. On this basis, it is considered that the potential adverse social impacts proposed to the Designation will be minor. No further mitigation measures are considered necessary with respect to the potential social impacts of the change in Designation proposed.

8.1.2 Section 6 - Matters of National Importance

Section 6(e) requires the following matter of national importance to be recognised and provided for:

- *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

No matters arising from Mana Whenua consultation indicated any reason why the proposed alteration to the Designation would result in adverse effects on cultural values.

8.1.3 Section 7 - Other Matters

This section lists certain matters to which particular regard is to be had in making resource management decisions. The relevant matters are as follows:

- (a) *Kaitiakitanga;*
- (aa) *The ethic of stewardship;*
- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values;*
- (f) *Maintenance and enhancement of the quality of the environment;*

Consultation has been undertaken with the relevant local Mana Whenua representatives that Oranga Tamariki maintains a relationship with and is ongoing. No matters arising from Mana Whenua consultation indicated any reason why the proposed alteration to the Designation would result in adverse effects on cultural values.

The proposed capacity increase at the Residence represents an efficient use of resources as contemplated by section 7(b) of the RMA to meet a predicted capacity increase arising from the increase in the age of young persons/rangatahi that can be placed at the Residence due to the amendments to the Oranga Tamariki Act. The use of an existing site which is designated and suitable for secure Youth Justice purposes represents an efficient use of resources. The use of the site for a slightly expanded number of placements is compatible with the surrounding land uses, and in particular will not adversely impact on the ability of surrounding activities to continue to use their sites efficiently.

Regard has been had to the maintenance and enhancement of amenity values under section 7(c) of the RMA and the quality of the environment under section 7(f) in a number of ways. “Amenity values” are defined in the RMA as meaning those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. The alteration of the Designation purpose and small increase in capacity will not result in noticeable changes to the natural or physical characteristics of the site as assessed in Section 7 of this AEE.

Any future additional buildings on the site will be assessed through the Outline Plan of Works process and the proposed additional site-specific Designation condition setting out building height, height in relation to boundary and building setbacks provides certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 46 to 56 placements. The inclusion of this condition will ensure that any future built development on the site will not be over bearing or significantly adversely impact on neighbouring sites.

8.1.4 Section 8 – Treaty of Waitangi

Section 8 states:

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

This section requires those exercising powers or functions under the RMA to take into account the principles of the Treaty of Waitangi. It is considered that the principles of the Treaty of Waitangi have been taken into account in terms of the consultation that has been undertaken with the relevant local Mana Whenua representatives that Oranga Tamariki maintains a relationship with and any ongoing engagement that may be required as a result of this Designation process and future implementation.

A significant proportion of children and young people in Oranga Tamariki custody are Māori (approximately 75%). Consequently, any improvements that Oranga Tamariki make for the placement of children and young people has a substantial benefit for Māori children and young people in their custody. The increase in placements Oranga Tamariki seeks as part of the Designation change will better enable Oranga Tamariki to accommodate Māori tamariki and rangatahi close to their home, whānau and community, which improves the chances of better long term outcomes for those tamariki and rangatahi.

8.1.5 Section 181 – Notice of Requirement

The Minister for Children is a Minister of the Crown. This notice has been lodged with the relevant territorial authority under section 181 of the RMA. The Minister has also lodged a request under section 198B of the RMA for this NOR to be directly referred to the Environment Court for a decision under section 198E of the RMA, instead of a recommendation by the Council under section 171 of the RMA and a decision by the Minister under section 172 of the RMA.

8.1.6 Section 198E – Environment Court decides

Under section 198E (6), the Environment Court:

(b) may -

- i. cancel the requirement; or*
- ii. confirm the requirement; or*
- iii. confirm the requirement, but modify it or impose conditions on it that the court thinks fit; and*

(c) may waive the requirement for an outline plan to be submitted under section 176A.

This decision is based on matters the Environment Court is required to have particular regard to when considering a notice of requirement under sections 181 and 198E (6)(a). The matters to be considered are set out in section 171(1) of the RMA and are as follows:

- (1) When considering a requirement and any submissions received, the territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) Any relevant provisions of—*
 - (i) a national policy statement,*
 - (ii) a New Zealand coastal policy statement,*
 - (iii) a regional policy statement, or proposed regional policy statement; and*
 - (iv) a plan or a proposed plan; and*
 - (b) Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking work if—*
 - (i) the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) it is likely that the work will have significant adverse effect on the environment; and*
 - (c) Whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

The proposal to alter the Designation purpose and capacity number for this site has taken into account the relevant statutory planning documents as listed. With the exception of the National

Policy Statement on Urban Development Capacity 2016 (NPS-UDC), there are not considered to be any relevant national policy statements. Nor is the New Zealand Coastal Policy Statement considered to be of direct relevance to the proposed Designation alteration.

In terms of the New Zealand Coastal Policy Statement it is noted that the Designation boundary is located on the coast with built development currently set back some 50m from the estuary edge, however, the proposed change in purpose and increase in capacity will not result in any further discharges. If in the future any additional buildings are required on the site these will go through the Outline Plan of Works process and if required any relevant regional plan consents, such as discharge consents would be sought at that time.

Under the NPS-UDC, there is recognition of the significance of well-functioning urban environments and a recognition of the need to enable these environments to develop and change. Residences can be considered within the umbrella of social infrastructure, which is included in the defined term *Other infrastructure*. Objective OD1 seeks to ensure through Coordinated planning evidence and decision-making, other (social) infrastructure is integrated with land use, development and development infrastructure. Policy PA3 is of relevance, and provides that particular regard should be had to promoting the efficient use of other infrastructure:

When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;

b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and

...

The AUP Regional Policy Statement and District Plan is the key statutory planning document under the RMA requiring consideration under s171(1)(a). An assessment of the AUP is provided below.

The requiring authority has an interest in the land (which is already designated for Youth Justice use), and, as set out in the assessment of environmental effects, the alteration to the Designation is not likely to have significant adverse environmental effects. Accordingly, it is not necessary to assess alternative sites, routes or methods under s 171(1)(b).

Alteration to the Designation is considered to be the most appropriate method for the efficient delivery of additional Youth Justice services required as a result of the forthcoming amendments to the Oranga Tamariki Act, for addressing any additional buildings that may be required to accommodate the additional capacity of 10 placements over time, and for providing for the long-term planning certainty that is required by the Minister.

The Designation alteration is considered reasonably necessary for the provision of the Youth Justice services by the Minister. The Minister's objectives are discussed further in Section 5 of this AEE report.

8.1.7 Section 176A – Outline Plan

An Outline Plan of Works is required to undertake future development of the site once a Designation is confirmed, so that the territorial authority is able to understand in detail the nature of proposed physical works, and if necessary request any changes prior to development. At this stage no additional building or development work for site are proposed for the site.

Any future additional buildings on the site will be assessed through the Outline Plan of Works process. In addition, the site-specific Designation condition proposed sets out building height, height in relation to boundary and building setbacks to provide certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 46 to 56 placements.

8.2 Auckland Plan 2050

The Auckland Plan 2050 sets out the direction for how Auckland will grow and develop over the next 30 years. It identifies that a key challenge facing Auckland is population growth and its implications which increases demand for infrastructure and services.

It notes that at the time of the 2013 census a third of all children and young people in New Zealand (those aged under 25 years) live in Auckland. Also that a third of the Auckland population is made up of children and young people.

A focus area in the Auckland Plan is to meet the needs and support the aspirations of tamariki and their whānau. It notes that investing in the future of our tamariki is vital to advancing Māori wellbeing.

Another focus area is to provide accessible services and social infrastructure that are responsive to meeting people's evolving needs noting that population growth will put pressure on existing services and facilities. The Auckland Plan identifies that it is essential for services and infrastructure to be adaptable to different usage and demand over time. While this is directly referring to the services and facilities provided by Auckland Council, it also reflects the needs of Oranga Tamariki to respond to the changing needs of the children/tamariki and young persons/rangatahi that they support.

8.3 Regional Policy Statement

The purpose of the Regional Policy Statement (RPS) is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region, and the policies and methods required to achieve integrated management of natural and physical resources of the whole region. The other provisions of the AUP including the district plan objectives, policies and rules must give effect to the regional policy statement.

The following provisions of the RPS are of particular relevance to the proposed alterations to the Designation:

B2 – Tāhuhu whakaruruhau ā-taone - Urban growth and form

B2.1 - Issues

Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities and services.

Growth needs to be provided for in a way that does all of the following:

- (1) *enhances quality of life for individuals and communities;*
- (2) *supports integrated planning of land use, infrastructure and development;*
- (3) *optimises the efficient use of the existing urban area;*
- (4) *encourages the efficient use of existing social facilities and provides for new social facilities;*
- (5) *.....;*
- (6) *maintains and enhances the quality of our environment, both natural and built;*
- (7) *.....; and*
- (8) *enables Mana Whenua to participate and their culture and values to be recognised and provided for.*

The alteration to the Designation will enable the existing Korowai Manaaki Residence to be used in an efficient and effective way. If additional placements are not provided on the existing site, new sites will have to be purchased and residence facilities constructed. Using the existing site optimises the efficient use of the site and ensures that an appropriate secure and safe facility can deliver for the growing Auckland Region population.

B2.5.2 Policies – commercial and industrial growth

- (9) *Enable the efficient use of industrial land for industrial activities and avoid incompatible activities by all of the following:*
.....
(b) preventing non-industrial activities (other than accessory activities) from establishing on land zoned for heavy industry;
- (10) *Manage reverse sensitivity effects on the efficient operation, use and development of existing industrial activities, including by preventing sensitive activities location or intensifying in or adjacent to heavy industry zones.*

The Korowai Manaaki Residence has an underlying zoning and is adjacent to properties zoned Business - Heavy Industry. It is acknowledged that the RPS provisions seek that non-industrial activities not be located within this zone area however the Residence has been in operation since 2004 and also sits adjacent to the Auckland South Corrections Facility and further to the west is the Auckland Region Women’s Correction Facility. The buildings and development on the site is set back from the site boundary of the adjoining industrial land to the east and on the south and south-east boundaries adjoins open space zoned land. The addition of 10 placements within a site of this size and location will not result in reverse sensitivity effects or compromise the efficient operation, use and development of existing industrial activities.

B.2.8.1 Social Facilities Objectives

- 1) *Social facilities that meet the needs of people and communities, including enabling them to provide for their social, economic and cultural well-being and their health and safety.*
- 2) *Social facilities located where they are accessible by an appropriate range of transport modes.*
- 3) *Reverse sensitivity effects between social facilities and neighbouring land uses are avoided, remedied or mitigated.*

B.2.8.2 Social Facilities Policies

- (1)
- (2) *Enable the provision of social facilities to meet the diverse demographic and cultural needs of people and communities.*
- (3) *Enable intensive use and development of existing and new social facility sites.*
- (4)
- (5)
- (6) *Manage the transport effects of high trip-generating social facilities in an integrated manner.*

In the explanation to the social facilities objectives and policies the RPS states that Social Facilities include public facilities that provide for services, including justice facilities. The explanation also notes that with increasing growth, existing social facilities will need to be expanded to meet the needs of new residents and the increased level of use, and this achieves greater efficiencies than building a new facility.

The RPS objectives and policies relating to social facilities recognise that the diverse demographic and cultural needs of people and communities must be provided for in the most efficient and flexible way. The policies also enable more intensive use of these facilities which is what the alteration to the Designation is seeking through the increase in the number of placements (by 10) who can be accommodated onsite.

The increase in the number of staff and visitors to the site arising from the increase in placement capacity will not result in the Korowai Manaaki Residence becoming a 'high trip-generating' social facility as discussed further in the Traffic Assessment in Section 7.7 of this AEE.

The alteration to the Designation will provide for increased capacity that will benefit the community by providing secure and safe care for children/tamariki and young persons/rangatahi for youth justice (or certain adult jurisdiction) purposes but also in terms of employment opportunities. The facility will specifically enable the provision of secure care, rehabilitation, skills and job training and social services to children/tamariki and young persons/rangatahi and certain young adults within the care of Oranga Tamariki. The potential adverse effects of the facility can be appropriately managed through the imposition of conditions (as proposed) on the Designation.

The proposed alteration to the Designation is required to support the needs for children/tamariki, young persons/rangatahi and young adults for the region. Accordingly, the proposal is considered to support the Regional Policy Statement objectives and policies of the AUP.

8.4 Auckland Unitary Plan

The site is designated for Youth Justice purposes in the AUP with an underlying zoning of Business - Heavy Industry.

The following provisions of the AUP are of particular relevance to the proposed alterations to the Designation:

H.16.2 Business - Heavy Industry Zone Objectives

- (1) *Heavy industry operate and is not unreasonably constrained by other activities.*

.....

H.16.3 Business - Heavy Industry Zone Policies

- (1) *Avoid activities which do not support the primary function of the zone.*
- (2)
- (3) *Require development adjacent to open space zones and special purpose zones to manage adverse amenity effects on those zones.*
- (4)

Korowai Manaaki Residence is an existing Youth Justice Residence that has been operating at this site for 15 years and has not constrained the operation of other activities on adjacent and nearby sites. The site is large, and the existing buildings are sufficiently setback from adjoining industrial land. Subsequently, a suitable buffer is provided for between the site and adjoining properties ensuring that the amenity of the adjoining sites zoned industrial and open space are protected. The scale of the increase in the accommodation capacity of the residence being sought is small (10 additional children/tamariki or young persons/rangatahi) and will not compromise the integrity of the zone or result in adverse amenity effects on the adjoining open space zoned land. Any future additional buildings on the site will be assessed through the Outline Plan of Works process and the proposed additional site-specific Designation condition setting out building height, height in relation to boundary and building setbacks will provide certainty to adjoining properties of the scale and location of any future development of the site to accommodate the change in capacity from 46 to 56 placements.

9.0 Other Considerations

Section 171 sets out the matters to which the Council will have regard when considering a Notice of Requirement. Along with the Assessment of Environmental Effects and the relevant requirements in Part II of the RMA and the provisions of the statutory resource management documents discussed in Sections 7 and 8 of this report, this section of the report addresses the further relevant matters outlined in section 171(1)(b) as follows:

- adequate consideration of alternative sites, routes, or methods of undertaking the work (if the requiring authority does not have an interest in the land sufficient for undertaking the work; or it is likely that the work will have a significant adverse effect on the environment)
- whether the work and Designation are reasonably necessary for achieving the objectives of the requiring authority for which the Designation is sought; and
- any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.

9.1 Alternative Sites, Routes or Methods

The proposed Designation alteration for the Korowai Manaaki Residence applies to an existing site owned by the Crown and designated for youth justice purposes. The existing Designation

already provides for a youth justice facility on the site. The Minister for Children has an interest in the land and existing buildings on the site sufficient for undertaking the alteration to the Designation, and accordingly section 171(1)(b)(i) does not apply. In terms of section 171(1)(b)(ii), the conclusion of this AEE is that there will be no significant adverse effects as a result of the proposed alteration to the Designation. Accordingly, it is not necessary to assess alternative sites, routes or methods.

Part 8 of the RMA provides for requiring authorities to seek provision for designations in District Plans. The primary reasons for adopting this technique are:

- The Minister has an obligation to oversee the implementation of the provisions relating to Youth Justice residences and placements under the Oranga Tamariki Act and other relevant legislation where persons are placed in the custody of the Chief Executive of Oranga Tamariki.
- Designations provide greater certainty in terms of the purpose, use and management of the activities on the site, because it allows the Minister to carry out ongoing development and use of the site in accordance with the designated purpose and conditions indefinitely.
- Designations recognises the long-term commitment to the particular site, as well as identifying the site on the District Plan maps.

9.2 Whether the public work is necessary to achieve the objectives

The Oranga Tamariki Act 1989 (the Act) empowers the Minister for Children to administer the Act. The objective of the Act is to promote the well-being of children, young persons, and their families and family groups. The Act (s364) allows the Chief Executive of Oranga Tamariki, with the approval of the Minister for Children, *“to establish and maintain under this Act residences of such number and type as in the opinion of the chief executive may be required for the purpose of providing for the care and control of children and young persons to whom this section applies, and, in particular, shall endeavour to establish a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.”*

This AEE outlines the objectives of the requiring authority and the necessity for altering the purpose of the existing Designation and increasing the capacity at the Korowai Manaaki Residence to achieve those objectives.

The Minister for Children’s overarching objective is to improve outcomes for children and young people, and her responsibilities include approving the establishment of residences under the Act for the purpose of providing for the care and control of children and young persons, and providing a sufficient range of residences to cater effectively for the variety of special needs of such children and young persons.

Specifically, in this case, and in order to respond to legislative changes that will increase demand for youth justice placements, the Minister’s objective is to enable an increase in the number of placements available at the residence so as to enable the Chief Executive of Oranga Tamariki to meet his or her responsibilities where tamariki or rangatahi have been placed in his or her care or custody. Without the alteration to the Designation, there is a risk that there will be insufficient beds to place tamariki or rangatahi in the Chief Executive’s care or custody for youth justice or certain adult jurisdiction purposes meaning that the Minister would be unable to meet her objectives as outlined above.

9.3 Conclusion on Other Considerations

The consideration of alternative sites is not considered relevant as the Minister has a sufficient interest in the land as required by section 171(1)(b)(i), and there are not likely to be significant adverse effects on the environment as a result of the alteration. Also of relevance is the existing operation of the Youth Justice residence on the site.

The proposed alteration to the Designation is necessary to achieve the purposes and objectives of the Oranga Tamariki Act, and the Chief Executive's responsibilities under other legislation. As such, it is considered that the use of the Designation process, as specifically provided for in the RMA, is appropriate. The principal alternative method would be to seek resource consent for the change in purpose, increased capacity and any additional buildings required. This would be inconsistent with the planning status of the similar facilities in the AUP, and the majority of other Oranga Tamariki youth justice residences nationwide. As outlined above in section 9.1 there is no requirement to consider alternatives as the Minister has an interest in the land and existing buildings and the conclusion of this AEE is that there will be no significant adverse effects as a result of the proposed alteration to the Designation.

10.0 Consultation

This section provides a summary of the consultation undertaken by Oranga Tamariki–Ministry for Children to date.

In order to raise community awareness of the proposed increase in capacity and changes to the purpose of the Designation, consultation was undertaken and the neighbouring properties advised of the proposed changes and their feedback sought.

10.1 Resource Management Act (RMA) 1991 Requirements

Section 36A of the RMA expressly provides that an applicant or requiring authority does not have a duty under the RMA to consult any person regarding a NoR. While consultation is not mandatory for the designation of land, case law has clearly established that undertaking consultation is best practice.

10.2 Neighbouring Properties

A letter and information sheet outlining the proposed increase in capacity and changes to the purpose of the Designation were sent to nine properties adjacent or nearby to the Korowai Manaaki Residence. A further clarification letter explaining that the Korowai Manaaki residence would not be used for care and protection purposes was also sent to the nine properties. Feedback forms were provided and no feedback has been received at the time of lodging this NoR application. Appendix 4 contains the consultation material used.

10.3 Stakeholders / Other Agencies

The Chair of the Community Liaison Committee for the Korowai Manaaki Residence has been updated about the changes proposed to the Designation and is supportive of the changes proposed.

Engagement about the changes proposed to the Designation has also been undertaken with the adjoining Department of Corrections facilities (Auckland South Corrections Facility and Auckland Region Women's Corrections Facility). They have advised that they are supportive of the proposed Designation alterations.

10.4 Iwi / Tangata Whenua

Oranga Tamariki has engaged with local Mana Whanua representatives with whom it has an on-going relationship. These representatives have been supportive of the proposed changes. Oranga Tamariki will be requesting these representatives to discuss with other interested iwi to ensure their views are considered.

10.5 Council / Local Board

A Council visit to Korowai Manaaki Residence took place on Monday 4 February. This visit included a tour of the facility hosted by the Residences Team Leader Operations followed by an open forum discussion and Q&A to provide the Council representatives with more information regarding the residence, how it operates and the services it delivers.

A briefing was provided to the Manurewa Local Board on Thursday 14 February. The main issues raised and matters discussed related to the Whakatakāpokai Oranga Tamariki Residence. No issues were raised in relation to the Korowai Manaaki Residence.

10.6 Summary of the Feedback Received

No concerns have been raised by stakeholders, the Local Board, Iwi or Mana Whenua in relation to the proposed amendments to the NoR for the Korowai Manaaki Residence.

11.0 Notification

Sections 95 to 95G of the RMA set out the statutory tests around notification. The Minister requests that this application be publicly notified. Section 95A(2) of the RMA requires a consent authority to notify an application if the applicant requests public notification.

12.0 Conclusion

The Minister for Children is giving a NoR, pursuant to section 181 of the RMA for an alteration to Designation 3802 in the AUP.

This NoR to alter the Designation will amend the purpose of the Designation and the existing conditions as necessary to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki by increasing the number of children/tamariki and young persons/rangatahi who may live at the Residence from 46 to 56. The spatial extent of the Designation is not being altered.

The requiring authority has assessed the relevant matters as set out in s171(1) of the RMA and concludes that the amendment to the Designation is necessary for achieving the Minister's objectives and it is appropriate for the Designation alteration to be confirmed subject to conditions. The amended Designation arrangements for the site will enable the delivery of the youth justice requirements of the Oranga Tamariki Act, and responsibilities under other legislation.

An assessment of effects on the environment has been undertaken based on the parameters of the alterations to the Designation proposed, which involves a change in purpose which will increase the age and number of the young persons/rangatahi able to reside at the facility.

Technical specialists have assessed the potential social, traffic and noise effects of the proposed purpose alteration and capacity increase at the Residence and concluded that the environment effects are acceptable with appropriate mitigation put in place.

That mitigation includes a range of Designation conditions that address noise, security management, community liaison and future building scale and location matters to ensure the continued operation of the residence facility on site does not affect or compromise the amenity and industrial functionality of the surrounding properties.

The proposed alteration to the purpose of the Designation and the capacity increase at the Residence is consistent with the objectives and policies of the relevant planning policy documents.

Having considered, subject to Part 2 of the RMA, the effects on the environment of allowing the alteration to the requirement, and having particular regard to the relevant provisions of the Auckland Plan, the Auckland Regional Policy Statement and the Auckland Unitary Plan, it is concluded that the alteration to the Designation can be confirmed under section 171(2).

The Minister requests that the Council publicly notifies this Notice of Requirement.

Appendix 1: Location Plan

Appendix 2: Certificate of Title

Appendix 3: Technical Reports

Appendix 4: Consultation Material

