

Auckland Unitary Plan

Notices of Requirement by the Minister for Children to Alter Existing Designations 3800 and 3802 in the Auckland Unitary Plan

Sections 168, 169 and 181 of the Resource Management Act 1991

Notices of Requirement

The Auckland Council has received two Notices of Requirement from the Minister for Children (**Minister**), as requiring authority, seeking alterations to designations in the Auckland Unitary Plan for two existing residences operated by Oranga Tamariki - Ministry for Children in Auckland.

The Notices of Requirement seek to alter the following existing designations:

- Designation 3800 'Care and Protection Centre – Upper North' (currently known as Whakatakopokai) at 398 Weymouth Road, Section 2 SO362124, Weymouth; and
- Designation 3802 'Youth Justice Centre – Upper North' (Korowai Manaaki) at 21-24 Kiwi Tamaki Road, Lot 2 DP448846.

The Notices of Requirement relate to different residences in different locations, however the Minister is presently proposing that they be processed and considered together. Auckland Council is accordingly jointly notifying the Notices of Requirement for submissions.

Details of the Notices of Requirement

The Oranga Tamariki Act 1989 has been amended and those changes are due to come into force on 1 July 2019. In order to prepare for these changes, the Minister is proposing alterations to the designations for both residences (currently known as Whakatakopokai and Korowai Manaaki) to better enable the purpose of the designations to align with these changes.

(a) Proposed alterations to Designation 3800 (currently known as Whakatakopokai)

The main alterations proposed to this designation will allow:

- The residence to accommodate tamariki/children and rangatahi/young people for either care and protection or youth justice reasons, including those who are placed in the custody of the chief executive of Oranga Tamariki for certain adult jurisdiction reasons, or who are transitioning out of care/custody. The changes will enable the residence to accommodate rangatahi who are aged up to and including 19 years old (although most will be under 18).
- An increase in the number of tamariki and rangatahi who may live at the residence (from 20 to 30).

(b) Proposed alterations to Designation 3802 (Korowai Manaaki)

The main alterations proposed to this designation will allow:

- Korowai Manaaki to accommodate tamariki and rangatahi who are placed in the custody of the chief executive of Oranga Tamariki for youth justice reasons, and certain adult jurisdiction reasons. The changes will enable the residence to accommodate rangatahi who are aged up to and including 19 years old (although most will be under 18).
- An increase in the number of tamariki and rangatahi who may live at the residence (from 46 to 56).

Viewing the Notices of Requirement

The Notices of Requirement may be inspected online at www.aucklandcouncil.govt.nz/unitaryplanmodifications or online at any Council office or library from 1 March 2019.

Making a submission

Any person may make a submission on one or both of the Notices of Requirement.

You may make a submission by sending a written or electronic form to Auckland Council at:

- Auckland Council, Unitary Plan, Private Bag 92300, Auckland 1142, Attention: Planning Technician; or
- By using the electronic form on the Auckland Council website at www.aucklandcouncil.govt.nz/unitaryplanmodifications or
- By email to: unitaryplan@aucklandcouncil.govt.nz; or
- Lodging your submission in person at any Auckland Council office or library.

If you decide to use a written form, a copy of the standard form may be obtained from the Auckland Council (or downloaded at the above link).

Submissions close on **29 March 2019**.

You must serve a copy of your submission on the Minister for Children as soon as reasonably practicable after lodging your submission with the Auckland Council. The Minister's address for service is:

Ellis Gould Lawyers, Level 17, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215.
Attention: Dr Claire Kirman / Alex Devine.
Email: ckirman@ellisgould.co.nz / adevine@ellisgould.co.nz.

Possible 'direct referral' to the Environment Court

The Minister has requested that the Council allow the Notices of Requirement to be 'directly referred' to the Environment Court. The direct referral process is a streamlined procedure under the Resource Management Act 1991, which allows a requiring authority to make a request to the Council that its notified Notice of Requirement be decided by the Environment Court, rather than the Council.

The Council is considering the Minister's request for direct referral, and a decision is likely to be made shortly. In the meantime, the Environment Court has made various orders in relation to the proposed direct referral of the Notice of Requirement (should the Council agree to the process being used). The Court's orders simplify aspects of the direct referral process. The Court has also tentatively approved a draft timetable through to a potential hearing in the week of 20 May 2019. The Court's orders (and the draft timetable) may be viewed at the internet link provided above.

Further Information

The Environment Court has appointed planning consultant Brian Putt as an independent 'Process Advisor'. The Process Advisor cannot provide advice on the content of any submission, but he is available to provide free assistance to submitters with questions around matters of process. Brian Putt may be contacted by phone on 021 902 744 or by email at brian@metroplanning.co.nz.

Should you wish to know more about either of the NORs, you may contact Claire Kirman, the solicitor acting for the Minister, by email at ckirman@ellisgould.co.nz or by phone on (09) 306 0743.

Otherwise, you may also contact Auckland Council processing planner Barry Mosley by email at Barry.Mosley@aucklandcouncil.govt.nz or by phone on (09) 301 0101.

John Duguid
Manager Plans & Places

Notification date: 1 March 2019