

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison

FROM Barry Mosley

DATE 6 May 2020




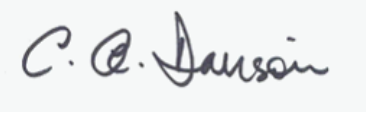
SUBJECT **Notice of Requirement by Minister for Children to alter Designation 3800 in the Auckland Unitary Plan (AUP) Operative in part (15 November 2016) – Whakatakapokai, Oranga Tamariki Residence at 398 Weymouth Road, Weymouth.**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Alteration to Designation 3800 as confirmed by Environment Court Decisions [2020] NZEnvC 41 (final decision) and [2020] NZEnv 49 (decision as to conditions)	
Chapter	Chapter K Designations
Section	Minister for Children Schedules and Designations
Designation only	
Designation #	3800 Oranga Tamariki Residence
Locations:	398 Weymouth Road, Weymouth Section 2 SO362124
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	<p>New purpose as confirmed by the Environment Court:</p> <p>“Oranga Tamariki Residence</p> <p>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:</p> <ul style="list-style-type: none"> (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.”
Changes to text (shown in underline and strikethrough)	See Attachment 3 to this memorandum for changes to text.
Changes to diagrams	<p>There are no existing diagrams in the designation.</p> <p>The confirmed NOR inserts a Concept Plan – See Attachment 3 to this memorandum.</p>

Changes to spatial data	N/A
Attachments	Attachment 1: Decision [2020] NZEnvC 41 (final decision) Attachment 2: Decision [2020] NZEnvC 49 (decision as to conditions) Attachment 3: Designation Text with designation Attachment 1: Clinical Screening and Risk Assessment Framework and designation Attachment 2: Landscape Plan

Prepared by: Barry Mosley Planner	Text Entered by: Bronnie Styles Planning Technician
Signature:  PP	Signature: 
Maps prepared by: Geospatial Analyst	Reviewed by: Barry Mosley Planner
Signature: N/A	Signature: pp 
Signed off by: Celia Davison Manager Planning – Central/South	
Signature: 	

Attachment 1

**Decision [2020] NZEnvC 41
(final decision)**

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

Decision No. [2020] NZEnvC 41

IN THE MATTER of the Resource Management Act 1991
AND of a direct referral application under s 198B
of the Act for a notice of requirement to alter
designation 3800 'Care and Protection
Residential Centre - Upper North' in the
Auckland Unitary Plan (Operative in Part)

BETWEEN MINISTER FOR CHILDREN
(ENV-2019-AKL-000007)
Applicant
AND AUCKLAND COUNCIL
Regulatory Authority

Court: Environment Judge B P Dwyer
Environment Commissioner D J Bunting
Environment Commissioner A C E Leijnen
Deputy Environment Commissioner S G Paine

Hearing: at Auckland on 3-4 March 2020

Appearances: D Allan and A Devine for the Applicant
M Allan and M Jones for the Regulatory Authority
D André for Submission No 43 parties, and for F Y Chin, J Chan,
D Bell, Submitter 58, Submitter 59
L Li for herself
Te Rata Hikairo for himself
D Newman for himself
A Dalton for herself
Submitter 58 for herself
P Rauwhero for herself

Date of Decision: 7 April 2020
Date of Issue: 7 April 2020

FINAL DECISION OF THE ENVIRONMENT COURT

MINISTER FOR CHILDREN



A: Requirement confirmed, conditions in final form to be submitted to the Court

REASONS

Background

[1] On 22 February 2019 the Minister for Children (the Minister) lodged with the Auckland Council (the Council) a Notice of Requirement (NOR) for an alteration to *Designation 3800 Care and Protection Residential Centre-Upper North in the Auckland Unitary Plan - Operative in Part*. The NOR and designation relate to a property known as Whakatakapokai at 398 Weymouth Road, Weymouth in South Auckland (the Site) which contains a care and protection residence managed by Oranga Tamariki-Ministry for Children for twenty residents up to the age of 16 (the Residence).¹

[2] The nature of the public work proposed under the alteration was described in the following terms:

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.

[3] In short, the purpose of the alteration was to expand the use of the Residence from its previous care and protection purpose to include youth justice placements and increase the number of persons who might be housed there.

[4] When lodging the NOR with the Council, the Minister requested that the NOR be subject to a decision of the Environment Court instead of a recommendation by the Council and a decision by the Minister. This was agreed, and an Environment Court hearing was held in Auckland on 20 – 22 May 2019.

[5] The Court's Interim Decision issued on 1 August 2019 included the following

¹ In the Court's Interim Decision, the term "Site" was used as having the same meaning as Residence in this Final Decision.



findings:

- Irrespective of the mix, the combined number of care and protection and/or youth justice placements on the Site should be limited to 20.
- Subject to the inclusion of the Court's amendments to the safety and security conditions in any final condition set, with this number of placements, the level of risk mitigation should be appropriate for the proposed Youth Justice Residence;
- Provided that there was compliance with the noise conditions in the 31 May 2019 condition set, the Court identified that repurposing of the facility would not give rise to unreasonable noise effects;
- There was no challenge to the evidence of the expert witnesses that any effects of the repurposing on traffic, transport and parking had been adequately mitigated and managed under the relevant conditions in the 31 May 2019 condition set.
- Conversely, the Court was not satisfied that an adequate Social Impact Assessment (SIA) had been undertaken and identified a process to enable the SIA to be updated and a Social Impact Management Plan (SIMP) to be prepared;
- There was also a significant gap in the evidence from the Minister about the intended use of the Wharenui for Care and Protection assessments and the Minister and the Council were directed to provide the Court with further information about this and the related security implications.

[6] The Court advised that a final determination on the proceedings in light of the above interim findings would be made once the Court had considered further evidence on the use of the Wharenui and the updated SIA and SIMP.

[7] This decision sets out the final determination of the Court in these proceedings.

The Wharenui/Hub/Care and Protection Facility

The Experts

[8] Expert evidence on the proposed use of the Wharenui was provided by Mr C loane (for the Minister) and Mr C W Polaschek (for the Council).

[9] Mr loane is a member of Oranga Tamariki Community Residential Services



Auckland (CRSA) and responsible for the management of the Residence.

[10] Mr Polaschek is an independent security consultant. His security and risk management experience has been gained through previous employment with the Department of Corrections, Oranga Tamariki (under a number of former iterations) and the Ministry of Social Development. Roles with the Department of Corrections have included managing Wellington Prison and as National Manager System and Security (which at the time included responsibility for the maintenance, review and development of all policies and procedures for 19 prisons).

The Residence

[11] The final version of the Designation Conditions² includes the following definitions:

Residence: Describes the whole of the site used for care and protection and youth justice functions as shown on the Concept Plan (included at the start of the conditions).

Care and Protection Facility: That part of the Residence to be occupied exclusively by the care and protection function, that includes the Wharenui, as shown on the Concept Plan (below).

Youth Justice Facility: That part of the Residence to be occupied exclusively by the Youth Justice function as shown on the Concept Plan (below).

The Concept Plan: Designation 3800: Oranga Tamariki Residence shows the Residence as comprising four separate areas:

- Area 1 – Youth Justice Facility
- Area 2 – Care and Protection Facility including Wharenui
- Area 3 – Shared Administration Area
- Area 4 – Landscaping, Access, Parking

[12] Areas 2, 3 and 4 (the Care and Protection Facility including the Wharenui, the Shared Administration Area, Landscaping and Parking) are all located outside of the high security fence which surrounds the Youth Justice Facility. A copy of the Concept Plan is attached to this decision as Appendix 1.

[13] In the evidence the terms Wharenui, Hub, and Care and Protection Facility have been used interchangeably to mean the same thing. In the conditions, this facility

² Designation Conditions attached to Minister Reply Submissions dated 13 March 2020.



is described as the Care and Protection Facility.

[14] The Wharenui will have communal sleeping, eating, recreational, cooking and administrative areas as well as showers and ablutions.

Tamariki, Rangatahi and Young Persons

[15] In his 15 April 2019 evidence, Mr loane wrote that “Care and Protection Residences are for children and young people primarily aged 9 to 17 who have highly complex needs and require intensive support” and “The purpose of placement within a Residence is to stabilise tamariki and rangatahi.”³

[16] Our general understanding is that the term “tamariki” refers to children and “rangatahi” and “young persons” to teenagers. Having said this, in his Supplementary Evidence of 29 November 2019, Mr loane refers to tamariki “up to the age 17 years...”⁴.

[17] In preparing this decision, we have not attempted to draw any distinction between the terms used on their own or in various combinations.

Updated Operating Model

[18] The outline in the following sections has been drawn primarily from the evidence of Mr loane.

[19] Historically, Oranga Tamariki has operated four care and protection residences, Epuni in Wellington, Te Oranga in Christchurch, Puketai in Dunedin and Whakatakakopai. In addition, a fifth residence in Christchurch is contracted to Barnardos, which provides care for young men aged 14-17 years who are receiving specialist therapeutic treatment and support.

[20] These care and protection residences are to be phased out and replaced with well-supervised, smaller, community-based options, such as the facilities that are operated by CRSA.

[21] The Wharenui at Whakatakakopai will be the first of these facilities (and currently the only one) to have changed from the historic operating model to the new

³ loane EIC at [5.1] and [5.2].

⁴ loane Supplementary Statement at [4.5 (a)].



community-based option. It opened in 2010 as a place to work and sleep for care and protection purposes. Up until January 2019, it was utilised for day and residential programmes. This included staff training, powhiri for welcoming visitors to Whakatakapokai and the delivery of cultural programmes for residents such as Kapa Haka. In 2017, Taonga Whetu – a Kaupapa Maori Unit of 4 to 5 young men lived in the Wharenuui for 6 to 12 month stays.

[22] Under the CRSA Interim Operating Model, the Wharenuui will be used as an entry-and-assessment Hub with the admission criteria changing from those previously applying to the Whakatakapokai Care and Protection Residence.

[23] The CRSA hub and spoke model involves a significant shift from accepting tamariki who present with high and acute behavioural needs (previously accepted at Whakatakapokai as a Care and Protection Residence) to tamariki who require early intervention rather than waiting for matters or behaviours to escalate before Oranga Tamariki is asked to consider placement options. The purpose of the Hub is to welcome tamariki while they stabilise and adjust to the daily routine and for staff to assess their needs. They will stay for between two days and two weeks before being transitioned elsewhere normally into a community home.

[24] In recognition of the new social and physical environment being created at the Hub, tamariki and rangatahi who present with high and acute behavioural needs will be assessed at a national level and typically referred to one of the other three Oranga Tamariki care and protection facilities around the country. As an example, a high-end residential placement could be made for a child who is acting aggressively towards others, damaging property or placing themselves at risk and therefore requires a more physically secure environment.

[25] While tamariki and rangatahi usually enter the Hub via a planned admission, at times they may require emergency admission if their existing placement has broken down or they require immediate respite to address health needs or preserve their placement or whanau relationships. The way in which these emergency placements are assessed was clarified in the Minister's Reply submissions as discussed below.

[26] As Care and Protection and Youth Justice cater to different cohorts, the Wharenuui will have its own Security, Emergency and Site Safety Management Plans specific to its use, prepared in accordance with the Residential Care Regulations.



Admission Criteria

[27] Mr Ioane and Mr Polaschek were questioned about a number of aspects of the admission criteria to the Wharenui, including about how front-line staff would be aware of the conditions imposed under the designation and how exceptions to the normal admission criteria such as emergency situations would work in practice.⁵

[28] With respect to the conditions, Mr Ioane said that they would be incorporated in a CRSA document titled *Key Operating Procedures* which would be regularly updated and available for use by front-line staff.

[29] He was asked if a specific need was identified for the placement of a young person into Oranga Tamariki's care late at night, what the assessment process would be for selecting the placement facility and whether the Wharenui would be the "first stop" for this. His response was that such "after-hours" assessments would normally be made at a regional level (as opposed to a national level) and a decision would be made on whether the placement should be at the Wharenui or elsewhere.

[30] Mr Polaschek advised that he was unfamiliar with the assessment procedures used by Oranga Tamariki particularly in emergency situations. He said that if he had a better understanding of these procedures, this might have influenced his assessment of the degree of risk for both the children in the unit and the people in the surrounding communities.⁶

[31] Helpfully, more specific detail on all of this was provided in the Minister's Reply Submission discussed below.

Safety and Security

[32] As the Wharenui is a care and protection facility, there is no ability for staff to detain tamariki although they do have authority to exercise some control. Mr Ioane said that if tamariki left without permission, CRSA would implement its enhanced notification check list which detailed the procedures for staff to follow. This check list included a Site Safety Plan.

[33] The emphasis at the Wharenui was on dynamic security measures rather than

⁵ NOE at pages 76-79 and at pages 104-112.

⁶ NOE at page 98.



physical measures. Mr Ioane said that these dynamic measures include specified selection criteria for placements, high staff supervision ratios, a line of sight policy and a behaviour management system.

Mr Polaschek's Findings

[34] Mr Polaschek made the following findings based on his understanding of Oranga Tamariki's proposed safe use and operation of the Wharenui:⁷

- The tamariki placed at the Wharenui are not young offenders but those with behavioural challenges requiring care and protection services.
- These young people do not pose a risk to the community.
- Tamariki who might pose a more significant risk if they abscond or had acute behaviours will be housed elsewhere.
- The intended approach for operating the Wharenui is not entirely unique, but a marginally more intensive version of other community programmes already in existence at other locations in New Zealand.
- The Wharenui has a one-bedroom secure area and an attached marae both of which are considered in the overall security evaluation.
- Senior staff at the Wharenui will be involved in vetting and selecting the tamariki to be placed in the Wharenui.
- The major security feature is intensive supervision of the young people through a high staff to placement ratio.
- If they chose to abscond, there is little available evidence that the tamariki who will be placed at the Wharenui pose a risk to anyone other than themselves.
- Absconding risk is significantly mitigated by the proposed dynamic security features (as summarised in the section above on security and risk).
- A potential risk is that if Oranga Tamariki's wider care and protection system came under placement pressure, higher risk tamariki could be end up being placed in the Wharenui.

[35] These findings were predicated on the understanding that no child or young person currently subject to any action under the Youth Justice provisions of the Oranga Tamariki Act should be held at the Wharenui.

⁷ Polaschek Second statement of evidence at [7].



[36] Based on these findings, Mr Polaschek's overall risk assessment on the proposed use of the Wharenui for care and protection services was that, while security would be low, the risk to the community would also be low.

Tamariki in the Youth Justice System

[37] We now set out the differing views of the Minister and the Council on whether a tamariki or rangatahi who has been involved in the Youth Justice system should be eligible for placement in the Wharenui.

[38] Section 238(1)(a) to (f) of the Oranga Tamariki Act lists the orders or options available to the Youth Court for a child or young person who appears before that Court. There are two broad categories, either to release them into the community (three options under paragraphs (a), (b) and (c)) or detain them (three options under paragraphs (d), (e) and (f)).⁸

[39] Mr Ioane said that he did not support a condition (proposed by the Council at the hearing) under which any child or young person who had a Court order against them under any of these six paragraphs should be excluded from being assessed and cared for at the Wharenui.

[40] His argument was that there are circumstances under which a child or young person could be released into the community by a court pending processing under the Youth Justice system and that person could then come under the care of Oranga Tamariki because of unrelated factors. The Council's proposed condition at the time of the hearing, if implemented, would mean this child/young person would not be able to be assessed and cared for at the Wharenui.

[41] In consequence, at the time of the hearing, the Minister's position as set out in its proposed Condition 4A⁹ was that if a child or young person had an order against them under s 238(1)(d), (e) or (f) (the detention provisions) they would be excluded from being assessed and cared for at the Wharenui, but if the order was restricted to any of the three release options in s 238(1)(a), (b) or (c), they would not.

[42] Mr Polaschek said that his concern was that this would allow for placements at the Wharenui of young people who had been involved in the youth justice system

⁸ Copy of s 238 of the Oranga Tamariki Act attached as Appendix 2 to this decision.

⁹ 28 February 2020 Condition Set.



and could be on a trajectory towards more serious offending. He saw a key risk of including youth justice placements being one of contagion which could come through the sharing of anti-social ideas, attitudes and behaviours. He said that it was these contagion factors which had led to Oranga Tamariki's original creation of separate categories for care and protection and youth justice. He described the mixing of care and protection and youth justice placements as a potential "school of crimes" scenario under which there was the potential to increase the risk of absconding with vulnerable young people running away with older more sophisticated youth.

[43] Having said this, he did agree with counsel for the Minister that under s 238(1)(a) to (c) a young person could be released and live in the community with the potential for "contagion" of other vulnerable young people to occur anywhere.

[44] At the end of questioning, Mr Polaschek said that he had not changed his position that any young person who has had youth justice involvement should be excluded from placement at the Wharenui.

[45] Given the differences which remained at the end of the hearing between the Minister and the Council on this "youth justice" placement issue, the Court directed the parties to confer and report back on whether they could agree on a position on these placements which would work for Oranga Tamariki and the community and not lead to an increase in the level of risk.¹⁰

Minister's Reply Submissions

[46] In his Reply Submissions of 13 March 2020, counsel for the Minister responded to the Court's direction by proposing that the 28 February 2020 wording of condition 4A be amended to require that:

- Decisions on placements at the Hub be made by the "*Auckland High Needs Hub*" or the "*Te Tai Tokerau Hub*" (regional committees with responsibility for Care and Protection placements in the Auckland and Te Tai Tokerau regions).
- Decisions in emergency and overnight cases be made by the National Residential Services Manager or their duly authorised delegate.
- For all decisions, regard be had to the nature of the alleged or admitted offence by the child or young person including any matters raised by

¹⁰ NOE at page 108.



Police or the Youth Court on these matters.

[47] Accordingly, the Minister's proposed amended wording for Condition 4A is as follows:

- (1) While the Care and Protection Facility continues to be used for care and protection purposes, no children / tamariki or young people / rangatahi will be held in the Care and Protection Facility who:
 - (a) Are currently subject to any order under section 238(1)(d), (e) or (f) of the Oranga Tamariki Act 1989; or
 - (b) Are placed with the chief executive under section 235 of the Oranga Tamariki Act 1989.
- (2) In circumstances where the requiring authority is considering whether to place children / tamariki or young people / rangatahi subject to any of the youth justice processes set out in condition 4A(2)(a) at the Care and Protection Facility, the requiring authority shall take the steps in condition 4A(2)(b) before making that placement:
 - (a) The relevant youth justice processes are that the children / tamariki or young people / rangatahi are:
 - (i) Subject to an order under section 238(1)(a), (b) or (c) of the Oranga Tamariki Act 1989; or
 - (ii) Subject to a Police Alternative Action process; or
 - (iii) Involved in a Family Group Conference process under section 247 of the Oranga Tamariki Act.
 - (b) Before making any placement at the Care and Protection Facility for any children / tamariki or young people / rangatahi subject to the processes in condition 4A(2)(a) the requiring authority shall ensure that:
 - (i) Subject to (ii) below, any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility shall be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub.
 - (ii) Any decision regarding an out of hours or emergency admission to the Care and Protection Facility that cannot be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub shall be made by the National Residential Services Manager or their duly authorised delegate.
 - (iii) Any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility shall have regard to:
 - A. The nature of the alleged or admitted offence; and
 - B. Any matters raised by the Police or the Youth Court



regarding the circumstances relating to the child or young person and the alleged offending.

[48] The Council's position (on Mr Polaschek's advice) is that the wording in 4A(2)(b)(iii) did not go far enough to control the risk of a "youth justice" placement being made at the Hub resulting in undesirable contagion of other young persons.

[49] To address this concern, the Council sought that the Minister's wording of condition 4A(2)(b)(iii) be replaced with two objectives:

- That only children or young people with low level/low risk offending be placed at the Hub and that the risk to the community should not be increased as a consequence of any placement at the Hub; and
- That children/young people who had *previously* been subject to a youth justice plan and children/young people subject to a *current* youth justice process involving reoffending or alleged reoffending should be excluded from placement.

[50] While accepting that the nature of the alleged or admitted offence of a "youth justice" child or young person should be taken into account when a decision was being made on placement, the Minister did not accept that this should be provided for in the condition in the definitive way being sought by the Council. It restated its earlier position that the "youth justice" children and young people being considered for placements at the Hub under its wording of the condition are already entitled to be at large in the community and that the risk to the public from such placements at the Hub (with its monitoring and management) would be less than if these children or young people were living elsewhere in the community.

[51] The Minister also rejected the Council's request for a further provision to be included in condition 4A under which every 12 months the Minister would be required to advise the Council that the placement terms in condition 4A had been met.

[52] As the two parties were unable to agree to the amended wording being sought by the Council, it was left to the Court to decide on the final wording of the condition.

[53] In response to a request from the Court for clarification of the identity of the "duly authorised delegate" referred to in condition 4A(2)(b)(ii), counsel for the Minister advised that the National Residential Services Manager sits at Tier Level 3 in Oranga



Tamariki's organisational structure. If there was a need for delegation this would be to another Oranga Tamariki officer at the same Tier 3 level or above.

[54] The Minister and the Council were also unable to agree on the final wording for condition 9. The Minister's version of this condition sets out the obligations of the Minister to provide information to the Community Liaison Committee (CLC) on such matters as placements and abscondences at the Youth Justice Facility and changes to physical works at the Residence. The Council has requested that this information should also include details about placements at the Wharenui.

[55] The Minister opposes this request for a number of reasons. The Minister argues that the additional administrative workload it would impose on the Wharenui management was not warranted as placements at the Wharenui are for very short terms and of low risk. The Minister also argues that being required to provide similar information for the low security Wharenui as for the high security Youth Justice Facility would be out of proportion with the relative security levels of the two facilities.

Discussion and Finding on use of Wharenui

[56] The primary area of disagreement between the Minister and the Council is whether the amended wording requested by the Council should be included in condition 4A with the Council arguing that the Minister's wording on its own does not go far enough to control the risk of a young person with an "inappropriate" youth justice background being placed in the Wharenui.

[57] The Minister opposed the Council's wording arguing that its wording at 4A(2)(b)(iii) requires that any decision regarding placements must have regard to the nature of the alleged or admitted offence and any circumstances raised by the Police or Youth Court regarding the circumstances relating to the child or young person and the alleged offending.

[58] We find in favour of the Minister's wording for this on the proviso that the requirement for reporting requested by the Council is also included in the condition.

[59] This reporting requirement is for 12 monthly reports to be provided by the Minister to the Council confirming that all placements at the Wharenui have met the placement criteria required under the condition. The Council has also sought that it has access to relevant records (suitably redacted) to verify that the pre-placement



assessment criteria required under the condition have been met.

[60] We support the inclusion of this provision for three reasons:

- It seems to us that for its own internal audit processes the Minister would need to prepare such a report and therefore minimal additional administrative effort would be required to provide a copy to the Council;
- Reporting would provide an external check that the pre-placement criteria required under the condition are being met by the Minister;
- Reporting would also provide a measure of comfort to the community to know that compliance with terms of this condition is being pro-actively audited by the Council.

[61] The Council's proposed requirement for reporting is therefore to be included in the condition.

[62] The wording for condition 4A starts with the words "While the Care and Protection facility continues to be used for care and protection purposes, ...". These words are to be deleted with the wording of the condition starting with "No child/tamariki...". Additionally, the following wording is to be added at the end of condition 4A(2)(b)(ii) ... "This delegate shall be an officer at Tier 3 level or above in Oranga Tamariki's organisational structure".

[63] As noted above, under condition 9, the numbers and reasons for placements at Youth Justice facility are to be provided to the CLC monthly, and the Council has requested that similar information be provided for the care and protection facility, this being opposed by the Minister.

[64] We have decided that the Council's request would be satisfied to an acceptable degree if the Minister was to provide the CLC with a copy of its annual report to the Council (as we have directed is to be provided under condition 4A). In doing so we acknowledge that this is an annual report and that the other information under condition 9 is to be provided by the Minister monthly. We do not see this time difference as being unreasonable given the relative security status between the two facilities. The wording of condition 9 is to be amended accordingly.



Planning Issues

[65] We need to be satisfied from a planning perspective that the proposed use of the Wharenui is authorised under the terms of the existing designation and if not whether this use would be consistent with the planning framework of the AUP.

[66] In the 2002 NOR and in the existing Designation, the Purpose of the Residence is framed as follows:

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
- (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

[67] The Minister is seeking to make amendments to two aspects of this Purpose:

- To increase the number who may live at the Residence from 20 to 30;
- To expand the categories of children and young persons who may be accommodated at the Residence.

[68] With respect to the first aspect, in our Interim Decision we determined that there should be no increase in the number who may live at the Residence.

[69] For the second aspect, under the terms of the wording of the Minister's 13 March 2020 version of condition 4A, we find that the Minister is not seeking to expand the categories of children and young persons who may be accommodated at the Wharenui under the terms of the existing designation. This finding is supported by the Council which confirms in its closing submission that the proposed Hub use is consistent with the current use of the Wharenui and therefore forms part of the existing environment.¹¹

¹¹ Council Closing Submission at [2.8].



[70] Accordingly, we find that the proposed use of the Wharenui is authorised under the existing Designation and it is not necessary for us to go to the next step and evaluate the proposed use against the planning framework of the AUP.

THE SIA and SIMP

[71] We now address the further evidence from the parties on the SIA and SIMP.

The Experts

[72] We set out the context of the issue of social impacts in our Interim Decision (at [100]). At the first hearing we were provided with evidence from Ms A J Linzey for the Minister and Mr R J Quigley for the Council. Ms Linzey was responsible for further work and preparation of an updated SIA and the preparation of a draft SIMP. Both these witnesses provided updated statements and a further JWS to assist the Court again.

[73] In addition Dr C N Taylor, a consultant and researcher in the field of applied social research and social impact assessment for 38 years, prepared an independent review of the updated SIA and the development of the draft SIMP. His role was limited to providing technical advice on the updated SIA and SIMP following receipt of the second statement of evidence from Mr Quigley. He did not undertake an impact assessment to assess the potential social impacts from the proposed alteration to the designation.

Mr Quigley's Concerns

[74] Dr Taylor's evidence largely responded to the concerns expressed in Mr Quigley's evidence regarding the updated SIA and SIMP; providing an independent commentary with respect to the structural, methodological and other concerns raised by Mr Quigley.

[75] Principal concerns Mr Quigley had of the updated SIA can be summarized as:

- Inaccurate aspects – primarily the literature review;
- Questions ask wrong people the wrong types of questions to fully characterize the proposal's potential social effects;
- Reasoning, clarity around issues and who is affected;
- Significance of effects; and
- Linkages to SIMP.



x

Literature review

[76] Review of relevant literature was undertaken in the initial preparation of the SIA and the findings are included in the section entitled “Scoping Outcomes”. Mr Quigley’s concern lies with the accuracy of the reporting on the findings of the review.

[77] For example, as outlined in his first statement of evidence, the reference to the Final Decision of the Board of Inquiry into the Proposed Men’s Correctional Facility at Wiri, 2011, provides no evidence about a reduction in resident fears over time. His concern is that this error leads to an unsubstantiated conclusion, as we understand it, which then influences reasoning in the SIA when effects are evaluated. The amended SIA does not, in his opinion, correct this issue.

[78] Dr Taylor’s review does not check the accuracy of the literature review but he opines that “it is best to consider the literature review mainly as part of scoping the SIA rather than as a definitive review”. He concludes that has been the case with the updated SIA. He goes on to explain at para [5.7]:

That said, with due care and consideration of the limits of the data source, as Mr Quigley points out (his para 4.67), comparison cases can also usefully help to elaborate an effect – as one source of information on that effect. In this detailed use of information from other cases and experiences the source can be cited at point of use, not confined to a specific review section.

- Finding

[79] In respect of the literature review, we accept the criticism here by Mr Quigley and the evidence of Dr Taylor concerning the purpose of the literature review. The degree to which this has influenced the “scoring” attributed to an identified adverse effect is difficult to understand from the evidence.

[80] This issue is not confined to just the literature review as scores have changed as the authors of the SIA have amended their impressions of likely social effects from the evidence gained through interviews, focus groups and the telephone survey and a better understanding of submissions on the designation. The activity itself has also been refined through the Court’s Interim Decision and conditions which the Minister proposed to attach to the designation when the revised SIA assessment was undertaken.



[81] The difficulty we think Mr Quigley has, is the “black box” the scoring has gone into from initial observation to outcome once these mitigating factors are applied. With regard to the literature review we do not find the concern with the literature review is an impediment to our assessment of the potential social effects of this proposal and is likely to (as we will come to) be remedied by the operation of the SIMP. We now look at each of the potential social impacts considered.

Wrong people the wrong types- characterization of potential social effects (in other words: defining the degree of impact):

[82] The two principal witnesses (Linzey and Quigley), prepared a second JWS dated 22 January 2020. This helpfully provided a summary table of their points of difference in evaluation. There appeared to be general agreement on where the potential for social impacts may fall and these were grouped variously under the following headings:

- Way of Life - Privacy and Residential Amenity
- Way of life - People’s daily activities and networks
- Sense of Place
- Health and Wellbeing
- Personal / Property Rights
- Fears and Aspirations

[83] The revised SIA provided a summary of changes made to conclusions around these factors and the rationale for those changes¹². As we have noted, the degree of adverse effect recorded in the revised SIA has changed as a result of changes made to the proposal through amended conditions (put to the Court at the first hearing), as well as the Court’s Interim Decision which limits the overall number of residents to 20. In short, using the list reference above:

- Way of Life - Privacy and Residential Amenity:

[84] The preliminary SIA had assigned this effect as moderate to potentially high adverse. Now that conditions are proposed to attach to the designation the revised SIA concludes the conditions resolve this issue and no further assessment was undertaken. Mr Quigley has assessed this potential effect as high or very high. He queries the comprehension of data as this is mixed with sense of place and in his view, there was a poor sample frame as a greater number of nearer residents should

¹² Updated Social Impact Assessment Table at page 108.



have been included and this would raise the sensitivity.¹³

- Way of life - People's daily activities and networks:

[85] The revised SIA concludes effects as low negative neighbour community and very low negative local community. This issue was assessed in a different category in the initial SIA so there is no comparison to be made. Mr Quigley ascribes a high or very high negative. He opined that:

...only four neighbours were interviewed and a diffuse community were sampled for the focus groups and phone survey. Therefore, the scale and sample are positioned to support conclusions of low or very low effects.

...

Social research is seldom driven by proportions or percentages.....¹⁴

- Sense of Place:

[86] This was a potential high negative for the local community and low negative for the for sense of place and quality of environment in respect of property value. However, the revised assessment which seems to have refined the issues, concludes for "values and Sense of Place" a low negative and for "Community Character" a moderate negative reducing to low once the facility is established. Mr Quigley affords this a high negative. In addition to his criticism of mixed data which he found difficult to follow, and his issue with the sample frame and inadequate literature review, Mr Quigley explains:

..I do not agree that community stigma decays quickly. I suspect once a community is stigmatised, it is very hard to shift from other people's minds, but evidence for or against this is not presented.¹⁵

- Health and Wellbeing and Fears and Aspirations:

[87] This assessment now includes Fears and Aspirations as part of Health and Wellbeing. Both were assessed as having a high potential adverse effect initially. The revised SIA concludes moderate negative for neighbour community and low negative for local community. Mr Quigley observes that this assessment point focuses on the physical risk of harm arising from an escape and the fear / anxiety arising from that risk. He cites the following "key" sentences in this assessment:

¹³ Quigley 2nd statement of evidence at [4.104] – [4.105].

¹⁴ Quigley 2nd statement of evidence at [4.102].

¹⁵ Quigley 2nd statement of evidence at [4.127].



Personal safety, particularly relating to the families and children residing in the adjoining Waimahia development, was [...] a common theme in both the community surveys, neighbour interviews and in focus group discussions. However, it was not a significant concern raised by most stakeholders (exceptions include the residents and ratepayer groups).

[88] Citing Mr Polaschek's evidence he explains that fear in this case is a legitimate social effect particularly for those who live nearby. Further, citing the SIA conclusion:

...the social impacts on physical health and wellbeing are considered to be low for most people most of the time with the revised security measures in place. It is considered to be a moderate impact in term of an abscondence event (however, there remains a degree of uncertainty regarding the behaviour on an absconder once the event of 'escape' has occurred).¹⁶

[89] Mr Quigley further opines that:

When considering potential physical harm from an escapee, I am concerned that the assessment scale employed in the SIA is not appropriate to deal with scoring this type of effect because the assessment scale only describes proportions of communities, not allowing for rare but severe effects on small numbers of people.

For my assessment of fear / anxiety, the likelihood of escape is high, duration for which escape is possible is permanent, and severity of effect is high. Overall, I would assess the potential social effect arising from fear / anxiety as very high.¹⁷

- Personal / Property Rights:

[90] This was initially only considered in respect of sense of place and quality of environment for neighbours. The updated assessment concludes very low (only considered for property damage) for neighbourhood community. Mr Quigley found that he could not assess this impact due to lack of data.

Observations

[91] Mr Quigley made comments about the methodology (described in section 3 of the SIA). As Dr Taylor observed, these comments give the impression that the updated SIA is weakly prepared or even unfounded in approach and method. Having

¹⁶ Quigley 2nd statement of evidence at [4.133].

¹⁷ Quigley 2nd statement of evidence at [4.136] –[4.137].



undertaken his independent review, Dr Taylor considered such a conclusion to be unreasonable because the SIA adopts (appropriately in his opinion) a multi-method approach, drawing data from numerous sources. While it is possible to go through and pick holes in each particular method or data source, giving the impression the SIA is faulty overall, the reality, for most SIAs, is that they have to draw on a range of sources looking for “arrows of evidence” within the restrictions of time, budget and project context.

[92] There appeared a strong criticism concerning capturing of potentially affected parties close to the site, with the lack of capture potentially diluting responses and therefore degree of effect¹⁸. There was also a perceived lack of effort as only 4 of 40 households bordering Whakatakapokai were interviewed; noting that some neighbour feedback was received through other processes in focus groups and surveys which amounted to potentially a further 12 or 13.¹⁹

[93] These concerns related to the potential impact on these people from abscondences from the Youth Justice facility particularly. Ms Linzey agreed that given the evidence of Mr Polashek the notion of concerns lessening over time cannot be said with certainty because of the likelihood of abscondence and the concern which might follow from an incident. While this effect has been assessed in the draft SIA as of a scale mostly limited to the most immediate neighbours, the effect was shall we say, “down played” due to the small proportion this group represented in the overall numbers making up the sphere of influence captured in the SIA. The small group where contact had been made is about 40 households, whereas Mr Quigley considered it was more likely to be 70 households (within about 100m from the site). We understood there to be a large measure of agreement with questions from Mr M Allan for the Council and Ms Linzey on these matters.²⁰

[94] There is also a point of difference in the baseline consideration between these two witnesses. Ms Linzey has made her assessments from a baseline of the existing facility on the site whereas Mr Quigley sees the proposal as a new activity. These different starting points for assessment means there will likely be an elevated conclusion as to the potential social effects by Mr Quigley. That said, we do not discount his conclusions, but it is likely that the adverse effects are less than he

¹⁸ Quigley Second Statement of Evidence at [4.36].

¹⁹ NOE at page 51.

²⁰ NOE at pages 48 - 51.



anticipates.

[95] Overall, we note that Dr Taylor concludes:

while the document could be reformatted and improved, the research and analysis approach adopted by Beca was orthodox and consistent with good practice, and the issues raised around particular methods used have been addressed satisfactorily by Ms Linzey in her statement of rebuttal.

Finding

[96] Logically we accept that those closest to the facility will be most fearful of effects related to abscondences in particular and further, based on Mr Polaschek's evidence, we can anticipate unauthorised departures from the Wharenui as well. Whether affected parties will differentiate between the two we can only speculate. However, this does seem to be a matter which has been assessed in the SIA as having a lower weighting of potential impact on Way of Life, and Health and Wellbeing than we would have anticipated, especially highlighted by the concerns raised by Mr Quigley for the capture of neighbours' input. Having come to that conclusion, we consider that this is not a fatal flaw of the SIA and we can rely on the outputs from the SIMP to address these impacts which we will discuss later.

[97] Moving to the other differences of opinion, we ask the question: do these demonstrate a flaw in research or interpretation?

[98] We accept that having identified a potential adverse effect the degree of effect can be modified by mitigation. That is a common reason for conditions which are ascribed to a land use activity.

[99] The issue we conclude from the evidence that the change to the degree of an adverse effect between identification and then after mitigation is somewhat obscured in the SIA report. It would have been easier for the Court if the identified effect was recorded as the respondents described and then a mitigation level applied so we can see how it moves from high to low.

[100] However, we are not convinced that the potential social impacts are significant. We conclude that there is a better understanding and balance now as a result of the revised SIA which results from real surveys using various methods to understand potential effects on the communities likely to be negatively impacted.



[101] The areas of impact are now clear although the degree of impact is not entirely certain. Clearly conditions attached to the designation and the limited intensity of the operation are likely to mitigate social impacts. We agree with the Minister that an adaptive approach is available with the implementation of a suitable SIMP. This can provide mitigation so that social impacts are likely to be less than significant and potentially no more than moderate to low negative and may change over time. The devil is in the detail of the conditions and the SIMP and how this responds to community concerns.

Has a process been identified to enable the SIA to be updated?

[102] Where physical changes are proposed to the site the CLC or the Auckland Council can request an update (conditions 28AA and 28A). The adaptive method to address potential social impacts which have been identified and those which may have been unforeseen and arise, is the SIMP.

Has a process been identified to prepare and provide a SIMP?

[103] A draft SIMP was initially provided to the Court but fell well short of expectations. A management plan is a tool or method for implementing certain types of conditions of consent. The draft we saw was somewhat confused in that respect, where matters which should have been conditions were contained in the plan and the plan methods were not always well described. We accept this was a starting point and the Minister, in consultation with the Council, has produced a revised draft for our consideration with the Minister's closing.

[104] The starting point is the relevant conditions. These are now significantly refined from those we saw at the start of this process. The activities to be accommodated at the Site are now clearly defined including diagrams where necessary.

[105] The nature of the residents of the facility, particularly with the shift to youth justice and the change in the age cohort, has been properly defined with the care and protection function clearly separated and defined relative to the Youth Justice activities (see Placement conditions). We discuss those conditions in more detail above.



[106] In respect of the SIMP, condition 28C requires the Minister to prepare and submit for certification by the Council, an SIMP in general accordance with the latest Draft SIMP submitted to the Court. We are satisfied that this is an appropriate condition and sets out the process, purpose and parameters for the plan and the expected outcomes. In that regard, we are satisfied that the Minister's version of the condition as presented to the Court in reply (13 March 2020), is satisfactory. We do not consider the amendments to that condition sought by the Council are necessary or improve upon it. The Court does not support an open-ended research requirement as the work to date, plus ongoing monitoring and the package of required methods for community engagement, will necessarily lead to knowledge and understanding of any issues which may arise, and the plan will provide for mitigation.

[107] Condition 28E provides for annual reporting to the Council and after the first and second anniversary of certification of the initial SIMP, if new or increasing adverse social effects requiring further management / mitigation are identified, there is scope for additional monitoring and response. The Minister's reply submission at [4.43] notes that the respective versions of condition 28E incorporate wording that is consistent with the parties' approach to condition 28C. As we have found in favour of the Minister's version of condition 28C, we also find in favour of the Minister's version of condition 28E.

[108] Condition 28D sets the parameters for ensuring appropriate technical experience is brought to the preparation, monitoring and reporting. Condition 28F sets the circumstances for review and the requirements of a review are set out at condition 28GA and certification at condition 28G. The Court is satisfied that this package of detailed conditions as set out by the Minister in reply, are appropriate and provide for an adaptive response to mitigating potential adverse social effects.

Conditions

[109] In the Reply Submissions, counsel for the Minister advised that the Minister and the Council had reached agreement on the wording of all of the designation conditions apart from conditions 4A, 9, 28C and 28E. As they had been unable to agree on the wording for these four conditions, it was left to the Court to decide on the final wording.



[110] As can be seen, in this decision we have made findings on the final wording for conditions 4A and 9 in the section on the Wharenui and for conditions 28C and 28E in the section on the SIA/SIMP.

[111] We summarise here these findings:

Condition 4A:

The Minister's version is to be adopted with the following amendments:

The introductory words "While the Care and Protection facility continues to be used for care and protection purposes.." are to be deleted.

At the end of condition 4A(2)(b)(ii) add the words..."This delegate shall be an officer at Tier 3 level or above in Oranga Tamariki's organisational structure".

The wording at (3) of the Council's version is to be added to the Minister's version.

Condition 9

The Minister's version is to be adopted with the following amendments:

A new condition 9 (aa) is to be added to condition 9 to read as follows:

A copy of the 12 monthly report to be provided by the Minister to the Council under condition 4A (3) is to be provided to the CLC at the same time it is provided to the Council.

Conditions 28C and 28E

The Minister's wording for each of these conditions is to be adopted without alteration.

[112] Counsel for the Minister advised the Court in his Reply Submissions that the Minister and the Council had reached agreement on the wording of all of the other conditions. The Court has no comments on any of this wording. Our assessment of the Notice of Requirement shall proceed on the basis of the conditions agreed by the Minister and the Council, finalized in accordance with our findings in the preceding paragraph [111]. A matter of particular significance to the Court in that regard is what we understand to be an acceptance on the part of the Minister that the total capacity of the facility for both care and protection and youth justice should be 20 persons, as



with the existing facility. We have undertaken our statutory assessment on the basis of that limitation.

Sections 171 and 198E RMA

[113] These proceedings have come directly to the Court pursuant to the *streamlining* procedures contained in ss 198B to 198G RMA.²¹The Court's obligations and powers in considering this matter are found in s 198E(6) which relevantly provides:

- (6) If considering a matter that is a notice of requirement for a designation or to alter a designation, the court—
 - (a) must have regard to the matters set out in section 171(1) and comply with section 171(1A) as if it were a territorial authority; and
 - (b) may—
 - (i) cancel the requirement; or
 - (ii) confirm the requirement; or
 - (iii) confirm the requirement, but modify it or impose conditions on it as the court thinks fit; and
 - (c) may waive the requirement for an outline plan to be submitted under section 176A.

It will be seen that we are obliged to have regard to the matters set out in s 171(1) (section 171(1A) not relevant) in considering the alteration to the designation.

[114] Section 171 relevantly provides as follows:

- (1) 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—

²¹ Section 198A(1)(a) RMA.



- (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.
- (1B) The effects to be considered under subsection (1) may include any positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from the activity enabled by the designation, as long as those effects result from measures proposed or agreed to by the requiring authority.

We consider these matters in the following paragraphs of this decision.

[115] We identified the relevant provisions of the various instruments set out on s 171(1)(a)(i)-(iv) in paras [203]-[228] of our Interim Decision. We do not discuss those matters further here but simply observe that nothing in the evidence which we heard established any inconsistency between the NOR and the various instruments which we considered and further that there was a large measure of consistency of the NOR with the AUP.

[116] The determinative issue before the Court arises pursuant to s 171(1)(b)(ii)²², namely the effects of the alteration to the designation and further whether it is likely that the work authorized by the alteration is likely to have a significant adverse effect on the environment. If we find that to be the case we are then obliged to consider whether or not adequate consideration has been given by the Minister to alternative sites or methods of undertaking the activity for which the alteration is sought. The Minister had undertaken no consideration of alternatives in this case. The Minister's position was that consideration of alternatives was unnecessary because the alteration of designation and subsequent activity undertaken in accordance with it is not likely to have a significant adverse effect on the environment.

[117] Section 2 RMA defines environment in these terms:

environment includes—

²²

Section 171(1)(b)(i) does not apply as the Crown owns the Residence.



- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

It will be seen that the definition is wide ranging. It includes people and communities and the social, economic, aesthetic and cultural conditions which affect them.

[118] In para [27] of our Interim Decision we identified the various topics we would consider in our determination. These included the “effects” issues of:

- Safety and security:
- Social impact;
- Noise;
- Traffic, transport and parking.

[119] We make no further comment on the latter two issues other than to refer to the findings which we made regarding them in paras [177] - [198] of our Interim Decision. We confirm that we are satisfied that provided the altered activity is undertaken in accordance with the recommended conditions relating to these issues, any adverse effects pertaining to them will be either avoided or minor at worst. We are unable to identify any significant adverse effects arising out of these issues.

[120] In our Interim Decision we determined to hear further evidence on the matters identified in the first two bullet points (above) because:

- We developed concerns during the hearing as to the use of the Wharenui on site for accommodation of young persons who are not subject to the security measures applicable to the youth justice facility;
- We had concerns as to the adequacy of the social impact assessment undertaken by the Minister.

[121] Our findings on the issues of safety and security of the Residence (excluding the Wharenui) are set out in paras [29] – [98] of our Interim Decision. In particular, at para [97] of our Interim Decision we found that subject to inclusion of the Court’s amendments to conditions the level of risk mitigation should be appropriate for the proposed youth justice facility.



[122] Our findings in relation to use of the Wharenui are set out in paras [8] – [70] (above). The key finding is that contained in para [70] that the proposed and (apparently) existing use of the Wharenui is permitted by the existing designation. To the extent necessary we find that even if that is not the case, subject to compliance with the conditions we have identified, appropriate safety and security measures have been imposed in respect of the Wharenui. We record that the Minister has tendered conditions pertinent to operation of the Wharenui as part of this alteration process.

[123] We are unable to identify any significant adverse effects arising out of the safety or security issues we have discussed.

[124] Our findings as to social impacts are set out in paras [99] – [176] of our Interim Decision and [72] – [112] of this decision. In particular we refer to our finding in para [101] (above) that with the implementation of a suitable SIMP... "social impacts are likely to be less than significant and potentially no more than moderate to low negative and may change over time." We are satisfied that the conditions which are to be imposed provide adequate mitigation of social effects on the basis of the evidence before us although we recognize that there may be a need for an adaptive management approach to the SIMP. The conditions proposed enable that.

[125] We are unable to identify any significant adverse effects arising out of the social impact issues we have discussed.

[126] In light of our various findings as to effects contained in paras [117] – [125] (above) we accept the Minister's position that no assessment of alternative sites or methods was required in this instance. We also record that none of the effects issues which we have identified were such as to require that we exercise the power to cancel the requirement.

[127] In terms of s 171(1)(c) we record that we are satisfied that the alteration is reasonably necessary for achieving the Minister's statutory objectives. No party suggested otherwise. We have not considered any "other matter" pursuant to s 171(1)(d).

Outcome

[128] In light of all of the findings in this and our Interim Decision we confirm the



Minister's alteration in accordance with the conditions agreed by the Minister and the Council, subject to the requirements as to conditions which we have identified in paras [109] – [112] (above). The Minister is directed to submit an order for execution under seal by the Court containing full conditions in final form accordingly.

Costs

[129] Costs are reserved in accordance with the provisions of ss 285(3), (5) and (7) RMA. In the event of any disagreement as to costs after discussions between the Council and the Minister, the Council is to advise the Court within 15 working days and directions will issue. The Court's Registry will be advised as to issue of this decision and details of the Court's costs will be advised to the Minister in due course.

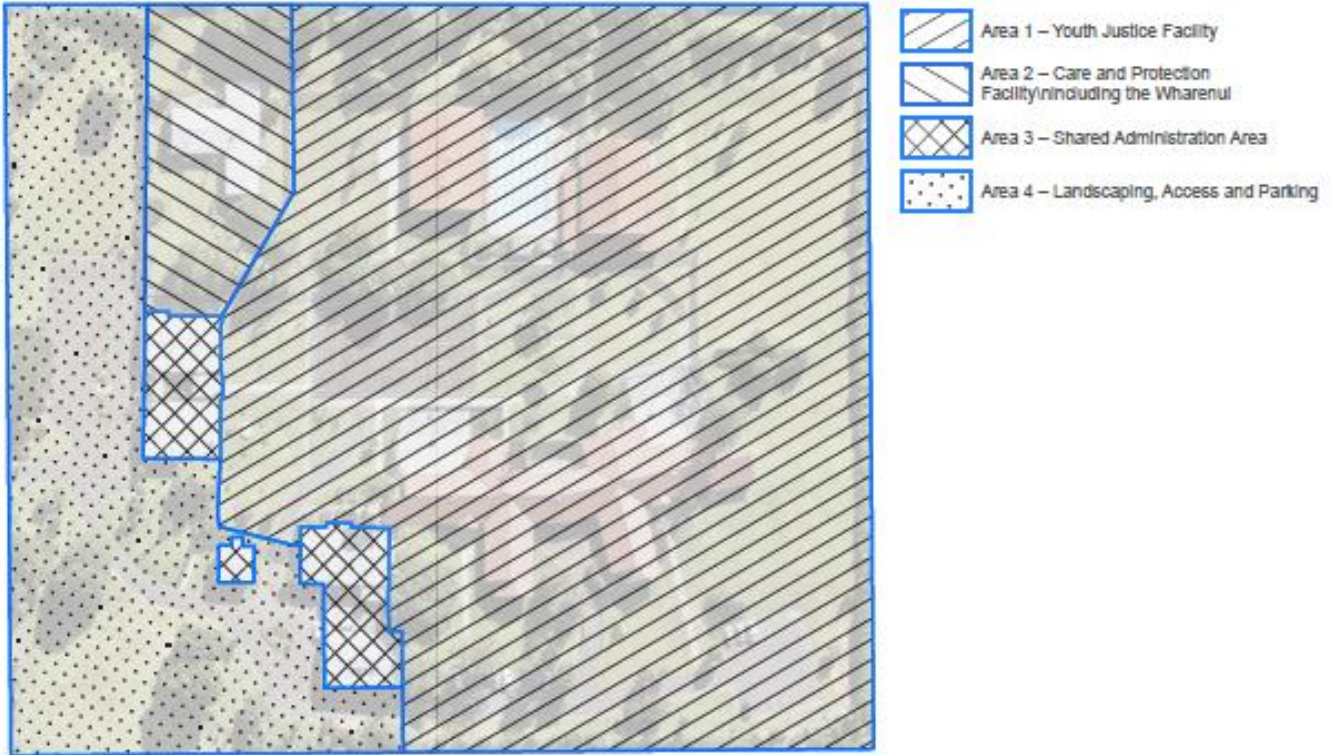
For the Court:



B P Dwyer
Environment Judge

Appendix 1

CONCEPT PLAN: DESIGNATION 3800 – ORANGA TAMARIKI RESIDENCE



APPENDIX 2

238 Custody of child or young person pending hearing

- (1) Where a child or young person (who for the purpose of paragraph (f) is limited to a young person who is aged 17 years) appears before the Youth Court, the court shall—
 - (a) release the child or young person; or
 - (b) release the child or young person on bail; or
 - (c) order that the child or young person be delivered into the custody of the parents or guardians or other persons having the care of the child or young person or any person approved by the chief executive for the purpose; or
 - (d) subject to section 239(1), order that the child or young person be detained in the custody of the chief executive, an iwi social service, or a cultural social service; or
 - (e) subject to section 239(2), order that the young person (but cannot under this paragraph order that the child) be detained in Police custody; or
 - (f) subject to section 239(2A), order that the young person (aged 17 years) be detained in a youth unit of a prison.
- (1A) *[Expired]*
- (1B) *[Expired]*
- (1C) *[Expired]*
- (2) If a child or young person appears before the Youth Court charged with the commission of an offence that the Commissioner of Police determines under section 29A of the Victims' Rights Act 2002 to be a specified offence, then,—
 - (a) before the court makes an order under subsection (1), the prosecutor must—
 - (i) make all reasonable efforts to ascertain the views (if any) each victim has about which of the types of order that may be made under subsection (1) is the most appropriate to be made by the court; and
 - (ii) inform the court of those views; and
 - (b) after the court has made an order under subsection (1), the Commissioner of Police must inform each victim (whether or not the victim's views have been ascertained under paragraph (a)) of—
 - (i) the order made by the court; and
 - (ii) in the case of any order made under subsection (1)(b), any

conditions of bail imposed by the court that—

- (A) relate to the safety and security of the victim or 1 or more members of the victim's immediate family, or of both; or
 - (B) require the child or young person not to associate with, or not to contact, the victim or 1 or more members of the victim's immediate family, or both.
- (3) Nothing in subsection (2) prevents the court from making an order under subsection (1), even though the court has not been informed of the views of any victim.
- (4) The court must not refuse bail to a child or young person merely because the court considers that the child or young person is in need of care or protection (as defined in section 14).
- (5) In this section,—
- immediate family** has the meaning given in section 4 of the Victims' Rights Act 2002
- specified offence** has the meaning given in section 29 of the Victims' Rights Act 2002.

Attachment 2

**Decision [2020] NZEnvC 49
(decision as to conditions)**

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

Decision No. [2020] NZEnvC 49

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a direct referral of a notice of requirement by the Minister of Children to alter designation 3800 'Care and Protection Residential Centre – Upper North' in the Auckland Unitary Plan (Operative in Part)

BETWEEN MINISTER FOR CHILDREN
(ENV-2019-AKL-000007)
Applicant

AND AUCKLAND COUNCIL
Regulatory Authority

Court: Environment Judge B P Dwyer
Environment Commissioner D J Bunting
Environment Commissioner A C E Leijnen
Environment Commissioner S G Paine

Hearing: On the papers

Date of Decision: 24 April 2020

Date of Issue: 24 April 2020

DECISION AS TO CONDITIONS

[1] This order relates to the direct referral of a Notice of Requirement by the Minister for Children (the Minister) to alter Designation 3800 in the Auckland Unitary Plan – Operative in Part (Alteration).

[2] In *Minister for Children v Auckland Council* [2020] NZEnvC 41 (the Decision) the Court confirmed the Alteration subject to conditions. Paragraph [128] of the Decision directed the Minister to submit an order for execution under seal by the Court containing full conditions in final form.



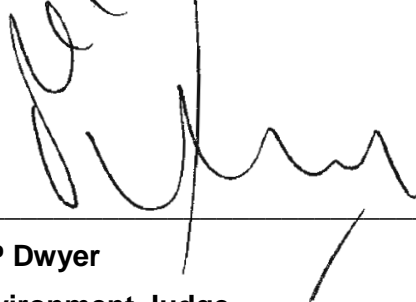
[1] The Minister lodged a memorandum dated 14 April 2020 setting out the conditions in their final proposed form and identifying the changes made since the Decision.

[2] In response to the Court's Minute of 21 April 2020, a second memorandum dated 23 April 2020 was lodged by the Minister which set out additional definitions to be added to the final condition set. Annexed to the memorandum was a copy of the full conditions in their final form (including the new definitions).

[3] The Court hereby orders that the conditions be amended as set out in Schedule 1 to this order.

[4] As the conditions have been renumbered since the Court's decision, Schedule 2 to this order identifies what the original condition number was and what the new condition number is.

For the Court:



A handwritten signature in black ink, appearing to be 'B P Dwyer', written over a horizontal line. The signature is cursive and somewhat stylized.

B P Dwyer
Environment Judge



SCHEDULE ONE: AMENDMENTS TO DESIGNATION 3800 CONDITIONS (CLEAN VERSION)



1a. Designation Schedule – Minister for Children

Number	Purpose	Location
3800	Oranga Tamariki Residence	398 Weymouth Road, Weymouth



1b. Designation Schedule – Minister for Children**3800 Oranga Tamariki Residence**

Designation Number	3800
Requiring Authority	Minister for Children
Location	398 Weymouth Road, Weymouth Section 2 SO362124
Rollover Designation	Yes
Legacy Reference	Designation 283, Auckland Council District Plan (Manukau Section) 2002. Designation 5900 in the Auckland Unitary Plan (Operative in Part).
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.

Conditions**Definitions:**

CLC: Community Liaison Committee (see Conditions 9 to 14 of this designation).

EMP: Emergency Management Plan prepared under Condition 15 of this designation.

Neighbourhood Forum: The Neighbourhood Forum referred to in Conditions 43 - 48 of this designation.

NMP: Noise Management Plan prepared under Condition 24 of this designation.

Notification List: A list of people to be contacted in the event of an abscondence from the Youth Justice Residence. The list is to be maintained by the manager of the Youth Justice



Residence. The persons on the Notification List will be determined and updated in accordance with Condition 18(d), however the following people are invited to be included on the list as a minimum:

- Residents of directly adjoining properties to the site, on Weymouth Road, Tutuwhatu Crescent, Kaimoana Street, Taiaapure Street and Leaver Place; and
- Any other residents from the wider neighbourhood area as confirmed in the updated SIA.

PMP: Parking Management Plan prepared under Condition 54 of this designation.

Regulations: The regulations set out in the Oranga Tamariki (Residential Care) Regulations 1996 in force relating to the establishment, function and operation of CLCs.

Residence: Describes the whole of the site used for care and protection and youth justice functions as shown on the Concept Plan (below).

SIA: Social Impact Assessment.

SIA specialist: an independent and suitably qualified and experienced SIA specialist, whose appointment shall be agreed by the Council and the requiring authority.

SIMP: Social Impact Management Plan prepared under Condition 35 to 40 of this designation.

SMP: Security Management Plan prepared under Condition 15 of this designation.

TMP: Travel Management Plan prepared under Condition 53 of this designation.

Care and Protection Facility: That part of the Residence to be occupied exclusively by the care and protection function, that includes the Wharenui, as shown on the Concept Plan (below).

Youth Justice Facility: That part of the Residence to be occupied exclusively by the Youth Justice function as shown on the Concept Plan (below).

The site: The property at 398 Weymouth Road, Weymouth legally described as Section 2 SO362124 and shown on the Concept Plan (below).

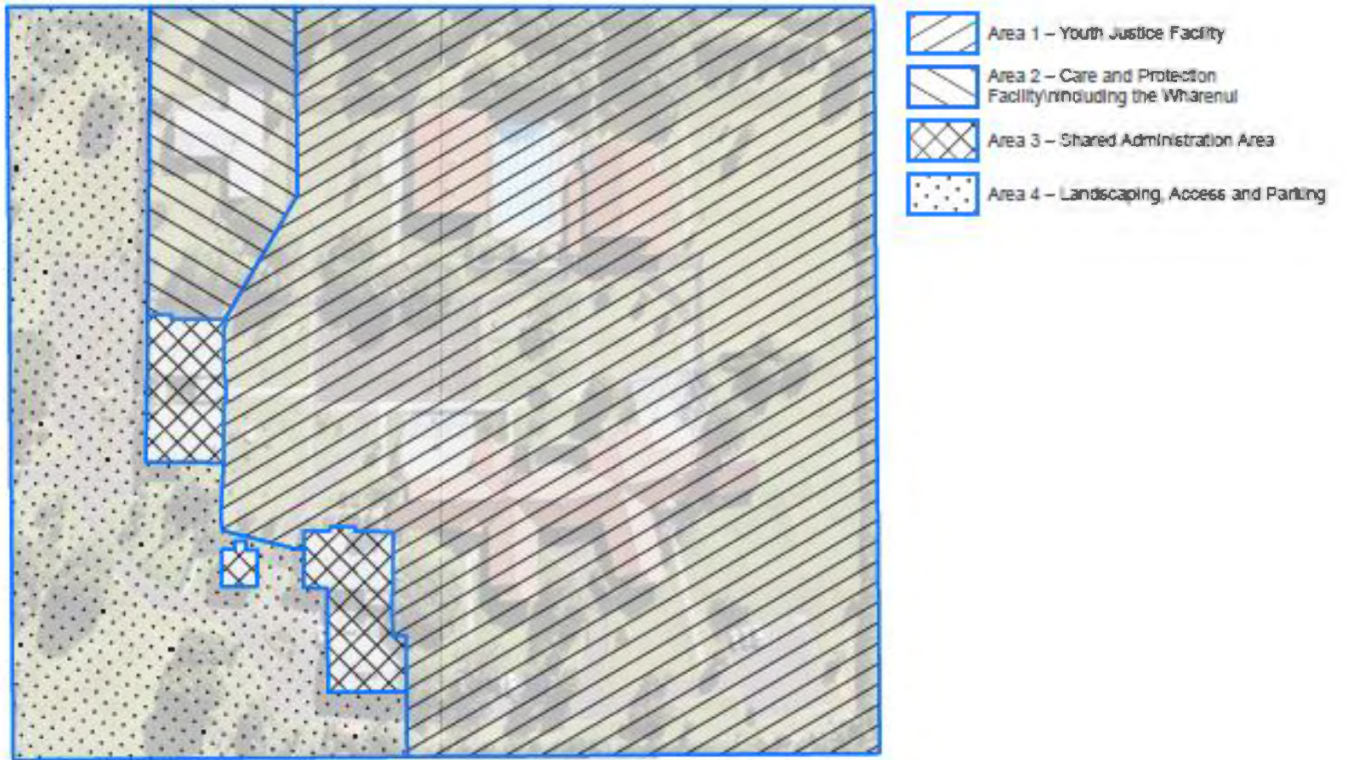
Auckland High Needs Hub: The Auckland regional committee led by Oranga Tamariki responsible for considering care and protection placements under the Oranga Tamariki Act 1989 regarding referrals of high needs children/tamariki and young people/rangatahi within the Auckland Region.

Te Tai Tokerau Hub: The Te Tai Tokerau (Northland) regional committee led by Oranga Tamariki responsible for considering care and protection placements under the Oranga Tamariki Act 1989 regarding referrals of high needs children/tamariki and young people/rangatahi within the Te Tai Tokerau (Northland) Region.

National Residential Services Manager: The person within Oranga Tamariki who is responsible for Care and Protection residential services provided nationwide under the Oranga Tamariki Act 1989, and to whom the Manager of the Care and Protection Facility reports.



CONCEPT PLAN: DESIGNATION 3800 – ORANGA TAMARIKI RESIDENCE



Placements

1. The placement of up to 20 children/tamariki and young persons/rangatahi at any one time shall be permitted at the site.
2. There shall be no youth justice placement at the site of:
 - (a) Any children/tamariki or young people/rangatahi who are:
 - i. Remanded into the custody of the chief executive of Oranga Tamariki under the Criminal Procedure Act 2011; or
 - ii. Detained under a sentence in any Oranga Tamariki residence in accordance with the Corrections Act 2004; or
 - iii. Charged with or detained under a sentence in respect of any Category 4 offence as defined in the Criminal Procedure Act 2011

except that up to a total of five (5) female children/tamariki or young people/rangatahi may be placed at the Youth Justice Facility at any one time who fall under the above categories.

- (b) Any children/tamariki or young people/rangatahi who are charged with or detained under a sentence in respect of any sexual crime as set out between sections 127 and 144A of the Crimes Act 1961.

Advice Note:

This condition reflects the intention of the requiring authority to use the Youth Justice Facility for the placement of females and vulnerable young males. Condition 2 prevents certain children, young people and young adults from being placed at the Residence where:

- *Their offending is being dealt with or they are serving a sentence imposed by the adult courts (condition 2 (a)(i) and (ii)).*
- *They are charged with or serving a sentence for the most serious offences, whether or not they are being dealt with or have been sentenced by the youth court or the adult courts (condition 2 (a)(iii)).*
- *They are charged with or are serving a sentence for a sexual crime (condition 2(b)).*

Except that up to five females whose offending is being dealt with or who are serving a sentence imposed by the adult courts, or who are charged with or serving a sentence for the most serious offences, may be placed at the Youth Justice Facility unless they are charged with or serving a sentence for a sexual crime.

3. Prior to placement of any child/tamariki or young person/rangatahi for youth justice purposes at the site, an assessment confirming and verifying his or her suitability for placement at the Youth Justice Facility will be undertaken off-site. This assessment will be undertaken by a registered suitably qualified and experienced psychologist in accordance with the Clinical Screening and Risk Assessment Framework at [Attachment 1] to this designation ("**Assessment Framework**"). For the avoidance of doubt, where the outcome of an assessment required by this condition is that one or more of the



“absolutes” identified in the Assessment Framework applies to any child/tamariki or young person/rangatahi, the child/tamariki or young person/rangatahi in question shall not be placed at the Youth Justice Facility.

4. The Manager of the Youth Justice Facility will provide written confirmation to the Council once every 12 months that all youth justice placements in the preceding period have been subject to the above assessment. On request, the Council may at any time but subject to providing at least one week’s notice access the relevant records relating to the Assessment Framework to verify compliance with conditions 2 and 3 subject to redaction of any personal information identifying the children or young people themselves.

Advice note:

Conditions 2 and 3 reflect the requiring authority’s intention that the Youth Justice Facility will only accommodate children/tamariki or young people/rangatahi with a lower risk profile.

5. The care and protection function and youth justice function shall be kept separate at all times on the site with the exception of administrative functions (which may use the Shared Administration Area shown as Area 3 on the Concept Plan).
6. (1) No children/tamariki or young people/rangatahi will be held in the Care and Protection Facility who:
 - (a) Are currently subject to any order under section 238(1)(d), (e) or (f) of the Oranga Tamariki Act 1989; or
 - (b) Are placed with the chief executive under section 235 of the Oranga Tamariki Act 1989.
- (2) In circumstances where the requiring authority is considering whether to place children / tamariki or young people / rangatahi subject to any of the youth justice processes set out in condition 6(2)(a) at the Care and Protection Facility, the requiring authority shall take the steps in condition 6(2)(b) before making that placement:
 - (a) The relevant youth justice processes are that the children / tamariki or young people / rangatahi are:
 - (i) Subject to an order under section 238(1)(a), (b) or (c) of the Oranga Tamariki Act 1989; or
 - (ii) Subject to a Police Alternative Action process; or
 - (iii) Involved in a Family Group Conference process under section 247 of the Oranga Tamariki Act 1989.
 - (b) Before making any placement at the Care and Protection Facility for any children / tamariki or young people / rangatahi subject to the processes in condition 6(2)(a) the requiring authority shall ensure that:
 - (i) Subject to (ii) below, any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility



shall be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub.

- (ii) Any decision regarding an out of hours or emergency admission to the Care and Protection Facility that cannot be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub shall be made by the National Residential Services Manager or their duly authorised delegate. This delegate shall be an officer at Tier 3 level or above in Oranga Tamariki's organisational structure.
 - (iii) Any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility shall have regard to:
 - A. The nature of the alleged or admitted offence; and
 - B. Any matters raised by the Police or the Youth Court regarding the circumstances relating to the child or young person and the alleged offending.
- (3) The Manager of the Care and Protection Facility will provide written confirmation to the Council once every 12 months that all placements pursuant to condition 6 in the preceding period have been subject to the pre-placement assessment required by condition 6(2). On request, the Council may at any time but subject to providing at least one week's notice access the relevant records relating to the pre-placement assessment required by condition 6(2) to verify compliance with condition 6, subject to redaction of any personal information identifying the children / tamariki or young people / rangatahi themselves.
7. The placement conditions 1- 5 shall be incorporated into the document held at the Residence that specifies the key operating procedures for the Youth Justice Facility.
8. The placement conditions 1, 5 and 6 shall be incorporated into the document held at the Residence that specifies the key operating procedures for the Care and Protection Facility.

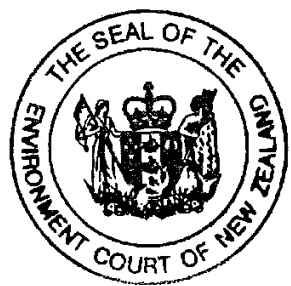
Community Liaison Committee

9. A CLC shall be convened in accordance with conditions 10 to 14 below.

Advice Note:

The CLC is also convened under the relevant Regulations (Oranga Tamariki (Residential Care) Regulations 1996).

10. In addition to the functions specified in the Regulations, the functions of the CLC shall include:
- (a) reporting concerns and effects to the requiring authority;
 - (b) providing commentary on the potential social effects of the Residence on the surrounding community (including any potential effects identified in the SIMP);



- (c) considering and discussing responses from the requiring authority to concerns raised or effects identified by the CLC, and any measures to be adopted by the requiring authority to:
 - i. remedy or mitigate those concerns and effects; and
 - ii. manage operations at the Residence to provide for the safety and security of the community;
- (d) providing commentary on the effectiveness of any measures (including any measures identified in the SIMP) adopted by the requiring authority to:
 - i. remedy or mitigate those concerns and effects; and
 - ii. manage operations at the Residence to provide for the safety and security of the community;
- (e) considering and discussing updates relating to the children/tamariki or young persons/rangatahi who have been placed at the Residence (but not individual cases), including programmes being undertaken and community events;
- (f) providing input to the manager of the Youth Justice Facility or the requiring authority (as appropriate) as to various stakeholder views regarding matters relating to:
 - i. any future physical works at the Residence (excluding maintenance) triggering the outline plan process under s 176A RMA, particularly (but without limitation) where such physical works may impact on either the security or the overall appearance of the Residence;
 - ii. safety and security arrangements at the site generally, including:
 - A. the SMP and EMP prepared in accordance with condition 15 (as well as any periodic review of those plans); and
 - B. details of any emergencies or security incidents at the site, including the responses taken to deal with those incidents; and
 - C. any report prepared in accordance with conditions 22 and 31; and
- (g) providing input into the development of the SIMP for the Youth Justice Facility and any monitoring reports or reviews of the SIMP;
- (h) considering any report prepared pursuant to condition 48; and
- (i) making recommendations to the requiring authority (as appropriate), which the requiring authority shall consider and respond to, on any of the matters referred to in paragraphs (a) to (h) above.

11. Meetings of the CLC shall be held at least 4 times a year, however:

- (a) The CLC shall consider whether or not it is necessary to hold additional meetings to consider and respond to concerns raised by the local community in relation to any matter, including the matters set out in condition 10; and



- (b) During the period in the first two years following the commencement of the youth justice functions, unless the CLC decides otherwise, meetings of the CLC shall be held as a minimum every two months.

12. In addition to the membership requirements specified in the Regulations, and any existing members of the established CLC as at 7 April 2020, invitations shall be sent as soon as reasonably practicable after the NOR is confirmed to:

- any adjoining residents of the site;
- Puukaki ki te Aakitai;
- Waimahia Intermediate School;
- Weymouth Primary School;
- Te Matauranga;
- Finlayson Park School;
- James Cook High School;
- a representative of the Ministry of Education (to represent other schools in the area);
- any organisation representing Waimahia Inlet residents;
- Choice Kids (the early childcare facility at 436 Weymouth Road);
- Clendon Pride; and
- TYLA Youth Development Trust

to provide nominations of representatives to join the CLC.

Invitations shall be re-sent annually thereafter to the same recipients as specified above.

13. The requiring authority shall ensure that:

- (a) A report is sent to the Chair and all registered members of the CLC each month, providing updates relating to:
- i. the numbers and reasons for placement in the care of Oranga Tamariki (e.g. remand or sentencing etc) for children/tamariki or young persons/rangatahi who have been placed at the Youth Justice Facility (without providing detail on individual cases); and
 - ii. Any events involving abscondences or unauthorised departures from the Residence including any incident specific or operational response taken to deal with the incident(s).
- (b) A copy of the 12 monthly report to be provided by the requiring authority to the Council under condition 6(3) is to be provided to the CLC at the same time it is provided to the Council.
- (c) As much information as possible is provided to the CLC concerning the risk assessment methodology applied by the requiring authority to decision making concerning placements at the Youth Justice Facility.



- (d) The CLC is advised of any future physical works at the Residence (excluding maintenance) triggering the outline plan process under s 176A RMA.
- (e) The CLC is advised that it may:
- i. Establish a working group, comprised of interested members of the CLC, to co-ordinate the CLC's input into the SIMP;
 - ii. Have independent advice from a suitably qualified and experienced SIA expert to assist the CLC in undertaking its functions (as set out in condition 10 above); and
 - iii. Propose an independent, suitably qualified and experienced SIA expert to the requiring authority for its approval, to provide the advice to the CLC under condition 13(e)(ii) above in accordance with condition 13(f) below.
- (f) Any expert proposed by the CLC to the requiring authority under condition 13(e)(iii) above is instructed and funded for their fees in connection with:
- i. advice to the CLC on the development of the SIMP to a maximum of \$20,000 + GST; and
 - ii. advice to the CLC in relation to monitoring/reporting and SIMP updates in subsequent years, while SIMP processes (including annual monitoring/reporting and SIMP updates) are continuing, to a maximum of \$5,000 + GST per annum

unless the requiring authority is of the view that any proposed expert is not sufficiently independent, qualified or experienced in SIA matters. In such an event the CLC shall be advised that it may propose another expert and the requiring authority will assist the CLC in identifying such experts as necessary.

14. If the CLC has not taken up the opportunities in condition 13(e) and (f) above within 25 working days of the requiring authority advising the CLC in writing that it is either initiating the SIMP or commencing a monitoring review, the obligation under condition 13(f) above shall not apply.

Security

15. An SMP and EMP for the Residence shall be formulated prior to the commencement of any youth justice function of the Residence in consultation with key stakeholders including the Council, the NZ Police, the Ministry of Education and relevant emergency services and the CLC. There will be separate SMP and EMP provisions for the youth justice function and the care and protection function. The requiring authority shall implement the SMP and EMP on the commencement of any youth justice use of the Residence.
16. The SMP and EMP shall be reviewed at intervals of not more than 6 months.
17. Personal visits to children/tamariki or young persons/rangatahi at the Youth Justice Facility shall be held in areas that are separated from the residential areas within the



Youth Justice Facility by at least one secure door and which enable visits to occur without the need for visitors to pass through areas where residents are accommodated.

18. In the event of an abscondence from the Youth Justice Facility, the requiring authority shall ensure that, as a minimum, the following requirements are met:
- (a) Notification of those persons included on the Notification List required by condition 18(d) shall commence immediately upon the control room being notified of such an event;
 - (b) A 24 hour toll-free hotline shall be provided for the community to ask questions during incidents, report concerns and/or provide information to the Residence;
 - (c) All persons on the Notification List are to be provided with the number of the hotline; and
 - (d) The Notification List and those persons provided with the hotline number and the method of notification will be determined in consultation with the CLC and updated, as necessary, from time to time.
19. Prior to commencement of any youth justice use of the site, and subject to condition 20, the following additional security measures for the Youth Justice Facility shall be implemented at the site:
- (a) Upgrade the existing 3m wire fences on the site to reduce the risk of children/tamariki or young people/rangatahi scaling them (for instance, through the addition of angled 'anti-climb' extensions or roller barrier devices to the tops of fences);
 - (b) Introduce effective barriers or other 'anti-climb' measures such as roller barrier devices to minimise the risk of escape over building roof tops;
 - (c) Install low profile bollards set back from the street frontage to prevent vehicular access into the site/carpark other than through the barrier arm;
 - (d) Upgrade all glazing, doors and locks in Area 1 including, as required, at the interface of Areas 2 and 3, to the latest standard used at youth justice residences in all areas where children/tamariki or young people/rangatahi have access;
 - (e) Install lock down functionality allowing secure doors to be locked from the control room and preventing keys being used to exit secure areas;
 - (f) Install interlock functionality which will require internal doors to be secured before external doors can be opened (including as a minimum for all doors opening onto unfenced areas);
 - (g) Upgrade/repair the existing perimeter wooden fence as necessary to provide a continuous fence at the boundary; and
 - (h) Install additional CCTV at the Site, monitored on-site at the Residence on a 24-hour basis, so as to ensure comprehensive CCTV coverage of the site, including all areas where there have been specific security barriers put in place to prevent abscondings, while ensuring that privacy of neighbours is maintained.
20. Prior to the additional security measures required by condition 19 being installed and implemented, the requiring authority shall lodge with the Council details of the proposed



measures for certification by the Council that the proposed measures will meet the requirements and objectives specified in condition 19 above and in condition 21. The requiring authority shall implement the measures in accordance with the certified plan.

21. All additional security measures shall be designed and located to minimise visual and amenity effects for neighbours to the greatest possible extent.
22. Immediately following any abscondence from the Youth Justice Facility, a detailed security review shall be undertaken, and a report prepared by a suitably qualified and experienced security specialist to identify the circumstances of the event and any further mitigation or security measures which need to be undertaken in response. The report shall be provided to the CLC and the Council for input as soon as practicable following the event. The requiring authority shall promptly implement any recommended mitigation or security measures in the report (taking into account any input / recommendations made by the CLC or the Council).

Noise

23. 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:

Time	Noise Level
Monday to Saturday 7am – 10pm	50 dB LAeq
Sunday 9am – 6pm	
All Other Times	40dB LAeq 75 dB LAFmax

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

24. The requiring authority shall prepare and submit to the Council a NMP for the site. The objective of the NMP is to ensure that noise generated outdoors and at night is minimised as far as practicable. The NMP shall set out procedures for:
 - (a) The minimisation of noise from children and young persons undertaking activities outdoors, and procedures for dealing with unnecessarily noisy behaviour or activities;
 - (b) The minimisation of noise from all activities occurring between 10pm and 7am that may be audible beyond the site boundaries, including any curfews;



- (c) Making all staff aware of the need to take all practicable steps to minimise noise effects on the neighbours of the Residence;
- (d) Ensuring that staff are aware of the need to minimise their own noise, particularly during shift changes at night;
- (e) Regular maintenance of any noise-generating plant or machinery on the Residence that is audible beyond the boundaries of the site to minimise the noise emissions; and
- (f) Receiving, logging, actioning and responding to noise complaints.

25. The NMP shall be submitted to the Council for certification within 3 months of operation of the Residence for youth justice purposes, and shall be implemented and complied with thereafter, as certified

Landscaping

26. A landscape plan shall be lodged with the Council for certification prior to operation of the Residence for youth justice purposes. This plan shall outline planting and maintenance details consistent with the Proposed Landscape Plan prepared by Boffa Miskell dated 12 November 2019 [**Attachment 2**] to meet the following objectives:

- (a) **Side and rear boundary planting** – this area shall be landscaped with trees, shrubs and lawn to provide and maintain a permanent visual screen between the Residence and the adjoining properties. The plan for this area shall:
 - i. locate and identify the existing vegetation, including the species, existing height, and predicted height at maturity;
 - ii. recommend any replacement planting and additional species to fill any current gaps in order to meet the above screening objective; and
 - iii. outline ongoing maintenance measures to ensure permanent screening is achieved.
- (b) **Road frontage boundary planting** – this area shall be landscaped to provide a high level of amenity when the Residence is viewed from the road. The plan for this area shall:
 - i. locate and identify the existing vegetation, including the species, existing height, and predicted height at maturity;
 - ii. be designed to retain an open frontage to maintain safety and security with clear sightlines to the main entry and the Wharenui from the street;
 - iii. include lighting and signage that contributes positively to the amenity of the street;
 - iv. remove any vegetation that may cause ongoing safety or maintenance issues;
 - v. comprise a mix of native specimen trees, low growing groundcover plants and lawn areas;
 - vi. use species to support the ecology of the area; and



vii. outline ongoing maintenance measures.

27. The certified updated landscape plan required under condition 26 shall be implemented as soon as possible following certification. All planting associated with the landscape plan shall be maintained regularly and kept in a tidy condition in accordance with the ongoing maintenance measures outlined in the landscape plan.

Lighting

28. 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.

Buildings

29. Any new buildings or building extensions shall not exceed 8 metres in height and shall be set back from all side and rear boundaries by at least 18 metres and the front boundary by at least 20 metres.

30. Any windows on new buildings or building extensions facing side or rear boundaries shall be glazed with translucent glass (or equivalent) to maintain the privacy of residential neighbours.

31. An outline plan will be required to be submitted to the Council under section 176A of the Resource Management Act 1991 for any new buildings on the site. When submitting an outline plan the requiring authority shall contemporaneously lodge a detailed security report with the Council, prepared by a suitably qualified and experienced security specialist, for assessment by the Council in conjunction with the outline plan. The security report shall provide full details of all security measures to be implemented in conjunction with the proposed work, including any consequential amendments required to existing security measures.

Updates to Social Impact Assessment

32. The SIA can be updated at the request of the CLC and/or Council where new buildings or future physical works are built or undertaken at the site (excluding maintenance), particularly where such physical works may impact on the security or the overall appearance of the site or the scale of activity on the site.

33. The updated SIA shall be prepared by a SIA specialist and shall:

- (a) Consider the actual and potential social effects relating to health and wellbeing, sense of place, community aspirations and way of life;
- (b) Include appropriate data collection, survey and engagement with communities and stakeholders;



- (c) Take into account any mitigation provided by the designation conditions and identify any further mitigation measures considered appropriate to respond to potential impacts;
- (d) Identify the geographic communities potentially impacted, including consideration of immediate neighbours, neighbouring streets, the Waimahia Inlet, the Weymouth community and/or other stakeholders.
- (e) Determine any social effects that will require management, and monitoring in accordance with the monitoring framework addressed under condition 35; and
- (f) Identify the necessary management measures that will inform the SIMP.

34. Any update of the SIA shall be prepared by a SIA specialist and submitted to the Council prior to the proposed change(s) being implemented, or within such timeframe as otherwise approved by the Council in writing.

Social Impact Management Plan

35. The requiring authority shall prepare and submit for certification by the Council a SIMP in general accordance with the Draft SIMP (13 March 2020).

The following conditions shall apply to the SIMP:

(a) Process:

- i. The SIMP shall be prepared by a SIA specialist and shall be based on best practice guidelines and procedures for social impact management.
- ii. The initial SIMP shall be updated to include any provisions required by the final conditions of designation.
- iii. The SIMP shall be completed and any update to the SIMP shall be prepared with input on stakeholder views from the CLC and Neighbourhood Forum in accordance with conditions 10 and 45.
- iv. An initial SIMP shall be submitted for certification by the Council within 3 months of 7 April 2020.

(b) Purposes: The purposes of the SIMP shall be to:

- i. Provide an updateable framework to identify, assess, monitor, and manage the social effects of the Youth Justice Facility on neighbours, the Weymouth community, other stakeholders, and also to provide an annual report on the outcomes of this work for a minimum period of two years;
- ii. Identify the measures to be undertaken to avoid, remedy or mitigate any potential adverse social impacts on neighbours, the Weymouth community and other stakeholders arising from the operation of the Residence for youth justice purposes as identified in the updated SIA, including those set out in conditions 15, 19, 26 and 49;
- iii. Provide an adaptive response if unanticipated effects are identified, which may include research to better understand the unanticipated effects or possible mitigation measures.



(c) Parameters: The SIMP shall provide:

- i. The framework for identifying, assessing, monitoring (including selected indicators and methods of measuring to be used and responsibilities for social data collection), and managing the social effects, together with the reporting requirements;
- ii. A summary of what impacts are predicted and the characteristics of those effects.
- iii. How the requiring authority proposes to manage and mitigate potential social impacts on way of life, health and wellbeing, sense of place, community aspirations, and personal / property rights as set out in the Updated SIA (2 March 2020);
- iv. The mechanisms for monitoring and reporting any identified potential social impacts;
- v. Monitoring indicators for identified potential adverse social impacts, to:
 - Assess the effectiveness of the management and mitigation strategies and proposed actions; and
 - Provide early warning of any change in the scale or severity of social impacts being realised from those assessed in the Updated SIA;
- vi. Processes, including communication with the community and engagement with the CLC, to identify alternative measures for management / mitigation of potential adverse social effects;
- vii. Processes to identify:
 - Alternative mechanisms for the monitoring of potential adverse social effects; and
 - Any research that may be required to monitor, assess and respond to any unanticipated social effects.
- viii. Obligations regarding reporting the certification and review processes undertaken by Council in respect of the SIMP.

(d) Anticipated Outcomes: The SIMP will:

- i. Enable the Requiring Authority to obtain accurate and timely information regarding any social effects generated by the Youth Justice Facility; and
- ii. Specify appropriate and practical measures for responding to and managing any adverse social effects that do arise.

(e) Implementation: The certified SIMP shall be implemented within the timeframe(s) identified in the SIMP, or, in the absence of any specific timeframe, as soon as reasonably practicable. Any measures implemented in accordance with the SIMP which are intended to be of continuing effect shall be maintained and continue to be complied with by the requiring authority.



SIMP Annual Monitoring Reports

36. The requiring authority shall engage a SIA specialist to prepare an annual report on monitoring requirements outlined in the SIMP. The annual monitoring report shall include a summary of any matters raised with the CLC and any response / feedback on those matters from the CLC and its members.
37. The annual monitoring report shall be lodged with the Council within one month of the first and second anniversary of certification of the initial SIMP, save that in the event that monitoring identifies new or increasing adverse social effects requiring development of further management / mitigation, the obligations in condition 36 shall be extended by a period of up to two years. The Council may determine the period of any extended monitoring to a maximum of two years. Should subsequent monitoring reports identify new or increasing adverse social effects the provisions of this condition will continue to apply.

Review of the SIMP

38. The SIMP shall be reviewed and updated in the following circumstances:
- (a) The annual monitoring identifies potential new or increasing adverse social effects requiring development of further social research, management / mitigation;
 - (b) At the request of the CLC in the event of an abscondence or escape from the Youth Justice Facility and receipt of a report prepared under condition 22 above; and
 - (c) Following an update to the SIA.
39. Any review and/or update of the SIMP shall:
- (a) Provide updates to the framework to identify and assess potential social effects of the Youth Justice Facility; and/or
 - (b) Identify any social research required to further understand the social effects; and/or
 - (c) Identify any changes to the measures proposed to be undertaken to avoid, remedy or mitigate any potential adverse social impacts on the community including on any specific geographic communities; and/or
 - (d) Identify any changes to the framework for monitoring (including selected indicators and methods of measuring to be used and responsibilities for social data collection) and reporting requirements; and/or
 - (e) Identify any changes to the timeframes required for future review / update of the SIMP.



40. The reviewed or updated SIMP shall be submitted to the Council for certification and subsequent implementation in accordance with the requirements of these conditions.

Phone number and email address for non-urgent matters

41. A telephone number and email address shall be nominated by the requiring authority for contacting the Residence to report any concerns or ask questions that are not of an urgent nature. The telephone number shall be staffed during normal working hours and provide for the recording of messages. The telephone number and email address shall be distributed to the CLC and residents adjoining the site, and made available to other members of the community upon request, and publicised through the Neighbourhood Forum communication channels.

Advice note:

Condition 18(b) above provides for the establishment of a separate 24 hour hotline for urgent matters.

Complaints Register

42. A complaints register shall be established and maintained by the requiring authority, to record any concerns or complaints or matters generally, or arising from the re-purposing of the Residence for youth justice purposes. Any complaints or concerns received and recorded on this register shall be reported by the requiring authority to the CLC along with reporting of any action taken by the requiring authority in response to the concern or complaint.

Neighbourhood Forum

43. A Neighbourhood Forum shall be convened prior to the commencement of operation of the Residence for youth justice purposes.

44. The purpose of the Neighbourhood Forum is to:

- (a) provide opportunities for residents to build an understanding of the operation of the Residence including through receipt of information from the requiring authority regarding the operation of the Youth Justice Facility and the Care and Protection Facility; and
- (b) to provide comment and feedback on the changes proposed to the Residence as a consequence of the inclusion of, and transition to, youth justice services; and
- (c) provide opportunities for residents to build an understanding of the Residence's social effects.

45. The functions of the Neighbourhood Forum shall include:

- (a) To enable the manager(s) of the Youth Justice Facility and the Care and Protection Facility or the requiring authority (as appropriate) to provide information to the community relating to:



- i. The SIMP, including any monitoring reports and reviews;
 - ii. Physical works proposed at the site, where such changes may impact on the road frontage, signage or overall appearance of the site from public places;
 - iii. Physical works proposed at the site associated with changes to boundary fences, screening or physical security systems;
 - iv. Operational changes associated with the use of the Residence or operational security; and
 - v. Processes that will be implemented for any security breaches from the Youth Justice Facility (including abscondences).
- (b) To provide opportunities for residents and members of the forum to provide feedback and input to the requiring authority on the above.
- (c) To provide information on how the feedback received has been considered and responded to by the requiring authority.
46. Meetings or information sessions with the Neighbourhood Forum shall be held at least 2 times a year for up to 2 years following the introduction of youth justice services at the Residence and annually thereafter. The requiring authority in consultation with the Neighbourhood Forum shall consider whether it is necessary to hold additional meetings.
47. The requiring authority shall invite the following people to the Neighbourhood Forum:
- (a) By direct invitation: Those residents at the properties of
 - i. 1 to 13 (odd numbers), 4 to 18 (even numbers) Damian Way;
 - ii. 285, 291 to 325 (odd numbers), 314 to 318 (even numbers), 408 to 424 (even numbers) Weymouth Road;
 - iii. 18 to 36 (even numbers), and 1 to 7 (odd numbers) Tutuwhatu Crescent,
 - iv. 67 to 83 (odd numbers), 78 to 108 (even numbers) Kaimoana Street, 4 to 32 (even numbers) Taiaapure Street and the six facing properties on the eastern side of Taiaapure Street;
 - v. 21 Ipukarea Street;
 - vi. 1 to 9 (odd numbers), 9a, 11 to 17 (odd numbers), 4 to 16 (even numbers) Leaver Place; and
 - (b) By open invitation: Residents of the Census Area Units:
 - i. Weymouth East;
 - ii. Weymouth West; and
 - iii. Clendon Park South;
- as identified in the updated SIA.



48. Within one month of any Neighbourhood Forum meeting or session, a report will be prepared by the requiring authority and made available to the CLC, any attendees of the Neighbourhood Forum meeting or session and the Council, reporting on the engagement process, the feedback received from the community and actions / responses from the requiring authority.

Communications Plan

49. The requiring authority shall prepare a Communications Plan detailing the following:
- (a) Membership of the Community Liaison Committee;
 - (b) The proposed format and communication channels of the Neighbourhood Forum;
 - (c) Residents and other people registered with the Neighbourhood Forum (noting this is not a 'membership' forum and is open to all interested residents);
 - (d) The nominated complaints processes;
 - (e) The nominated phone numbers and email address for both urgent and non-urgent matters; and
 - (f) Processes for review of the Communications Plan.

The requiring authority shall provide the Communications Plan to the Council with the SIMP and shall implement any specific measures or processes identified in the Communications Plan as soon as reasonably practicable thereafter.

Transport

50. Provide a safe and direct connection between the main building entrance and the Weymouth Road footpath for those who walk or use public transport.
51. On-site car parking shall be provided at the rate of 0.8 car park spaces per staff member expected on site at any one time (including floor staff on site during periods where shifts overlap). Additional car parking shall also be provided at a rate of one car park space per visitor/whānau room provided for on-site for family/whānau or professional visits.
52. Secure cycle parking spaces shall be provided at the rate of one cycle space per 15 staff members expected on site at any time (including floor staff on site during periods where shifts overlap). Two visitor cycle parking spaces shall be provided within the publicly accessible area of the site.
53. Prior to the commencement of the operation of the Residence for youth justice purposes, a staff TMP shall be prepared and lodged with the Council for certification. The TMP shall generally follow the 'Workplace Travel Plan Guidelines' (NZTA 2011). The objective of the TMP is to encourage staff to use alternative transport modes (walking, cycling and public transport) for commuting to and from the site. The TMP shall include provisions requiring regular monitoring of the performance of the TMP. The TMP shall be implemented and regularly monitored, as certified.



54. A PMP shall be prepared for the site and lodged with the Council for certification within three months of commencing use of the Residence for youth justice purposes. The objective of the PMP is to manage the use of parking and manoeuvring areas (approximately 25 spaces and the associated accessways) located immediately adjacent to the residential boundary during the hours of 10pm and 7am to minimise noise and amenity impacts on neighbours. Included in the PMP shall be a system by which individual traffic movements are limited to no more than 10 vehicles per 15 minute period during the period of 10pm to 7am. The PMP shall be implemented, as certified.

Certification process

55. Should the Council refuse to certify any plan or report required to be certified by these conditions, the requiring authority shall, as soon as practicable, submit a revised plan or report for certification.

Advice Note:

In the event that the Council refuses to certify any plan or report the Council shall promptly provide the requiring authority in writing with the reasons for non-certification.

Naming of the Residence

56. The requiring authority shall ensure that any new name for the Residence and any signage at the road frontage does not include reference to 'Weymouth' or 'Waimahia Inlet'.

Advice note:

It is noted that any new name for the Residence is to be gifted by Puukaki ki te Aakitai

Youth Inclusion Programme

57. Within the first 12 months of the Youth Justice Facility commencing operation on the site and for a minimum period of 5 years, the requiring authority will, provided the other relevant authorities cooperate, establish and operate a Youth Inclusion programme in the wider Weymouth area targeted at the prevention of at risk youth entering the youth justice system.

Advice Note:

The programme would be a multi-agency initiative run in conjunction with community partners that include local iwi social services, local Police, regional Ministry of Education officials and the local schools, and the district health board. The programme would be modelled on the Huntly Oranga Rangatahi programme.



Restriction on Establishment of Other Youth Justice Facilities

58. Oranga Tamariki will not establish or operate any new youth justice facility within a 2.5 km radius of the site to accommodate children/tamariki or young people/rangatahi who have been detained in the custody of the Chief Executive of Oranga Tamariki.



Attachment 1

Clinical Screening and Risk Assessment Framework

Clinical Screening Framework for admissions to the Youth Justice Residence at 398 Weymouth Road and ongoing Risk Assessment Framework for suitability of placement

Note: This screening tool has been developed with the support of a Clinical Psychologist with extensive experience in Corrections, Health, Education and Oranga Tamariki services.

Principles

- Violence is not a behaviour, aggression is. People engage in violence in a number of ways including when under the influence of alcohol and or drugs, in self defence, due to a mental health episode or in aggression.
- A child or young person is less likely to re-offend if we understand their needs and how those impact on their behaviour and thinking. A smooth transition to their community will encourage desistance from offending.
- The Youth Justice Residence at 398 Weymouth Road will be used to accommodate vulnerable children and young people. We define vulnerable children and young people as those with, amongst other things, neurodisabilities, intellectual disabilities or those who have higher or complex care and and/or health needs that interact with their offending needs.

Assessment

On admission, children and young people have risk and needs assessments. Assessments are focussed on risk to self, “fit” into the residential environment, offending behaviour, education, health and transition needs. These assessments, completed by the residential clinical team will allow us to determine a level of vulnerability and what is the most appropriate placement for individual children or young people.

Screening for placement

Only those children or young people who satisfy the requirements of Condition 2 of the Designation 3800 shall be considered for placement at the residence under this screening and re-assessment framework.

To determine the suitability of placement at the residence a registered, suitably qualified and experienced Psychologist will verify the assessment of the child or young person against four screening criteria:

1. Propensity for Aggressive Behaviour

Understanding the agreed Summary of Facts for the offence the child or young person has been charged with:

What part in the alleged offence did the child or young person play?



- If there was violence, what role did they play and what were the factors that contributed to it?
- If there have been past offences, what can we determine from previous behaviours?

Identify if there was a pattern of significant interpersonal aggression or persistent disregulation that would not be manageable in the environment of the Youth Justice Residence at 398 Weymouth Road.

ABSOLUTE: Identification of such factors means they will not be placed at the Youth Justice Residence at 398 Weymouth Road.

2. Risk of Absconding

Previous behaviour while having been in Oranga Tamariki residences (if first admission, then behaviour must be proven)

- Evidence of compliance with structure and rules of a residence.
- Ability to benefit from a behaviour management plan.
- Evidence of engaging with staff, peers and programmes.

Identify absconding risk. The child or young person must have no history of absconding (or attempting to abscond) from an Oranga Tamariki Youth Justice residence.

ABSOLUTE: If there is such a history, they will not be placed in the Youth Justice Residence at 398 Weymouth Road.

3. Attitude to Treatment

Engagement in care plan

- How well do the programmes and interventions available at the Youth Justice Residence match the needs of the child or young person?
- How ready is the child or young person to engage with the proposed activities and interventions?
- Has the child or young person consented to participate in the treatment?

Assess to ascertain the child's or young person's attitude to participating in interventions.

ABSOLUTE: A child or young person who is not prepared to consent to treatment or is not ready for treatment will not be placed in the Youth Justice Residence at 398 Weymouth Road.

4. Peer Associations

Dynamic with existing peer group at the Youth Justice Residence

Are there identified risks of association? For example no obvious peer group at the Youth Justice Residence (too young, too old, no gender match).



- Are there any co-offenders already at the Youth Justice Residence that cannot be adequately separated from the child or young person?

Assess to identify how well the child or young person interacts with the peer group.

ABSOLUTE: Any history of sustained conflict with peers (obtained via interview or file review), or inappropriate associations that have not been mitigated will exclude admission to the Youth Justice Residence at 398 Weymouth Road.

Escalation

Risk is dynamic. Behaviour and motivation may change on a daily basis. A child or young person who is assessed as suitable for placement at the Youth Justice Residence one day, may not be suitable at a different time. A child or young person placed at the Youth Justice Residence will be inducted to that environment with very clear expectations of what behaviours are expected at the Youth Justice Residence.

If staff are unsatisfied with the level of engagement, or identify a heightened level of risk (either to self or others) then they will be transferred immediately to a more appropriate youth justice environment. The decision maker responsible for this will have the appropriate authority to allow an immediate decision to be made.

It will be expected that this risk review is constant, but formalised at every shift handover, where a screening tool will aid the conversation on appropriateness of placement.

The screening tool will consider: state of mind, arousal levels and group dynamic among other risk indicators.



Operating Model

The operating model will be very similar to that in our existing youth justice residences including Korowai Manaaki (same staff ratio, expectations and protocols, eg line of sight) and provide for:

- staffing models that respond to the needs of the young people and that can be altered to respond to changing need. Staff competence in trauma informed practice, meeting the regulatory requirements, including the National Care Standards and organisational standards for support and care of young people placed with Oranga Tamariki.
- a structured day. Which will include, for example, educational or vocational training, therapy, recreation and sport, whanāu visits, and reintegration activities.

Explanation of Intent

The Youth Justice Residence is intended:

- To create a more normal environment to what currently exists in other Oranga Tamariki Youth Justice residences - the centralised school, the pool, the immediate neighbours in an established community go a long way to creating the feel of normality. We believe young people will feel less stigmatised about their detention and motivated to engage in the programmes we expect will improve behaviours and support our goals of positive outcomes for tamariki and rangatahi and reducing reoffending.
- To enable structured interventions to be tailored to specifically address the individual needs of the more vulnerable populations in the care of Oranga Tamariki as well as cohorts of children or young people that require a different approach (like young women).
- To be able to offer programmes that are specific to the needs of young women and vulnerable boys. Programmes we are unable to develop in our existing youth justice residences because of competing priorities. Examples include: cognitive behavioural therapy, dialectical behaviour therapy, sensory programmes, art therapy etc.
- To provide the ability for residents to engage further with interventions available in the community if assessed as appropriate.
- To provide the ability to create an environment, where our young people and staff can be confident that aggression will be unacceptable and never tolerated.
- To provide an ability for residents to engage with whanāu directly to support their ability to care for the child or young person on their return to the community.



Attachment 2 – Landscape Plan



LANDSCAPE CONCEPT

Boundary condition

Where the proposed condition requires tall growing specimen trees for screening, a hedge of native trees has been allowed for at 4m spacings, at a size of 25L. Species include Puriri, Titoki, Hoheria, Rewarewa and Kowhai (*BDY Tree Mix*).

Underplanting of bushy native shrubs will grow to form a leafy mass under the hedge for lower screening. Species include Pseudopanax, Griselinia, Kawakawa, Hebe, Ti kouka, Coprosma and Wharariki (*BDY Shrub Mix*).

Infill planting underneath the deciduous hedge will thicken existing planting and provide screening necessary. The understory species mix used above will be continued.

Amenity planting

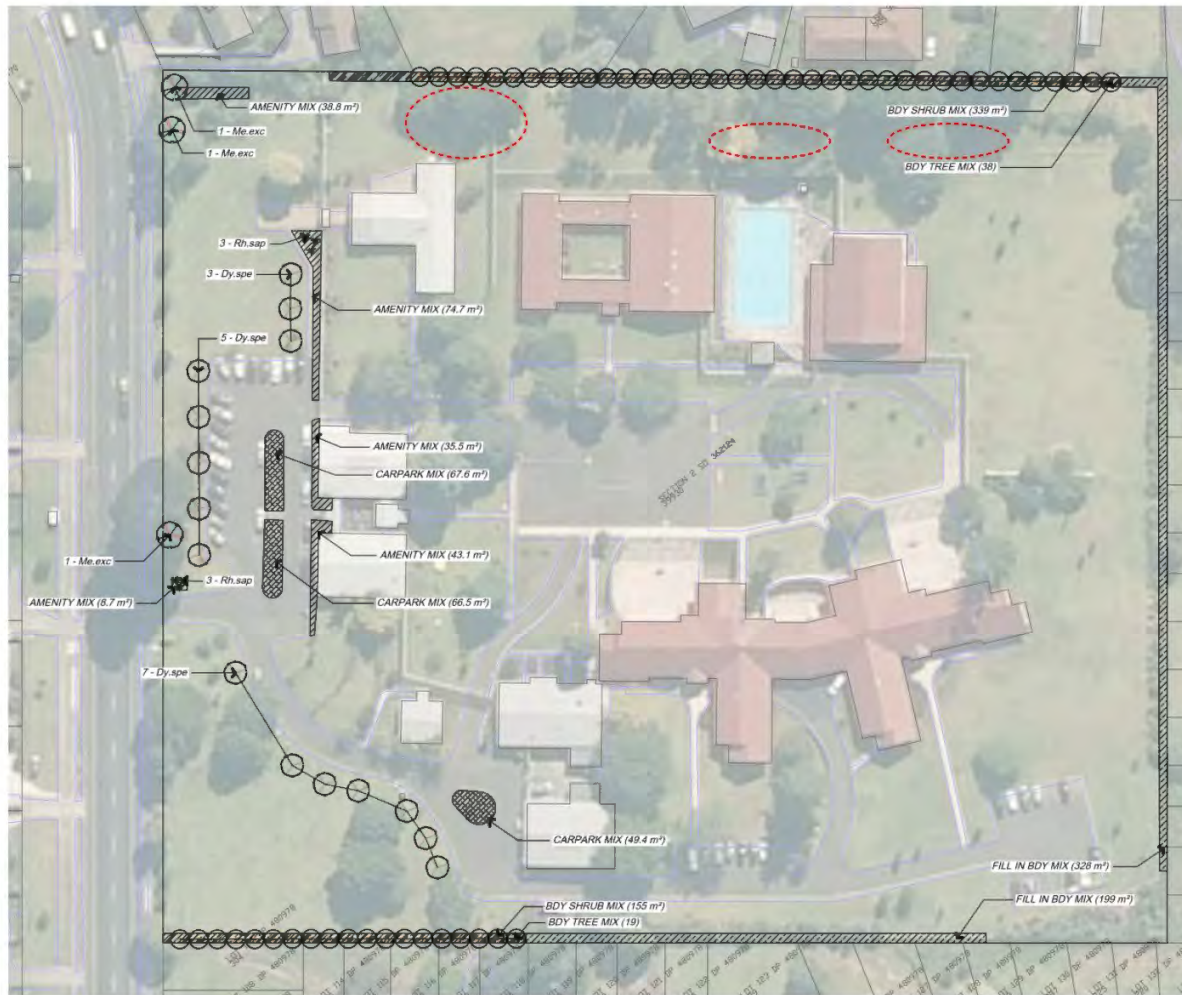
The carpark mix comprises hardy native low growing species suitable for use in a carpark, such as Meuhlenbeckia, Libertia and Crimson Rata (*Carpark Mix*).


The remaining amenity planting is a mix of flowering native shrubs to create seasonal interest such as Hebe, Rata, Renga renga lilies and Coprosma (*Amenity Mix*).

Specimen trees







On the road frontage an additional TWO Pohutukawa will be located at the Northern end to continue the line of Pohutukawa trees planted parallel to the berm.

Clumps of Nikau will be planted at the roadside entrance and at the entrance of the Marae. Kohekohe have been used to further screen the carpark and visually soften the property when viewed from the road.



-  Monkey Apple trees x 4 to be removed
-  Scraggy growth to be removed

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	CONT	QTY	
	BDY TREE MIX	Hoheria populnea	Lacebark	25L	9	
		Knightia excelsa	Rewarewa	25L	14	
		Metrosideros excelsa	Pohutukawa	25L	9	
		Sophora microphylla	Kowhai	25L	11	
		Viburnum lucidum	Puriri	25L	14	
		Dy.spe	Dysoxylum spectabile	Kohekohe	45L	15
		Me.exc	Metrosideros excelsa	Pohutukawa	25L	3
	Rh.sap	Rhopileta fistulata	Nikau	45L	6	
SHRUB AREAS	CODE	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY
	BDY SHRUB MIX	Coprosma thymoides	Mingimingi	2L	1200mm	403.9 m ²
		Corylinia australis	Ti Kouka	2L	1000mm	36
		Griselinia lucida	Puka	2L	1500mm	28
		Hebe stricta	Karomiko	2L	1000mm	28
		Macropiper excelsum	Kawakawa	2L	1500mm	46
		Phormium cookianum	Wharariki	2L	1200mm	36
		Pseudopanax lesssonii	Hoopera	2L	1500mm	58
	CARPARK MIX	Libertia peregrinans	NZ Iris	2L	400mm	183.4 m ²
		Metrosideros carminea	Crimson Rata	2L	1000mm	58
		Muehlenbeckia australis	Creeeping Pohutukawa	2L	1000mm	68
			AMENITY MIX	Arthropodium cernuum	Rangaranga	2L
Coprosma rugosa	Coprosma			2L	700mm	64
Hebe x 'Wai Mui'	Hebe			2L	600mm	145
Metrosideros carminea	Crimson Rata			2L	1000mm	105
	FILL IN BDY MIX			Griselinia lucida	Puka	2L
		Macropiper excelsum	Kawakawa	2L	2000mm	42
		Pseudopanax lesssonii	Hoopera	2L	2000mm	48



This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.

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SCHEDULE TWO: CHANGE IN CONDITION NUMBERS

Condition Number in Decision - March 2020		Condition Number in Order for Execution – April 2020
<i>Placements</i>		
Condition 1		Condition 1
Condition 2		Condition 2
Condition 3A		Condition 3
Condition 3B		Condition 4
Condition 4		Condition 5
Condition 4A		Condition 6
Condition 4B		Condition 7
Condition 4C		Condition 8
<i>Community Liaison Committee</i>		
Condition 5		Condition 9
Condition 6		Condition 10
Condition 7		Condition 11
Condition 8		Condition 12
Condition 9	9	Condition 13
	9(a)	Condition 13(a)
	9(aa)	Condition 13(b)
	9(b)	Condition 13(c)
	9(bb)	Condition 13(d)
	9(c)	Condition 13(e)
	9(d)	Condition 13(f)
Condition 9A		Condition 14
<i>Security</i>		
Condition 10		Condition 15
Condition 11		Condition 16
Condition 12		Condition 17
Condition 13		Condition 18
Condition 14		Condition 19
Condition 15		Condition 20
Condition 16		Condition 21
Condition 17		Condition 22
<i>Noise</i>		
Condition 18		Condition 23
Condition 19		Condition 24
Condition 20		Condition 25
<i>Landscaping</i>		



Condition Number in Decision - March 2020	Condition Number in Order for Execution – April 2020
Condition 21	Condition 26
Condition 22	Condition 27
<i>Lighting</i>	
Condition 23	Condition 28
<i>Buildings</i>	
Condition 24	Condition 29
Condition 25	Condition 30
Condition 26	Condition 31
Condition 27	deleted
<i>Updates to Social Impact Assessment</i>	
Condition 28AA	Condition 32
Condition 28A	Condition 33
Condition 28B	Condition 34
<i>Social Impact Management Plan</i>	
Condition 28C	Condition 35
<i>SIMP Annual Monitoring Reports</i>	
Condition 28D	Condition 36
Condition 28E	Condition 37
<i>Review of the SIMP</i>	
Condition 28F	Condition 38
Condition 28GA	Condition 39
Condition 28G	Condition 40
<i>Phone number and email addresses for non-urgent matters</i>	
Condition 29	Condition 41
<i>Complaints Register</i>	
Condition 30	Condition 42
<i>Neighbourhood Forum</i>	
Condition 31	Condition 43
Condition 31A	Condition 44
Condition 32	Condition 45
Condition 33	Condition 46
Condition 34	Condition 47
Condition 35	Condition 48
<i>Communications Plan</i>	
Condition 36	Condition 49
<i>Transport</i>	
Condition 37	Condition 50
Condition 38	Condition 51



Condition Number in Decision - March 2020	Condition Number in Order for Execution – April 2020
Condition 39	Condition 52
Condition 40	Condition 53
Condition 41	Condition 54
<i>Certification Process</i>	
Condition 42	Condition 55
<i>Naming of the Residence</i>	
Condition 43	Condition 56
<i>Youth Inclusion Programme</i>	
Condition 44	Condition 57
<i>Restriction on Establishment of Other Youth Justice Facilities</i>	
Condition 45	Condition 58



Attachment 3

**Designation Text Track Changes
with designation Attachment 1:
Clinical Screening and Risk Assessment Framework
and designation Attachment 2: Landscape Plan**

ATTACHMENT 3 – CHANGES TO DESIGNATION 3800

1a. Amendment to Designation Schedule – Minister for Children

Amend the “Purpose” for designation 3800 in the first row of the Designation Schedule as follows (deleted text shown ~~struck through~~ and new text shown underlined):

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

1b. Amendments to Designation 3800

Delete the existing designation text as shown below (~~struck through~~):

3800 Care and Protection Residential Centre

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

Purpose

~~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. 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. 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. 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.~~
- ~~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:~~

Monday to Sunday (inclusive)	
7am to 10pm	L10 55 dBA
10pm to 7am	L10 45 dBA
10pm to 7am	Lmax 75 dBA

~~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”.~~

- ~~5. The site shall be landscaped generally in accordance with the landscape concept plan prepared by Opus International Consultants marked ACC116.00 (September 2002) contained within Appendix B of the Notice of Requirement. 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.~~

Attachments

No attachments

Insert the new designation text, diagram and attachments as shown below (underlined):

3800 Oranga Tamariki Residence

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

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.

Conditions

Definitions:

CLC: Community Liaison Committee (see Conditions 9 to 14 of this designation).

EMP: Emergency Management Plan prepared under Condition 15 of this designation.

Neighbourhood Forum: The Neighbourhood Forum referred to in Conditions 43 - 48 of this designation.

NMP: Noise Management Plan prepared under Condition 24 of this designation.

Notification List: A list of people to be contacted in the event of an abscondence from the Youth Justice Residence. The list is to be maintained by the manager of the Youth Justice Residence. The persons on the Notification List will be determined and updated in accordance with Condition 18(d), however the following people are invited to be included on the list as a minimum:

- Residents of directly adjoining properties to the site, on Weymouth Road, Tutuwhatu Crescent, Kaimoana Street, Taiaapure Street and Leaver Place; and
- Any other residents from the wider neighbourhood area as confirmed in the updated SIA.

PMP: Parking Management Plan prepared under Condition 54 of this designation.

Regulations: The regulations set out in the Oranga Tamariki (Residential Care) Regulations 1996 in force relating to the establishment, function and operation of CLCs.

Residence: Describes the whole of the site used for care and protection and youth justice functions as shown on the Concept Plan (below).

SIA: Social Impact Assessment.

SIA specialist: an independent and suitably qualified and experienced SIA specialist, whose appointment shall be agreed by the Council and the requiring authority.

SIMP: Social Impact Management Plan prepared under Condition 35 to 40 of this designation.

SMP: Security Management Plan prepared under Condition 15 of this designation.

TMP: Travel Management Plan prepared under Condition 53 of this designation.

Care and Protection Facility: That part of the Residence to be occupied exclusively by the care and protection function, that includes the Wharenui, as shown on the Concept Plan (below).

Youth Justice Facility: That part of the Residence to be occupied exclusively by the Youth Justice function as shown on the Concept Plan (below).

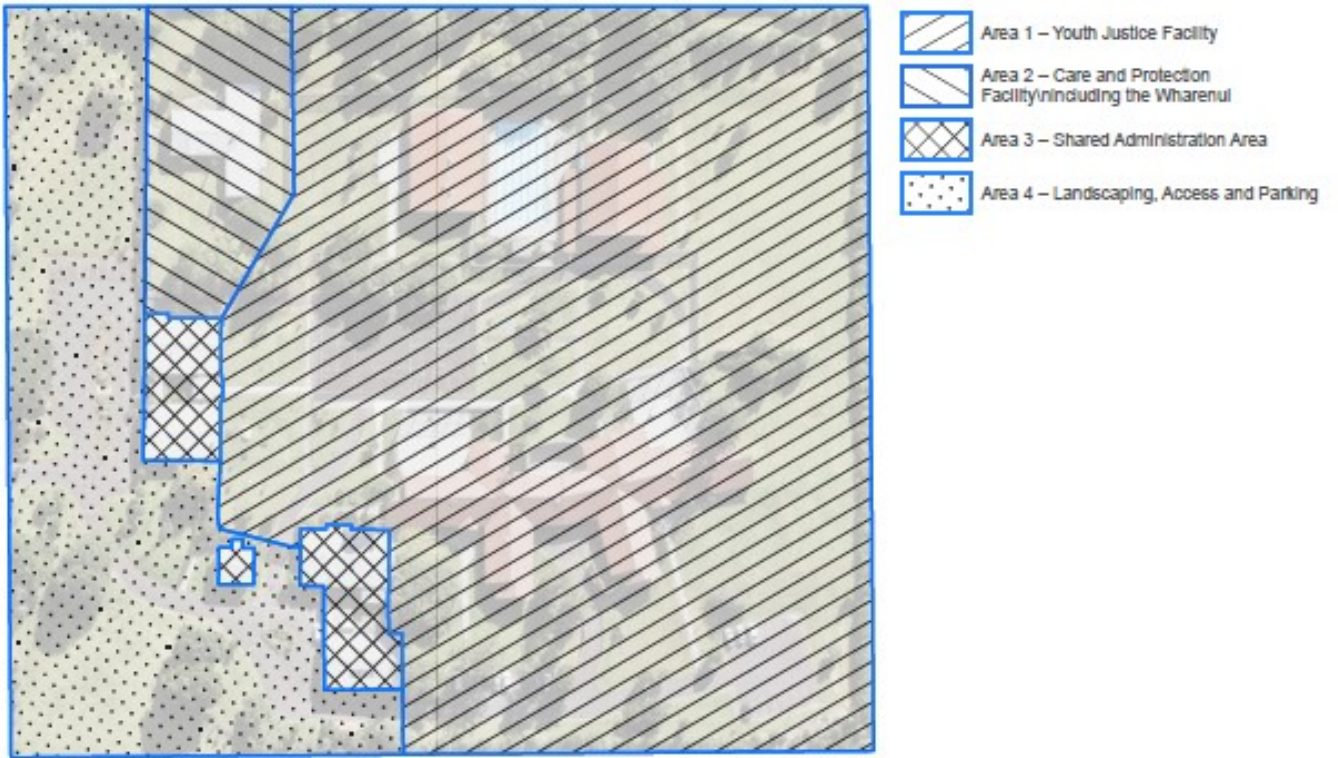
The site: The property at 398 Weymouth Road, Weymouth legally described as Section 2 SO362124 and shown on the Concept Plan (below).

Auckland High Needs Hub: The Auckland regional committee led by Oranga Tamariki responsible for considering care and protection placements under the Oranga Tamariki Act 1989 regarding referrals of high needs children/tamariki and young people/rangatahi within the Auckland Region.

Te Tai Tokerau Hub: The Te Tai Tokerau (Northland) regional committee led by Oranga Tamariki responsible for considering care and protection placements under the Oranga Tamariki Act 1989 regarding referrals of high needs children/tamariki and young people/rangatahi within the Te Tai Tokerau (Northland) Region.

National Residential Services Manager: The person within Oranga Tamariki who is responsible for Care and Protection residential services provided nationwide under the Oranga Tamariki Act 1989, and to whom the Manager of the Care and Protection Facility reports.

CONCEPT PLAN: DESIGNATION 3800 – ORANGA TAMARIKI RESIDENCE



Placements

1. The placement of up to 20 children/tamariki and young persons/rangatahi at any one time shall be permitted at the site.

2. There shall be no youth justice placement at the site of:

(a) Any children/tamariki or young people/rangatahi who are:

- i. Remanded into the custody of the chief executive of Oranga Tamariki under the Criminal Procedure Act 2011; or
- ii. Detained under a sentence in any Oranga Tamariki residence in accordance with the Corrections Act 2004; or
- iii. Charged with or detained under a sentence in respect of any Category 4 offence as defined in the Criminal Procedure Act 2011

except that up to a total of five (5) female children/tamariki or young people/rangatahi may be placed at the Youth Justice Facility at any one time who fall under the above categories.

(b) Any children/tamariki or young people/rangatahi who are charged with or detained under a sentence in respect of any sexual crime as set out between sections 127 and 144A of the Crimes Act 1961.

Advice Note:

This condition reflects the intention of the requiring authority to use the Youth Justice Facility for the placement of females and vulnerable young males. Condition 2 prevents certain children, young people and young adults from being placed at the Residence where:

- Their offending is being dealt with or they are serving a sentence imposed by the adult courts (condition 2 (a)(i) and (ii)).
- They are charged with or serving a sentence for the most serious offences, whether or not they are being dealt with or have been sentenced by the youth court or the adult courts (condition 2 (a)(iii)).
- They are charged with or are serving a sentence for a sexual crime (condition 2(b)).

Except that up to five females whose offending is being dealt with or who are serving a sentence imposed by the adult courts, or who are charged with or serving a sentence for the most serious offences, may be placed at the Youth Justice Facility unless they are charged with or serving a sentence for a sexual crime.

3. Prior to placement of any child/tamariki or young person/rangatahi for youth justice purposes at the site, an assessment confirming and verifying his or her suitability for placement at the Youth Justice Facility will be undertaken off-site. This assessment will be undertaken by a registered suitably qualified and experienced psychologist in accordance with the Clinical Screening and Risk Assessment Framework at **Attachment 1** to this designation (“**Assessment Framework**”). For the avoidance of doubt, where the outcome of an assessment required by this condition is that one or more of the

“absolutes” identified in the Assessment Framework applies to any child/tamariki or young person/rangatahi, the child/tamariki or young person/rangatahi in question shall not be placed at the Youth Justice Facility.

4. The Manager of the Youth Justice Facility will provide written confirmation to the Council once every 12 months that all youth justice placements in the preceding period have been subject to the above assessment. On request, the Council may at any time but subject to providing at least one week’s notice access the relevant records relating to the Assessment Framework to verify compliance with conditions 2 and 3 subject to redaction of any personal information identifying the children or young people themselves.

Advice note:

Conditions 2 and 3 reflect the requiring authority’s intention that the Youth Justice Facility will only accommodate children/tamariki or young people/rangatahi with a lower risk profile.

5. The care and protection function and youth justice function shall be kept separate at all times on the site with the exception of administrative functions (which may use the Shared Administration Area shown as Area 3 on the Concept Plan).

6. (1) No children/tamariki or young people/rangatahi will be held in the Care and Protection Facility who:

- (a) Are currently subject to any order under section 238(1)(d), (e) or (f) of the Oranga Tamariki Act 1989; or
- (b) Are placed with the chief executive under section 235 of the Oranga Tamariki Act 1989.

- (2) In circumstances where the requiring authority is considering whether to place children / tamariki or young people / rangatahi subject to any of the youth justice processes set out in condition 6(2)(a) at the Care and Protection Facility, the requiring authority shall take the steps in condition 6(2)(b) before making that placement:

- (a) The relevant youth justice processes are that the children / tamariki or young people / rangatahi are:
 - (i) Subject to an order under section 238(1)(a), (b) or (c) of the Oranga Tamariki Act 1989; or
 - (ii) Subject to a Police Alternative Action process; or
 - (iii) Involved in a Family Group Conference process under section 247 of the Oranga Tamariki Act 1989.
- (b) Before making any placement at the Care and Protection Facility for any children / tamariki or young people / rangatahi subject to the processes in condition 6(2)(a) the requiring authority shall ensure that:
 - (i) Subject to (ii) below, any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility

shall be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub.

(ii) Any decision regarding an out of hours or emergency admission to the Care and Protection Facility that cannot be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub shall be made by the National Residential Services Manager or their duly authorised delegate. This delegate shall be an officer at Tier 3 level or above in Oranga Tamariki's organisational structure.

(iii) Any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility shall have regard to:

A. The nature of the alleged or admitted offence; and

B. Any matters raised by the Police or the Youth Court regarding the circumstances relating to the child or young person and the alleged offending.

(3) The Manager of the Care and Protection Facility will provide written confirmation to the Council once every 12 months that all placements pursuant to condition 6 in the preceding period have been subject to the pre-placement assessment required by condition 6(2). On request, the Council may at any time but subject to providing at least one week's notice access the relevant records relating to the pre-placement assessment required by condition 6(2) to verify compliance with condition 6, subject to redaction of any personal information identifying the children / tamariki or young people / rangatahi themselves.

7. The placement conditions 1- 5 shall be incorporated into the document held at the Residence that specifies the key operating procedures for the Youth Justice Facility.

8. The placement conditions 1, 5 and 6 shall be incorporated into the document held at the Residence that specifies the key operating procedures for the Care and Protection Facility.

Community Liaison Committee

9. A CLC shall be convened in accordance with conditions 10 to 14 below.

Advice Note:

The CLC is also convened under the relevant Regulations (Oranga Tamariki (Residential Care) Regulations 1996).

10. In addition to the functions specified in the Regulations, the functions of the CLC shall include:

(a) reporting concerns and effects to the requiring authority;

(b) providing commentary on the potential social effects of the Residence on the surrounding community (including any potential effects identified in the SIMP);

- (c) considering and discussing responses from the requiring authority to concerns raised or effects identified by the CLC, and any measures to be adopted by the requiring authority to:
 - i. remedy or mitigate those concerns and effects; and
 - ii. manage operations at the Residence to provide for the safety and security of the community;
- (d) providing commentary on the effectiveness of any measures (including any measures identified in the SIMP) adopted by the requiring authority to:
 - i. remedy or mitigate those concerns and effects; and
 - ii. manage operations at the Residence to provide for the safety and security of the community;
- (e) considering and discussing updates relating to the children/tamariki or young persons/rangatahi who have been placed at the Residence (but not individual cases), including programmes being undertaken and community events;
- (f) providing input to the manager of the Youth Justice Facility or the requiring authority (as appropriate) as to various stakeholder views regarding matters relating to:
 - i. any future physical works at the Residence (excluding maintenance) triggering the outline plan process under s 176A RMA, particularly (but without limitation) where such physical works may impact on either the security or the overall appearance of the Residence;
 - ii. safety and security arrangements at the site generally, including:
 - A. the SMP and EMP prepared in accordance with condition 15 (as well as any periodic review of those plans); and
 - B. details of any emergencies or security incidents at the site, including the responses taken to deal with those incidents; and
 - C. any report prepared in accordance with conditions 22 and 31; and
- (g) providing input into the development of the SIMP for the Youth Justice Facility and any monitoring reports or reviews of the SIMP;
- (h) considering any report prepared pursuant to condition 48; and
- (i) making recommendations to the requiring authority (as appropriate), which the requiring authority shall consider and respond to, on any of the matters referred to in paragraphs (a) to (h) above.

11. Meetings of the CLC shall be held at least 4 times a year, however:

- (a) The CLC shall consider whether or not it is necessary to hold additional meetings to consider and respond to concerns raised by the local community in relation to any matter, including the matters set out in condition 10; and

- (b) During the period in the first two years following the commencement of the youth justice functions, unless the CLC decides otherwise, meetings of the CLC shall be held as a minimum every two months.

12. In addition to the membership requirements specified in the Regulations, and any existing members of the established CLC as at 7 April 2020, invitations shall be sent as soon as reasonably practicable after the NOR is confirmed to:

- any adjoining residents of the site;
- Puukaki ki te Aakitai;
- Waimahia Intermediate School;
- Weymouth Primary School;
- Te Matauranga;
- Finlayson Park School;
- James Cook High School;
- a representative of the Ministry of Education (to represent other schools in the area);
- any organisation representing Waimahia Inlet residents;
- Choice Kids (the early childcare facility at 436 Weymouth Road);
- Clendon Pride; and
- TYLA Youth Development Trust

to provide nominations of representatives to join the CLC.

Invitations shall be re-sent annually thereafter to the same recipients as specified above.

13. The requiring authority shall ensure that:

- (a) A report is sent to the Chair and all registered members of the CLC each month, providing updates relating to:
- i. the numbers and reasons for placement in the care of Oranga Tamariki (e.g. remand or sentencing etc) for children/tamariki or young persons/rangatahi who have been placed at the Youth Justice Facility (without providing detail on individual cases); and
 - ii. Any events involving abscondences or unauthorised departures from the Residence including any incident specific or operational response taken to deal with the incident(s).
- (b) A copy of the 12 monthly report to be provided by the requiring authority to the Council under condition 6(3) is to be provided to the CLC at the same time it is provided to the Council.
- (c) As much information as possible is provided to the CLC concerning the risk assessment methodology applied by the requiring authority to decision making concerning placements at the Youth Justice Facility.

(d) The CLC is advised of any future physical works at the Residence (excluding maintenance) triggering the outline plan process under s 176A RMA.

(e) The CLC is advised that it may:

- i. Establish a working group, comprised of interested members of the CLC, to co-ordinate the CLC's input into the SIMP;
- ii. Have independent advice from a suitably qualified and experienced SIA expert to assist the CLC in undertaking its functions (as set out in condition 10 above); and
- iii. Propose an independent, suitably qualified and experienced SIA expert to the requiring authority for its approval, to provide the advice to the CLC under condition 13(e)(ii) above in accordance with condition 13(f) below.

(f) Any expert proposed by the CLC to the requiring authority under condition 13(e)(iii) above is instructed and funded for their fees in connection with:

- i. advice to the CLC on the development of the SIMP to a maximum of \$20,000 + GST; and
- ii. advice to the CLC in relation to monitoring/reporting and SIMP updates in subsequent years, while SIMP processes (including annual monitoring/reporting and SIMP updates) are continuing, to a maximum of \$5,000 + GST per annum

unless the requiring authority is of the view that any proposed expert is not sufficiently independent, qualified or experienced in SIA matters. In such an event the CLC shall be advised that it may propose another expert and the requiring authority will assist the CLC in identifying such experts as necessary.

14. If the CLC has not taken up the opportunities in condition 13(e) and (f) above within 25 working days of the requiring authority advising the CLC in writing that it is either initiating the SIMP or commencing a monitoring review, the obligation under condition 13(f) above shall not apply.

Security

15. An SMP and EMP for the Residence shall be formulated prior to the commencement of any youth justice function of the Residence in consultation with key stakeholders including the Council, the NZ Police, the Ministry of Education and relevant emergency services and the CLC. There will be separate SMP and EMP provisions for the youth justice function and the care and protection function. The requiring authority shall implement the SMP and EMP on the commencement of any youth justice use of the Residence.

16. The SMP and EMP shall be reviewed at intervals of not more than 6 months.

17. Personal visits to children/tamariki or young persons/rangatahi at the Youth Justice Facility shall be held in areas that are separated from the residential areas within the

Youth Justice Facility by at least one secure door and which enable visits to occur without the need for visitors to pass through areas where residents are accommodated.

18. In the event of an abscondence from the Youth Justice Facility, the requiring authority shall ensure that, as a minimum, the following requirements are met:

- (a) Notification of those persons included on the Notification List required by condition 18(d) shall commence immediately upon the control room being notified of such an event;
- (b) A 24 hour toll-free hotline shall be provided for the community to ask questions during incidents, report concerns and/or provide information to the Residence;
- (c) All persons on the Notification List are to be provided with the number of the hotline; and
- (d) The Notification List and those persons provided with the hotline number and the method of notification will be determined in consultation with the CLC and updated, as necessary, from time to time.

19. Prior to commencement of any youth justice use of the site, and subject to condition 20, the following additional security measures for the Youth Justice Facility shall be implemented at the site:

- (a) Upgrade the existing 3m wire fences on the site to reduce the risk of children/tamariki or young people/rangatahi scaling them (for instance, through the addition of angled 'anti-climb' extensions or roller barrier devices to the tops of fences);
- (b) Introduce effective barriers or other 'anti-climb' measures such as roller barrier devices to minimise the risk of escape over building roof tops;
- (c) Install low profile bollards set back from the street frontage to prevent vehicular access into the site/carpark other than through the barrier arm;
- (d) Upgrade all glazing, doors and locks in Area 1 including, as required, at the interface of Areas 2 and 3, to the latest standard used at youth justice residences in all areas where children/tamariki or young people/rangatahi have access;
- (e) Install lock down functionality allowing secure doors to be locked from the control room and preventing keys being used to exit secure areas;
- (f) Install interlock functionality which will require internal doors to be secured before external doors can be opened (including as a minimum for all doors opening onto unfenced areas);
- (g) Upgrade/repair the existing perimeter wooden fence as necessary to provide a continuous fence at the boundary; and
- (h) Install additional CCTV at the Site, monitored on-site at the Residence on a 24-hour basis, so as to ensure comprehensive CCTV coverage of the site, including all areas where there have been specific security barriers put in place to prevent abscondings, while ensuring that privacy of neighbours is maintained.

20. Prior to the additional security measures required by condition 19 being installed and implemented, the requiring authority shall lodge with the Council details of the proposed

measures for certification by the Council that the proposed measures will meet the requirements and objectives specified in condition 19 above and in condition 21. The requiring authority shall implement the measures in accordance with the certified plan.

21. All additional security measures shall be designed and located to minimise visual and amenity effects for neighbours to the greatest possible extent.
22. Immediately following any abscondence from the Youth Justice Facility, a detailed security review shall be undertaken, and a report prepared by a suitably qualified and experienced security specialist to identify the circumstances of the event and any further mitigation or security measures which need to be undertaken in response. The report shall be provided to the CLC and the Council for input as soon as practicable following the event. The requiring authority shall promptly implement any recommended mitigation or security measures in the report (taking into account any input / recommendations made by the CLC or the Council).

Noise

23. 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 LAeq</u>
<u>Sunday 9am – 6pm</u>	
<u>All Other Times</u>	<u>40dB LAeq</u> <u>75 dB LAFmax</u>

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

24. The requiring authority shall prepare and submit to the Council a NMP for the site. The objective of the NMP is to ensure that noise generated outdoors and at night is minimised as far as practicable. The NMP shall set out procedures for:
- (a) The minimisation of noise from children and young persons undertaking activities outdoors, and procedures for dealing with unnecessarily noisy behaviour or activities;
 - (b) The minimisation of noise from all activities occurring between 10pm and 7am that may be audible beyond the site boundaries, including any curfews;

- (c) Making all staff aware of the need to take all practicable steps to minimise noise effects on the neighbours of the Residence;
- (d) Ensuring that staff are aware of the need to minimise their own noise, particularly during shift changes at night;
- (e) Regular maintenance of any noise-generating plant or machinery on the Residence that is audible beyond the boundaries of the site to minimise the noise emissions; and
- (f) Receiving, logging, actioning and responding to noise complaints.

25. The NMP shall be submitted to the Council for certification within 3 months of operation of the Residence for youth justice purposes, and shall be implemented and complied with thereafter, as certified.

Landscaping

26. A landscape plan shall be lodged with the Council for certification prior to operation of the Residence for youth justice purposes. This plan shall outline planting and maintenance details consistent with the Proposed Landscape Plan prepared by Boffa Miskell dated 12 November 2019 [Attachment 2] to meet the following objectives:

- (a) **Side and rear boundary planting** – this area shall be landscaped with trees, shrubs and lawn to provide and maintain a permanent visual screen between the Residence and the adjoining properties. The plan for this area shall:
 - i. locate and identify the existing vegetation, including the species, existing height, and predicted height at maturity;
 - ii. recommend any replacement planting and additional species to fill any current gaps in order to meet the above screening objective; and
 - iii. outline ongoing maintenance measures to ensure permanent screening is achieved.
- (b) **Road frontage boundary planting** – this area shall be landscaped to provide a high level of amenity when the Residence is viewed from the road. The plan for this area shall:
 - i. locate and identify the existing vegetation, including the species, existing height, and predicted height at maturity;
 - ii. be designed to retain an open frontage to maintain safety and security with clear sightlines to the main entry and the Wharenui from the street;
 - iii. include lighting and signage that contributes positively to the amenity of the street;
 - iv. remove any vegetation that may cause ongoing safety or maintenance issues;
 - v. comprise a mix of native specimen trees, low growing groundcover plants and lawn areas;
 - vi. use species to support the ecology of the area; and

vii. outline ongoing maintenance measures.

27. The certified updated landscape plan required under condition 26 shall be implemented as soon as possible following certification. All planting associated with the landscape plan shall be maintained regularly and kept in a tidy condition in accordance with the ongoing maintenance measures outlined in the landscape plan.

Lighting

28. 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.

Buildings

29. Any new buildings or building extensions shall not exceed 8 metres in height and shall be set back from all side and rear boundaries by at least 18 metres and the front boundary by at least 20 metres.

30. Any windows on new buildings or building extensions facing side or rear boundaries shall be glazed with translucent glass (or equivalent) to maintain the privacy of residential neighbours.

31. An outline plan will be required to be submitted to the Council under section 176A of the Resource Management Act 1991 for any new buildings on the site. When submitting an outline plan the requiring authority shall contemporaneously lodge a detailed security report with the Council, prepared by a suitably qualified and experienced security specialist, for assessment by the Council in conjunction with the outline plan. The security report shall provide full details of all security measures to be implemented in conjunction with the proposed work, including any consequential amendments required to existing security measures.

Updates to Social Impact Assessment

32. The SIA can be updated at the request of the CLC and/or Council where new buildings or future physical works are built or undertaken at the site (excluding maintenance), particularly where such physical works may impact on the security or the overall appearance of the site or the scale of activity on the site.

33. The updated SIA shall be prepared by a SIA specialist and shall:

- (a) Consider the actual and potential social effects relating to health and wellbeing, sense of place, community aspirations and way of life;
- (b) Include appropriate data collection, survey and engagement with communities and stakeholders;

- (c) Take into account any mitigation provided by the designation conditions and identify any further mitigation measures considered appropriate to respond to potential impacts;
- (d) Identify the geographic communities potentially impacted, including consideration of immediate neighbours, neighbouring streets, the Waimahia Inlet, the Weymouth community and/or other stakeholders.
- (e) Determine any social effects that will require management, and monitoring in accordance with the monitoring framework addressed under condition 35; and
- (f) Identify the necessary management measures that will inform the SIMP.

34. Any update of the SIA shall be prepared by a SIA specialist and submitted to the Council prior to the proposed change(s) being implemented, or within such timeframe as otherwise approved by the Council in writing.

Social Impact Management Plan

35. The requiring authority shall prepare and submit for certification by the Council a SIMP in general accordance with the Draft SIMP (13 March 2020).

The following conditions shall apply to the SIMP:

(a) Process:

- i. The SIMP shall be prepared by a SIA specialist and shall be based on best practice guidelines and procedures for social impact management.
- ii. The initial SIMP shall be updated to include any provisions required by the final conditions of designation.
- iii. The SIMP shall be completed and any update to the SIMP shall be prepared with input on stakeholder views from the CLC and Neighbourhood Forum in accordance with conditions 10 and 45.
- iv. An initial SIMP shall be submitted for certification by the Council within 3 months of 7 April 2020.

(b) Purposes: The purposes of the SIMP shall be to:

- i. Provide an updateable framework to identify, assess, monitor, and manage the social effects of the Youth Justice Facility on neighbours, the Weymouth community, other stakeholders, and also to provide an annual report on the outcomes of this work for a minimum period of two years;
- ii. Identify the measures to be undertaken to avoid, remedy or mitigate any potential adverse social impacts on neighbours, the Weymouth community and other stakeholders arising from the operation of the Residence for youth justice purposes as identified in the updated SIA, including those set out in conditions 15, 19, 26 and 49;
- iii. Provide an adaptive response if unanticipated effects are identified, which may include research to better understand the unanticipated effects or possible mitigation measures.

(c) Parameters: The SIMP shall provide:

- i. The framework for identifying, assessing, monitoring (including selected indicators and methods of measuring to be used and responsibilities for social data collection), and managing the social effects, together with the reporting requirements;
- ii. A summary of what impacts are predicted and the characteristics of those effects.
- iii. How the requiring authority proposes to manage and mitigate potential social impacts on way of life, health and wellbeing, sense of place, community aspirations, and personal / property rights as set out in the Updated SIA (2 March 2020);
- iv. The mechanisms for monitoring and reporting any identified potential social impacts;
- v. Monitoring indicators for identified potential adverse social impacts, to:
 - Assess the effectiveness of the management and mitigation strategies and proposed actions; and
 - Provide early warning of any change in the scale or severity of social impacts being realised from those assessed in the Updated SIA;
- vi. Processes, including communication with the community and engagement with the CLC, to identify alternative measures for management / mitigation of potential adverse social effects;
- vii. Processes to identify:
 - Alternative mechanisms for the monitoring of potential adverse social effects; and
 - Any research that may be required to monitor, assess and respond to any unanticipated social effects.
- viii. Obligations regarding reporting the certification and review processes undertaken by Council in respect of the SIMP.

(d) Anticipated Outcomes: The SIMP will:

- i. Enable the Requiring Authority to obtain accurate and timely information regarding any social effects generated by the Youth Justice Facility; and
- ii. Specify appropriate and practical measures for responding to and managing any adverse social effects that do arise.

(e) Implementation: The certified SIMP shall be implemented within the timeframe(s) identified in the SIMP, or, in the absence of any specific timeframe, as soon as reasonably practicable. Any measures implemented in accordance with the SIMP which are intended to be of continuing effect shall be maintained and continue to be complied with by the requiring authority.

SIMP Annual Monitoring Reports

36. The requiring authority shall engage a SIA specialist to prepare an annual report on monitoring requirements outlined in the SIMP. The annual monitoring report shall include a summary of any matters raised with the CLC and any response / feedback on those matters from the CLC and its members.
37. The annual monitoring report shall be lodged with the Council within one month of the first and second anniversary of certification of the initial SIMP, save that in the event that monitoring identifies new or increasing adverse social effects requiring development of further management / mitigation, the obligations in condition 36 shall be extended by a period of up to two years. The Council may determine the period of any extended monitoring to a maximum of two years. Should subsequent monitoring reports identify new or increasing adverse social effects the provisions of this condition will continue to apply.

Review of the SIMP

38. The SIMP shall be reviewed and updated in the following circumstances:
- (a) The annual monitoring identifies potential new or increasing adverse social effects requiring development of further social research, management / mitigation;
 - (b) At the request of the CLC in the event of an abscondence or escape from the Youth Justice Facility and receipt of a report prepared under condition 22 above; and
 - (c) Following an update to the SIA.
39. Any review and/or update of the SIMP shall:
- (a) Provide updates to the framework to identify and assess potential social effects of the Youth Justice Facility; and/or
 - (b) Identify any social research required to further understand the social effects; and/or
 - (c) Identify any changes to the measures proposed to be undertaken to avoid, remedy or mitigate any potential adverse social impacts on the community including on any specific geographic communities; and/or
 - (d) Identify any changes to the framework for monitoring (including selected indicators and methods of measuring to be used and responsibilities for social data collection) and reporting requirements; and/or
 - (e) Identify any changes to the timeframes required for future review / update of the SIMP.

40. The reviewed or updated SIMP shall be submitted to the Council for certification and subsequent implementation in accordance with the requirements of these conditions.

Phone number and email address for non-urgent matters

41. A telephone number and email address shall be nominated by the requiring authority for contacting the Residence to report any concerns or ask questions that are not of an urgent nature. The telephone number shall be staffed during normal working hours and provide for the recording of messages. The telephone number and email address shall be distributed to the CLC and residents adjoining the site, and made available to other members of the community upon request, and publicised through the Neighbourhood Forum communication channels.

Advice note:

Condition 18(b) above provides for the establishment of a separate 24 hour hotline for urgent matters.

Complaints Register

42. A complaints register shall be established and maintained by the requiring authority, to record any concerns or complaints or matters generally, or arising from the re-purposing of the Residence for youth justice purposes. Any complaints or concerns received and recorded on this register shall be reported by the requiring authority to the CLC along with reporting of any action taken by the requiring authority in response to the concern or complaint.

Neighbourhood Forum

43. A Neighbourhood Forum shall be convened prior to the commencement of operation of the Residence for youth justice purposes.

44. The purpose of the Neighbourhood Forum is to:

- (a) provide opportunities for residents to build an understanding of the operation of the Residence including through receipt of information from the requiring authority regarding the operation of the Youth Justice Facility and the Care and Protection Facility; and
- (b) to provide comment and feedback on the changes proposed to the Residence as a consequence of the inclusion of, and transition to, youth justice services; and
- (c) provide opportunities for residents to build an understanding of the Residence's social effects.

45. The functions of the Neighbourhood Forum shall include:

- (a) To enable the manager(s) of the Youth Justice Facility and the Care and Protection Facility or the requiring authority (as appropriate) to provide information to the community relating to:

- i. The SIMP, including any monitoring reports and reviews;
 - ii. Physical works proposed at the site, where such changes may impact on the road frontage, signage or overall appearance of the site from public places;
 - iii. Physical works proposed at the site associated with changes to boundary fences, screening or physical security systems;
 - iv. Operational changes associated with the use of the Residence or operational security; and
 - v. Processes that will be implemented for any security breaches from the Youth Justice Facility (including abscondences).
- (b) To provide opportunities for residents and members of the forum to provide feedback and input to the requiring authority on the above.
- (c) To provide information on how the feedback received has been considered and responded to by the requiring authority.

46. Meetings or information sessions with the Neighbourhood Forum shall be held at least 2 times a year for up to 2 years following the introduction of youth justice services at the Residence and annually thereafter. The requiring authority in consultation with the Neighbourhood Forum shall consider whether it is necessary to hold additional meetings.

47. The requiring authority shall invite the following people to the Neighbourhood Forum:

- (a) By direct invitation: Those residents at the properties of
- i. 1 to 13 (odd numbers), 4 to 18 (even numbers) Damian Way;
 - ii. 285, 291 to 325 (odd numbers), 314 to 318 (even numbers), 408 to 424 (even numbers) Weymouth Road;
 - iii. 18 to 36 (even numbers), and 1 to 7 (odd numbers) Tutuwahtu Crescent,
 - iv. 67 to 83 (odd numbers), 78 to 108 (even numbers) Kaimoana Street, 4 to 32 (even numbers) Taiapure Street and the six facing properties on the eastern side of Taiapure Street;
 - v. 21 Ipukarea Street;
 - vi. 1 to 9 (odd numbers), 9a, 11 to 17 (odd numbers), 4 to 16 (even numbers) Leaver Place; and
- (b) By open invitation: Residents of the Census Area Units:
- i. Weymouth East;
 - ii. Weymouth West; and
 - iii. Clendon Park South;
- as identified in the updated SIA.

48. Within one month of any Neighbourhood Forum meeting or session, a report will be prepared by the requiring authority and made available to the CLC, any attendees of the Neighbourhood Forum meeting or session and the Council, reporting on the engagement process, the feedback received from the community and actions / responses from the requiring authority.

Communications Plan

49. The requiring authority shall prepare a Communications Plan detailing the following:

- (a) Membership of the Community Liaison Committee;
- (b) The proposed format and communication channels of the Neighbourhood Forum;
- (c) Residents and other people registered with the Neighbourhood Forum (noting this is not a 'membership' forum and is open to all interested residents);
- (d) The nominated complaints processes;
- (e) The nominated phone numbers and email address for both urgent and non-urgent matters; and
- (f) Processes for review of the Communications Plan.

The requiring authority shall provide the Communications Plan to the Council with the SIMP and shall implement any specific measures or processes identified in the Communications Plan as soon as reasonably practicable thereafter.

Transport

50. Provide a safe and direct connection between the main building entrance and the Weymouth Road footpath for those who walk or use public transport.

51. On-site car parking shall be provided at the rate of 0.8 car park spaces per staff member expected on site at any one time (including floor staff on site during periods where shifts overlap). Additional car parking shall also be provided at a rate of one car park space per visitor/whānau room provided for on-site for family/whānau or professional visits.

52. Secure cycle parking spaces shall be provided at the rate of one cycle space per 15 staff members expected on site at any time (including floor staff on site during periods where shifts overlap). Two visitor cycle parking spaces shall be provided within the publicly accessible area of the site.

53. Prior to the commencement of the operation of the Residence for youth justice purposes, a staff TMP shall be prepared and lodged with the Council for certification. The TMP shall generally follow the 'Workplace Travel Plan Guidelines' (NZTA 2011). The objective of the TMP is to encourage staff to use alternative transport modes (walking, cycling and public transport) for commuting to and from the site. The TMP shall include provisions requiring regular monitoring of the performance of the TMP. The TMP shall be implemented and regularly monitored, as certified.

54. A PMP shall be prepared for the site and lodged with the Council for certification within three months of commencing use of the Residence for youth justice purposes. The objective of the PMP is to manage the use of parking and manoeuvring areas (approximately 25 spaces and the associated accessways) located immediately adjacent to the residential boundary during the hours of 10pm and 7am to minimise noise and amenity impacts on neighbours. Included in the PMP shall be a system by which individual traffic movements are limited to no more than 10 vehicles per 15 minute period during the period of 10pm to 7am. The PMP shall be implemented, as certified.

Certification process

55. Should the Council refuse to certify any plan or report required to be certified by these conditions, the requiring authority shall, as soon as practicable, submit a revised plan or report for certification.

Advice Note:

In the event that the Council refuses to certify any plan or report the Council shall promptly provide the requiring authority in writing with the reasons for non-certification.

Naming of the Residence

56. The requiring authority shall ensure that any new name for the Residence and any signage at the road frontage does not include reference to 'Weymouth' or 'Waimahia Inlet'.

Advice note:

It is noted that any new name for the Residence is to be gifted by Puukaki ki te Aakitai

Youth Inclusion Programme

57. Within the first 12 months of the Youth Justice Facility commencing operation on the site and for a minimum period of 5 years, the requiring authority will, provided the other relevant authorities cooperate, establish and operate a Youth Inclusion programme in the wider Weymouth area targeted at the prevention of at risk youth entering the youth justice system.

Advice Note:

The programme would be a multi-agency initiative run in conjunction with community partners that include local iwi social services, local Police, regional Ministry of Education officials and the local schools, and the district health board. The programme would be modelled on the Huntly Oranga Rangatahi programme.

Restriction on Establishment of Other Youth Justice Facilities

58. Oranga Tamariki will not establish or operate any new youth justice facility within a 2.5 km radius of the site to accommodate children/tamariki or young people/rangatahi who have been detained in the custody of the Chief Executive of Oranga Tamariki.

Attachments

Attachment 1

Clinical Screening and Risk Assessment Framework

Clinical Screening Framework for admissions to the Youth Justice Residence at 398 Weymouth Road and ongoing Risk Assessment Framework for suitability of placement

Note: This screening tool has been developed with the support of a Clinical Psychologist with extensive experience in Corrections, Health, Education and Oranga Tamariki services.

Principles

- Violence is not a behaviour, aggression is. People engage in violence in a number of ways including when under the influence of alcohol and or drugs, in self defence, due to a mental health episode or in aggression.
- A child or young person is less likely to re-offend if we understand their needs and how those impact on their behaviour and thinking. A smooth transition to their community will encourage desistance from offending.
- The Youth Justice Residence at 398 Weymouth Road will be used to accommodate vulnerable children and young people. We define vulnerable children and young people as those with, amongst other things, neurodisabilities, intellectual disabilities or those who have higher or complex care and and/or health needs that interact with their offending needs.

Assessment

On admission, children and young people have risk and needs assessments. Assessments are focussed on risk to self, "fit" into the residential environment, offending behaviour, education, health and transition needs. These assessments, completed by the residential clinical team will allow us to determine a level of vulnerability and what is the most appropriate placement for individual children or young people.

Screening for placement

Only those children or young people who satisfy the requirements of Condition 2 of the Designation 3800 shall be considered for placement at the residence under this screening and re-assessment framework.

To determine the suitability of placement at the residence a registered, suitably qualified and experienced Psychologist will verify the assessment of the child or young person against four screening criteria:

1. Propensity for Aggressive Behaviour

Understanding the agreed Summary of Facts for the offence the child or young person has been charged with:

- What part in the alleged offence did the child or young person play?
- If there was violence, what role did they play and what were the factors that contributed to it?
- If there have been past offences, what can we determine from previous behaviours?

Identify if there was a pattern of significant interpersonal aggression or persistent disregulation that would not be manageable in the environment of the Youth Justice Residence at 398 Weymouth Road.

ABSOLUTE: Identification of such factors means they will not be placed at the Youth Justice Residence at 398 Weymouth Road.

2. Risk of Absconding

Previous behaviour while having been in Oranga Tamariki residences (if first admission, then behaviour must be proven)

- Evidence of compliance with structure and rules of a residence.
- Ability to benefit from a behaviour management plan.
- Evidence of engaging with staff, peers and programmes.

Identify absconding risk. The child or young person must have no history of absconding (or attempting to abscond) from an Oranga Tamariki Youth Justice residence.

ABSOLUTE: If there is such a history, they will not be placed in the Youth Justice Residence at 398 Weymouth Road.

3. Attitude to Treatment

Engagement in care plan

- How well do the programmes and interventions available at the Youth Justice Residence match the needs of the child or young person?
- How ready is the child or young person to engage with the proposed activities and interventions?
- Has the child or young person consented to participate in the treatment?

Assess to ascertain the child's or young person's attitude to participating in interventions.

ABSOLUTE: A child or young person who is not prepared to consent to treatment or is not ready for treatment will not be placed in the Youth Justice Residence at 398 Weymouth Road.

4. Peer Associations

Dynamic with existing peer group at the Youth Justice Residence

- Are there identified risks of association? For example no obvious peer group at the Youth Justice Residence (too young, too old, no gender match).
- Are there any co-offenders already at the Youth Justice Residence that cannot be adequately separated from the child or young person?

Assess to identify how well the child or young person interacts with the peer group.

ABSOLUTE: Any history of sustained conflict with peers (obtained via interview or file review), or inappropriate associations that have not been mitigated will exclude admission to the Youth Justice Residence at 398 Weymouth Road.

Escalation

Risk is dynamic. Behaviour and motivation may change on a daily basis. A child or young person who is assessed as suitable for placement at the Youth Justice Residence one day, may not be suitable at a different time. A child or young person placed at the Youth Justice Residence will be inducted to that environment with very clear expectations of what behaviours are expected at the Youth Justice Residence.

If staff are unsatisfied with the level of engagement, or identify a heightened level of risk (either to self or others) then they will be transferred immediately to a more appropriate youth justice environment. The decision maker responsible for this will have the appropriate authority to allow an immediate decision to be made.

It will be expected that this risk review is constant, but formalised at every shift handover, where a screening tool will aid the conversation on appropriateness of placement.

The screening tool will consider: state of mind, arousal levels and group dynamic among other risk indicators.

Operating Model

The operating model will be very similar to that in our existing youth justice residences including Korowai Manaaki (same staff ratio, expectations and protocols, eg line of sight) and provide for:

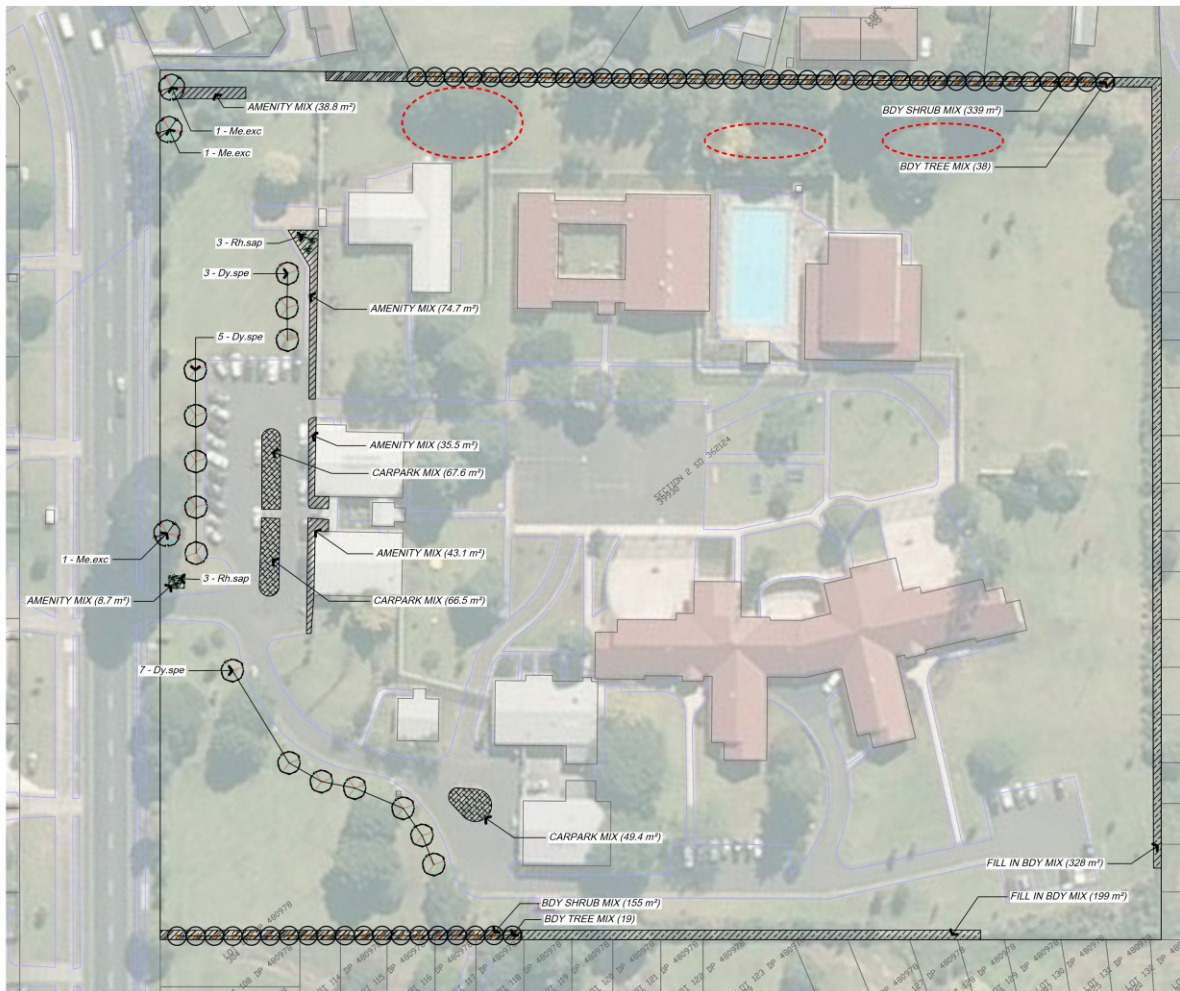
- staffing models that respond to the needs of the young people and that can be altered to respond to changing need. Staff competence in trauma informed practice, meeting the regulatory requirements, including the National Care Standards and organisational standards for support and care of young people placed with Oranga Tamariki.
- a structured day. Which will include, for example, educational or vocational training, therapy, recreation and sport, whanāu visits, and reintegration activities.



Explanation of Intent

The Youth Justice Residence is intended:

- To create a more normal environment to what currently exists in other Oranga Tamariki Youth Justice residences - the centralised school, the pool, the immediate neighbours in an established community go a long way to creating the feel of normality. We believe young people will feel less stigmatised about their detention and motivated to engage in the programmes we expect will improve behaviours and support our goals of positive outcomes for tamariki and rangatahi and reducing reoffending.
- To enable structured interventions to be tailored to specifically address the individual needs of the more vulnerable populations in the care of Oranga Tamariki as well as cohorts of children or young people that require a different approach (like young women).
- To be able to offer programmes that are specific to the needs of young women and vulnerable boys. Programmes we are unable to develop in our existing youth justice residences because of competing priorities. Examples include: cognitive behavioural therapy, dialectical behaviour therapy, sensory programmes, art therapy etc.
- To provide the ability for residents to engage further with interventions available in the community if assessed as appropriate.
- To provide the ability to create an environment, where our young people and staff can be confident that aggression will be unacceptable and never tolerated.
- To provide an ability for residents to engage with whanāu directly to support their ability to care for the child or young person on their return to the community.

Attachment 2 – Landscape Plan



-  Monkey Apple trees x 4 to be removed
-  Scrappy growth to be removed

LANDSCAPE CONCEPT

Boundary condition

Where the proposed condition requires tall growing specimen trees for screening, a hedge of native trees has been allowed for at 4m spacings, at a size of 25L. Species include Puriri, Titoki, Hoheria, Rewarewa and Kowhai (*BDY Tree Mix*).

Underplanting of bushy native shrubs will grow to form a leafy mass under the hedge for lower screening. Species include Pseudopanax, Griselinia, Kawakawa, Hebe, Ti kouka, Coprosma and Wharariki. (*BDY Shrub Mix*).

Infill planting underneath the deciduous hedge will thicken existing planting and provide screening necessary. The understory species mix used above will be continued.

Amenity planting

The carpark mix comprises hardy native low growing species suitable for use in a carpark, such as Meuhlenbeckia, Libertia and Crimson Rata (*Carpark Mix*).









The remaining amenity planting is a mix of flowering native shrubs to create seasonal interest such as Hebe, Rata, Renga renga lilies and Coprosma (*Amenity Mix*).

Specimen trees

On the road frontage an additional TWO Pohutukawa will be located at the Northern end to continue the line of Pohutukawa trees planted parallel to the berm.

Clumps of Nikau will be planted at the roadside entrance and at the entrance of the Marae. Kohekohe have been used to further screen the carpark and visually soften the property when viewed from the road.

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	CONT	QTY	
		BDY TREE MIX			57	
		Hoheria populnea	Locebark	25L	9	
		Knightia excelsa	Rewarewa	25L	14	
		Metrosideros excelsa	Pohutukawa	25L	9	
		Sophora microphylla	Kowhai	25L	11	
		Vitex lucida	Puriri	25L	14	
		Dy.spe	Dysoxylum spectabile	Kohekohe	45L	
			Me.exc	Metrosideros excelsa	Pohutukawa	25L
			Rh.sap	Rhopalostylis sapida	Nikau	45L
SHRUB AREAS						
		BDY SHRUB MIX			493.9 m²	
		Coprosma thamnodes	Mingimiri	2L	1200mm	
		Cordyline australis	Ti Kouka	2L	1000mm	
		Griselinia lucida	Puka	2L	1500mm	
		Hebe stricta	Koromiko	2L	1000mm	
		Macropiper excelsum	Kawakawa	2L	1500mm	
		Phormium cookianum	Wharariki	2L	1200mm	
		Pseudopanax lessonii	Houpara	2L	1500mm	
			CARPARK MIX			183.4 m²
			Libertia pergrinans	NZ Iris	2L	400mm
		Metrosideros carminea	Crimson Rata	2L	1000mm	
		Muehlenbeckia axillaris	Creeping Pohutukawa	2L	1000mm	
		AMENITY MIX			200.8 m²	
		Anthropodium cirratum	Rengarenga	2L	500mm	
		Coprosma rugosa	Coprosma	2L	700mm	
		Hebe x 'Wiri Misi'	Hebe	2L	600mm	
		Metrosideros carminea	Crimson Rata	2L	1000mm	
			FILL IN BDY MIX		526.9 m²	
			Griselinia lucida	Puka	2L	2000mm
		Macropiper excelsum	Kawakawa	2L	2000mm	
	Pseudopanax lessonii	Houpara	2L	2000mm		

Designation Schedule - Minister for Children

Number	Purpose	Location
3800	Oranga Tamariki Residence	398 Weymouth Road, Weymouth
3801	Child welfare institution	26-28 Normandy Place, Henderson
3802	Oranga Tamariki Residence	21-24 Kiwi Tamaki Road, Wiri
3803	Child welfare institution	116-118 Wharf Road, Te Atatu Peninsula

3800 Oranga Tamariki Residence

Designation Number	3800
Requiring Authority	Minister for Children
Location	398 Weymouth Road, Section 2 SO362124
Rollover Designation	Yes
Legacy Reference	Designation 283, Auckland Council District Plan (Manukau Section) 2002
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 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.

Conditions

Definitions:

CLC: Community Liaison Committee (see Conditions 9 to 14 of this designation).

EMP: Emergency Management Plan prepared under Condition 15 of this designation.

Neighbourhood Forum: The Neighbourhood Forum referred to in Conditions 43 - 48 of this designation.

NMP: Noise Management Plan prepared under Condition 24 of this designation.

Notification List: A list of people to be contacted in the event of an abscondence from the Youth Justice Residence. The list is to be maintained by the manager of the Youth Justice Residence. The persons on the Notification List will be determined and updated in accordance with Condition 18(d), however the following people are invited to be included on the list as a minimum:

- Residents of directly adjoining properties to the site, on Weymouth Road, Tutuwhatu Crescent, Kaimoana Street, Taiaapure Street and Leaver Place; and
- Any other residents from the wider neighbourhood area as confirmed in the updated SIA.

PMP: Parking Management Plan prepared under Condition 54 of this designation.

Regulations: The regulations set out in the Oranga Tamariki (Residential Care) Regulations 1996 in force relating to the establishment, function and operation of CLCs.

Residence: Describes the whole of the site used for care and protection and youth justice functions as shown on the Concept Plan (below).

SIA: Social Impact Assessment.

SIA specialist: an independent and suitably qualified and experienced SIA specialist, whose appointment shall be agreed by the Council and the requiring authority.

SIMP: Social Impact Management Plan prepared under Condition 35 to 40 of this designation.

SMP: Security Management Plan prepared under Condition 15 of this designation.

TMP: Travel Management Plan prepared under Condition 53 of this designation.

Care and Protection Facility: That part of the Residence to be occupied exclusively by the care and protection function, that includes the Wharenui, as shown on the Concept Plan (below).

Youth Justice Facility: That part of the Residence to be occupied exclusively by the Youth Justice function as shown on the Concept Plan (below).

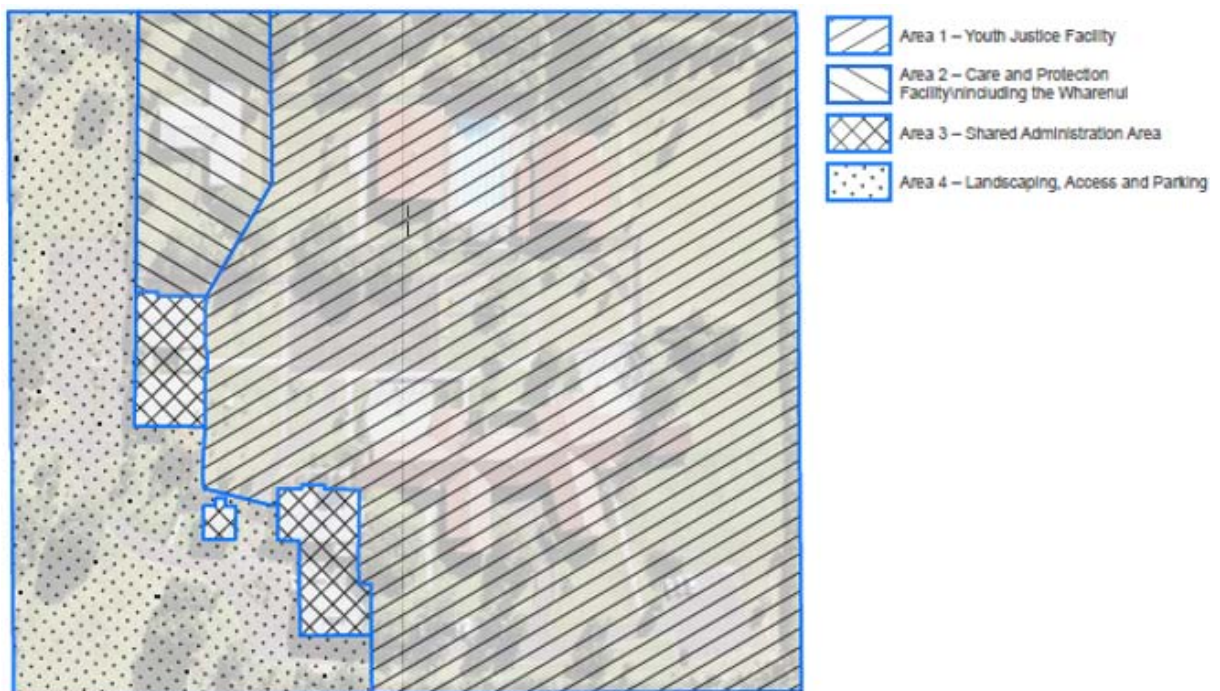
The site: The property at 398 Weymouth Road, Weymouth legally described as Section 2 SO362124 and shown on the Concept Plan (below).

Auckland High Needs Hub: The Auckland regional committee led by Oranga Tamariki responsible for considering care and protection placements under the Oranga Tamariki Act 1989 regarding referrals of high needs children/tamariki and young people/rangatahi within the Auckland Region.

Te Tai Tokerau Hub: The Te Tai Tokerau (Northland) regional committee led by Oranga Tamariki responsible for considering care and protection placements under the Oranga Tamariki Act 1989 regarding referrals of high needs children/tamariki and young people/rangatahi within the Te Tai Tokerau (Northland) Region.

National Residential Services Manager: The person within Oranga Tamariki who is responsible for Care and Protection residential services provided nationwide under the Oranga Tamariki Act 1989, and to whom the Manager of the Care and Protection Facility reports.

Concept Plan: Designation 3800 – Oranga Tamariki Residence



Placements

1. The placement of up to 20 children/tamariki and young persons/rangatahi at any one time shall be permitted at the site.
2. There shall be no youth justice placement at the site of:
 - (a) Any children/tamariki or young people/rangatahi who are:
 - i. Remanded into the custody of the chief executive of Oranga Tamariki under the Criminal Procedure Act 2011; or
 - ii. Detained under a sentence in any Oranga Tamariki residence in accordance with the Corrections Act 2004; or
 - iii. Charged with or detained under a sentence in respect of any Category 4 offence as defined in the Criminal Procedure Act 2011

except that up to a total of five (5) female children/tamariki or young people/rangatahi may be placed at the Youth Justice Facility at any one time who fall under the above categories.

- (b) Any children/tamariki or young people/rangatahi who are charged with or detained under a sentence in respect of any sexual crime as set out between sections 127 and 144A of the Crimes Act 1961.

Advice Note :

This condition reflects the intention of the requiring authority to use the Youth Justice Facility for the placement of females and vulnerable young males. Condition 2 prevents certain children, young people and young adults from being placed at the Residence where:

- Their offending is being dealt with or they are serving a sentence imposed by the adult courts (condition 2 (a)(i) and (ii)).
- They are charged with or serving a sentence for the most serious offences, whether or not they are being dealt with or have been sentenced by the youth court or the adult courts (condition 2 (a)(iii)).
- They are charged with or are serving a sentence for a sexual crime (condition 2(b)).

Except that up to five females whose offending is being dealt with or who are serving a sentence imposed by the adult courts, or who are charged with or serving a sentence for the most serious offences, may be placed at the Youth Justice Facility unless they are charged with or serving a sentence for a sexual crime.

3. Prior to placement of any child/tamariki or young person/rangatahi for youth justice purposes at the site, an assessment confirming and verifying his or her suitability for placement at the Youth Justice Facility will be undertaken off-site. This assessment will be undertaken by a registered suitably qualified and experienced psychologist in accordance with the Clinical Screening and Risk Assessment Framework at **Attachment 1** to this designation ("**Assessment Framework**"). For the avoidance of doubt, where the outcome of an assessment required by this condition is that one or more of the "absolutes" identified in the Assessment Framework applies to any child/tamariki or young person/rangatahi, the child/tamariki or young person/rangatahi in question shall not be placed at the Youth Justice Facility.
4. The Manager of the Youth Justice Facility will provide written confirmation to the Council once every 12 months that all youth justice placements in the preceding period have been subject to the above assessment. On request, the Council may at any time but subject to providing at least one week's notice access the relevant records relating to the Assessment Framework to verify compliance with conditions 2 and 3 subject to redaction of any personal information identifying the children or young people themselves.

Advice note:

Conditions 2 and 3 reflect the requiring authority's intention that the Youth Justice Facility will only accommodate children/tamariki or young people/rangatahi with a lower risk profile.

5. The care and protection function and youth justice function shall be kept separate at all times on the site with the exception of administrative functions (which may use the Shared Administration Area shown as Area 3 on the Concept Plan).
6. (1) No children/tamariki or young people/rangatahi will be held in the Care and Protection Facility who:
 - (a) Are currently subject to any order under section 238(1)(d), (e) or (f) of the Oranga Tamariki Act 1989; or
 - (b) Are placed with the chief executive under section 235 of the Oranga Tamariki Act 1989.
- (2) In circumstances where the requiring authority is considering whether to place children / tamariki or young people / rangatahi subject to any of the youth justice processes set out in condition 6(2)(a) at the Care and Protection Facility, the requiring authority shall take the steps in condition 6(2)(b) before making that placement:
 - (a) The relevant youth justice processes are that the children / tamariki or young people / rangatahi are:
 - (i) Subject to an order under section 238(1)(a), (b) or (c) of the Oranga Tamariki Act 1989; or
 - (ii) Subject to a Police Alternative Action process; or
 - (iii) Involved in a Family Group Conference process under section 247 of the Oranga Tamariki Act 1989.
 - (b) Before making any placement at the Care and Protection Facility for any children / tamariki or young people / rangatahi subject to the processes in condition 6(2)(a) the requiring authority shall ensure that:
 - (i) Subject to (ii) below, any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility shall be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub.
 - (ii) Any decision regarding an out of hours or emergency admission to the Care and Protection Facility that cannot be made by the Auckland High Needs Hub or the Te Tai Tokerau Hub shall be made by the National Residential Services Manager or their duly authorised delegate. This delegate shall be an officer at Tier 3 level or above in Oranga Tamariki's organisational structure.
 - (iii) Any decision regarding whether to place the children / tamariki or young people / rangatahi at the Care and Protection Facility shall have regard to:
 - A. The nature of the alleged or admitted offence; and
 - B. Any matters raised by the Police or the Youth Court regarding the circumstances relating to the child or young person and the alleged offending.
- (3) The Manager of the Care and Protection Facility will provide written confirmation to the Council once every 12 months that all placements pursuant to condition 6 in the preceding period have been subject to the pre-placement assessment required by condition 6(2). On request, the Council may at any time but subject to providing at least one week's notice access

the relevant records relating to the pre-placement assessment required by condition 6(2) to verify compliance with condition 6, subject to redaction of any personal information identifying the children / tamariki or young people / rangatahi themselves.

7. The placement conditions 1- 5 shall be incorporated into the document held at the Residence that specifies the key operating procedures for the Youth Justice Facility.
8. The placement conditions 1, 5 and 6 shall be incorporated into the document held at the Residence that specifies the key operating procedures for the Care and Protection Facility.

Community Liaison Committee

9. A CLC shall be convened in accordance with conditions 10 to 14 below.

Advice Note:

The CLC is also convened under the relevant Regulations (Oranga Tamariki (Residential Care) Regulations 1996).

10. In addition to the functions specified in the Regulations, the functions of the CLC shall include:
 - (a) reporting concerns and effects to the requiring authority;
 - (b) providing commentary on the potential social effects of the Residence on the surrounding community (including any potential effects identified in the SIMP);
 - (c) considering and discussing responses from the requiring authority to concerns raised or effects identified by the CLC, and any measures to be adopted by the requiring authority to:
 - i. remedy or mitigate those concerns and effects; and
 - ii. manage operations at the Residence to provide for the safety and security of the community;
 - (d) providing commentary on the effectiveness of any measures (including any measures identified in the SIMP) adopted by the requiring authority to:
 - i. remedy or mitigate those concerns and effects; and
 - ii. manage operations at the Residence to provide for the safety and security of the community;
 - (e) considering and discussing updates relating to the children/tamariki or young persons/rangatahi who have been placed at the Residence (but not individual cases), including programmes being undertaken and community events;
 - (f) providing input to the manager of the Youth Justice Facility or the requiring authority (as appropriate) as to various stakeholder views regarding matters relating to:
 - i. any future physical works at the Residence (excluding maintenance) triggering the outline plan process under s 176A RMA, particularly (but without limitation) where such physical works may impact on either the security or the overall appearance of the Residence;
 - ii. safety and security arrangements at the site generally, including:
 - A. the SMP and EMP prepared in accordance with condition 15 (as well as any periodic review of those plans); and
 - B. details of any emergencies or security incidents at the site, including the responses taken to deal with those incidents; and
 - C. any report prepared in accordance with conditions 22 and 31; and

- (g) providing input into the development of the SIMP for the Youth Justice Facility and any monitoring reports or reviews of the SIMP;
- (h) considering any report prepared pursuant to condition 48; and
- (i) making recommendations to the requiring authority (as appropriate), which the requiring authority shall consider and respond to, on any of the matters referred to in paragraphs (a) to (h) above.

11. Meetings of the CLC shall be held at least 4 times a year, however:

- (a) The CLC shall consider whether or not it is necessary to hold additional meetings to consider and respond to concerns raised by the local community in relation to any matter, including the matters set out in condition 10; and
- (b) During the period in the first two years following the commencement of the youth justice functions, unless the CLC decides otherwise, meetings of the CLC shall be held as a minimum every two months.

12. In addition to the membership requirements specified in the Regulations, and any existing members of the established CLC as at 7 April 2020, invitations shall be sent as soon as reasonably practicable after the NOR is confirmed to:

- any adjoining residents of the site;
- Puukaki ki te Aakitai;
- Waimahia Intermediate School;
- Weymouth Primary School;
- Te Matauranga;
- Finlayson Park School;
- James Cook High School;
- a representative of the Ministry of Education (to represent other schools in the area);
- any organisation representing Waimahia Inlet residents;
- Choice Kids (the early childcare facility at 436 Weymouth Road);
- Clendon Pride; and
- TYLA Youth Development Trust

to provide nominations of representatives to join the CLC.

Invitations shall be re-sent annually thereafter to the same recipients as specified above.

13. The requiring authority shall ensure that:

- (a) A report is sent to the Chair and all registered members of the CLC each month, providing updates relating to:
 - i. the numbers and reasons for placement in the care of Oranga Tamariki (e.g. remand or sentencing etc) for children/tamariki or young persons/rangatahi who have been placed at the Youth Justice Facility (without providing detail on individual cases); and
 - ii. Any events involving abscondences or unauthorised departures from the Residence including any incident specific or operational response taken to deal with the incident(s).

- (b) A copy of the 12 monthly report to be provided by the requiring authority to the Council

under condition 6(3) is to be provided to the CLC at the same time it is provided to the Council.

- (c) As much information as possible is provided to the CLC concerning the risk assessment methodology applied by the requiring authority to decision making concerning placements at the Youth Justice Facility.
- (d) The CLC is advised of any future physical works at the Residence (excluding maintenance) triggering the outline plan process under s 176A RMA.
- (e) The CLC is advised that it may:
 - i. Establish a working group, comprised of interested members of the CLC, to co-ordinate the CLC's input into the SIMP;
 - ii. Have independent advice from a suitably qualified and experienced SIA expert to assist the CLC in undertaking its functions (as set out in condition 10 above); and
 - iii. Propose an independent, suitably qualified and experienced SIA expert to the requiring authority for its approval, to provide the advice to the CLC under condition 13(e)(ii) above in accordance with condition 13(f) below.
- (f) Any expert proposed by the CLC to the requiring authority under condition 13(e)(iii) above is instructed and funded for their fees in connection with:
 - i. advice to the CLC on the development of the SIMP to a maximum of \$20,000 + GST; and
 - ii. advice to the CLC in relation to monitoring/reporting and SIMP updates in subsequent years, while SIMP processes (including annual monitoring/ reporting and SIMP updates) are continuing, to a maximum of \$5,000 + GST per annum unless the requiring authority is of the view that any proposed expert is not sufficiently independent, qualified or experienced in SIA matters. In such an event the CLC shall be advised that it may propose another expert and the requiring authority will assist the CLC in identifying such experts as necessary.

14. If the CLC has not taken up the opportunities in condition 13(e) and (f) above within 25 working days of the requiring authority advising the CLC in writing that it is either initiating the SIMP or commencing a monitoring review, the obligation under condition 13(f) above shall not apply.

Security

- 15. An SMP and EMP for the Residence shall be formulated prior to the commencement of any youth justice function of the Residence in consultation with key stakeholders including the Council, the NZ Police, the Ministry of Education and relevant emergency services and the CLC. There will be separate SMP and EMP provisions for the youth justice function and the care and protection function. The requiring authority shall implement the SMP and EMP on the commencement of any youth justice use of the Residence.
- 16. The SMP and EMP shall be reviewed at intervals of not more than 6 months.
- 17. Personal visits to children/tamariki or young persons/rangatahi at the Youth Justice Facility shall be held in areas that are separated from the residential areas within the Youth Justice Facility by at least one secure door and which enable visits to occur without the need for visitors to pass through areas where residents are accommodated.
- 18. In the event of an abscondence from the Youth Justice Facility, the requiring authority shall ensure that, as a minimum, the following requirements are met:

- (a) Notification of those persons included on the Notification List required by condition 18(d) shall commence immediately upon the control room being notified of such an event;
 - (b) A 24 hour toll-free hotline shall be provided for the community to ask questions during incidents, report concerns and/or provide information to the Residence;
 - (c) All persons on the Notification List are to be provided with the number of the hotline; and
 - (d) The Notification List and those persons provided with the hotline number and the method of notification will be determined in consultation with the CLC and updated, as necessary, from time to time.
19. Prior to commencement of any youth justice use of the site, and subject to condition 20, the following additional security measures for the Youth Justice Facility shall be implemented at the site:
- (a) Upgrade the existing 3m wire fences on the site to reduce the risk of children/tamariki or young people/rangatahi scaling them (for instance, through the addition of angled 'anti-climb' extensions or roller barrier devices to the tops of fences);
 - (b) Introduce effective barriers or other 'anti-climb' measures such as roller barrier devices to minimise the risk of escape over building roof tops;
 - (c) Install low profile bollards set back from the street frontage to prevent vehicular access into the site/carpark other than through the barrier arm;
 - (d) Upgrade all glazing, doors and locks in Area 1 including, as required, at the interface of Areas 2 and 3, to the latest standard used at youth justice residences in all areas where children/tamariki or young people/rangatahi have access;
 - (e) Install lock down functionality allowing secure doors to be locked from the control room and preventing keys being used to exit secure areas;
 - (f) Install interlock functionality which will require internal doors to be secured before external doors can be opened (including as a minimum for all doors opening onto unfenced areas);
 - (g) Upgrade/repair the existing perimeter wooden fence as necessary to provide a continuous fence at the boundary; and
 - (h) Install additional CCTV at the Site, monitored on-site at the Residence on a 24-hour basis, so as to ensure comprehensive CCTV coverage of the site, including all areas where there have been specific security barriers put in place to prevent abscondings, while ensuring that privacy of neighbours is maintained.
20. Prior to the additional security measures required by condition 19 being installed and implemented, the requiring authority shall lodge with the Council details of the proposed measures for certification by the Council that the proposed measures will meet the requirements and objectives specified in condition 19 above and in condition 21. The requiring authority shall implement the measures in accordance with the certified plan.
21. All additional security measures shall be designed and located to minimise visual and amenity effects for neighbours to the greatest possible extent.
22. Immediately following any abscondence from the Youth Justice Facility, a detailed security review shall be undertaken, and a report prepared by a suitably qualified and experienced security specialist to identify the circumstances of the event and any further mitigation or security measures which need to be undertaken in response. The report shall be provided to the CLC and the Council for input as soon as practicable following the event. The requiring authority shall promptly implement any recommended mitigation or security measures in the report (taking into account any input / recommendations made by the CLC or the Council).

Noise

23. 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:

Time	Noise Level
Monday to Saturday 7am – 10pm	50 dB LAeq
Sunday 9am – 6pm	
All Other Times	40dB LAeq 75 dB LAFmax

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

24. The requiring authority shall prepare and submit to the Council a NMP for the site. The objective of the NMP is to ensure that noise generated outdoors and at night is minimised as far as practicable. The NMP shall set out procedures for:
- (a) The minimisation of noise from children and young persons undertaking activities outdoors, and procedures for dealing with unnecessarily noisy behaviour or activities;
 - (b) The minimisation of noise from all activities occurring between 10pm and 7am that may be audible beyond the site boundaries, including any curfews;
 - (c) Making all staff aware of the need to take all practicable steps to minimise noise effects on the neighbours of the Residence;
 - (d) Ensuring that staff are aware of the need to minimise their own noise, particularly during shift changes at night;
 - (e) Regular maintenance of any noise-generating plant or machinery on the Residence that is audible beyond the boundaries of the site to minimise the noise emissions; and
 - (f) Receiving, logging, actioning and responding to noise complaints.
25. The NMP shall be submitted to the Council for certification within 3 months of operation of the Residence for youth justice purposes, and shall be implemented and complied with thereafter, as certified.

Landscaping

26. A landscape plan shall be lodged with the Council for certification prior to operation of the Residence for youth justice purposes. This plan shall outline planting and maintenance details consistent with the Proposed Landscape Plan prepared by Boffa Miskell dated 12 November 2019 [Attachment 2] to meet the following objectives:
- (a) **Side and rear boundary planting** – this area shall be landscaped with trees, shrubs and lawn to provide and maintain a permanent visual screen between the Residence and the adjoining properties. The plan for this area shall:
 - i. locate and identify the existing vegetation, including the species, existing height, and

- predicted height at maturity;
 - ii. recommend any replacement planting and additional species to fill any current gaps in order to meet the above screening objective; and
 - iii. outline ongoing maintenance measures to ensure permanent screening is achieved.
- (b) **Road frontage boundary planting** – this area shall be landscaped to provide a high level of amenity when the Residence is viewed from the road. The plan for this area shall:
- i. locate and identify the existing vegetation, including the species, existing height, and predicted height at maturity;
 - ii. be designed to retain an open frontage to maintain safety and security with clear sightlines to the main entry and the Wharenuī from the street;
 - iii. include lighting and signage that contributes positively to the amenity of the street;
 - iv. remove any vegetation that may cause ongoing safety or maintenance issues;
 - v. comprise a mix of native specimen trees, low growing groundcover plants and lawn areas;
 - vi. use species to support the ecology of the area; and
 - vii. outline ongoing maintenance measures.

27. The certified updated landscape plan required under condition 26 shall be implemented as soon as possible following certification. All planting associated with the landscape plan shall be maintained regularly and kept in a tidy condition in accordance with the ongoing maintenance measures outlined in the landscape plan.

Lighting

28. 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.

Buildings

29. Any new buildings or building extensions shall not exceed 8 metres in height and shall be set back from all side and rear boundaries by at least 18 metres and the front boundary by at least 20 metres.
30. Any windows on new buildings or building extensions facing side or rear boundaries shall be glazed with translucent glass (or equivalent) to maintain the privacy of residential neighbours.
31. An outline plan will be required to be submitted to the Council under section 176A of the Resource Management Act 1991 for any new buildings on the site. When submitting an outline plan the requiring authority shall contemporaneously lodge a detailed security report with the Council, prepared by a suitably qualified and experienced security specialist, for assessment by the Council in conjunction with the outline plan. The security report shall provide full details of all security measures to be implemented in conjunction with the proposed work, including any consequential amendments required to existing security measures.

Updates to Social Impact Assessment

32. The SIA can be updated at the request of the CLC and/or Council where new buildings or future physical works are built or undertaken at the site (excluding maintenance), particularly where Auckland Unitary Plan Operative in part

such physical works may impact on the security or the overall appearance of the site or the scale of activity on the site.

33. The updated SIA shall be prepared by a SIA specialist and shall:
- (a) Consider the actual and potential social effects relating to health and wellbeing, sense of place, community aspirations and way of life;
 - (b) Include appropriate data collection, survey and engagement with communities and stakeholders;
 - (c) Take into account any mitigation provided by the designation conditions and identify any further mitigation measures considered appropriate to respond to potential impacts;
 - (d) Identify the geographic communities potentially impacted, including consideration of immediate neighbours, neighbouring streets, the Waimahia Inlet, the Weymouth community and/or other stakeholders.
 - (e) Determine any social effects that will require management, and monitoring in accordance with the monitoring framework addressed under condition 35; and
 - (f) Identify the necessary management measures that will inform the SIMP.
34. Any update of the SIA shall be prepared by a SIA specialist and submitted to the Council prior to the proposed change(s) being implemented, or within such timeframe as otherwise approved by the Council in writing.

Social Impact Management Plan

35. The requiring authority shall prepare and submit for certification by the Council a SIMP in general accordance with the Draft SIMP (13 March 2020).

The following conditions shall apply to the SIMP:

- (a) Process:
- i. The SIMP shall be prepared by a SIA specialist and shall be based on best practice guidelines and procedures for social impact management.
 - ii. The initial SIMP shall be updated to include any provisions required by the final conditions of designation.
 - iii. The SIMP shall be completed and any update to the SIMP shall be prepared with input on stakeholder views from the CLC and Neighbourhood Forum in accordance with conditions 10 and 45.
 - iv. An initial SIMP shall be submitted for certification by the Council within 3 months of 7 April 2020.
- (b) Purposes: The purposes of the SIMP shall be to:
- i. Provide an updateable framework to identify, assess, monitor, and manage the social effects of the Youth Justice Facility on neighbours, the Weymouth community, other stakeholders, and also to provide an annual report on the outcomes of this work for a minimum period of two years;
 - ii. Identify the measures to be undertaken to avoid, remedy or mitigate any potential adverse social impacts on neighbours, the Weymouth community and other stakeholders arising from the operation of the Residence for youth justice purposes as identified in the updated SIA, including those set out in conditions 15, 19, 26 and 49;
 - iii. Provide an adaptive response if unanticipated effects are identified, which may include research to better understand the unanticipated effects or possible mitigation

measures.

(c) Parameters: The SIMP shall provide:

- i. The framework for identifying, assessing, monitoring (including selected indicators and methods of measuring to be used and responsibilities for social data collection), and managing the social effects, together with the reporting requirements;
- ii. A summary of what impacts are predicted and the characteristics of those effects.
- iii. How the requiring authority proposes to manage and mitigate potential social impacts on way of life, health and wellbeing, sense of place, community aspirations, and personal / property rights as set out in the Updated SIA (2 March 2020);
- iv. The mechanisms for monitoring and reporting any identified potential social impacts;
- v. Monitoring indicators for identified potential adverse social impacts, to:
 - Assess the effectiveness of the management and mitigation strategies and proposed actions; and
 - Provide early warning of any change in the scale or severity of social impacts being realised from those assessed in the Updated SIA;
- vi. Processes, including communication with the community and engagement with the CLC, to identify alternative measures for management / mitigation of potential adverse social effects;
- vii. Processes to identify:
 - Alternative mechanisms for the monitoring of potential adverse social effects; and
 - Any research that may be required to monitor, assess and respond to any unanticipated social effects.
- viii. Obligations regarding reporting the certification and review processes undertaken by Council in respect of the SIMP.

(d) Anticipated Outcomes: The SIMP will:

- i. Enable the Requiring Authority to obtain accurate and timely information regarding any social effects generated by the Youth Justice Facility; and
- ii. Specify appropriate and practical measures for responding to and managing any adverse social effects that do arise.

(e) Implementation: The certified SIMP shall be implemented within the timeframe(s) identified in the SIMP, or, in the absence of any specific timeframe, as soon as reasonably practicable. Any measures implemented in accordance with the SIMP which are intended to be of continuing effect shall be maintained and continue to be complied with by the requiring authority.

SIMP Annual Monitoring Reports

36. The requiring authority shall engage a SIA specialist to prepare an annual report on monitoring requirements outlined in the SIMP. The annual monitoring report shall include a summary of any matters raised with the CLC and any response / feedback on those matters from the CLC and its members.
37. The annual monitoring report shall be lodged with the Council within one month of the first and second anniversary of certification of the initial SIMP, save that in the event that monitoring identifies new or increasing adverse social effects requiring development of further management / mitigation, the obligations in condition 36 shall be extended by a period of up to

two years. The Council may determine the period of any extended monitoring to a maximum of two years. Should subsequent monitoring reports identify new or increasing adverse social effects the provisions of this condition will continue to apply.

Review of the SIMP

38. The SIMP shall be reviewed and updated in the following circumstances:
- (a) The annual monitoring identifies potential new or increasing adverse social effects requiring development of further social research, management / mitigation;
 - (b) At the request of the CLC in the event of an abscondence or escape from the Youth Justice Facility and receipt of a report prepared under condition 22 above; and
 - (c) Following an update to the SIA.
39. Any review and/or update of the SIMP shall:
- (a) Provide updates to the framework to identify and assess potential social effects of the Youth Justice Facility; and/or
 - (b) Identify any social research required to further understand the social effects; and/or
 - (c) Identify any changes to the measures proposed to be undertaken to avoid, remedy or mitigate any potential adverse social impacts on the community including on any specific geographic communities; and/or
 - (d) Identify any changes to the framework for monitoring (including selected indicators and methods of measuring to be used and responsibilities for social data collection) and reporting requirements; and/or
 - (e) Identify any changes to the timeframes required for future review / update of the SIMP.
40. The reviewed or updated SIMP shall be submitted to the Council for certification and subsequent implementation in accordance with the requirements of these conditions.

Phone number and email address for non-urgent matters

41. A telephone number and email address shall be nominated by the requiring authority for contacting the Residence to report any concerns or ask questions that are not of an urgent nature. The telephone number shall be staffed during normal working hours and provide for the recording of messages. The telephone number and email address shall be distributed to the CLC and residents adjoining the site, and made available to other members of the community upon request, and publicised through the Neighbourhood Forum communication channels.

Advice note:

Condition 18(b) above provides for the establishment of a separate 24 hour hotline for urgent matters.

Complaints Register

42. A complaints register shall be established and maintained by the requiring authority, to record any concerns or complaints or matters generally, or arising from the re-purposing of the Residence for youth justice purposes. Any complaints or concerns received and recorded on this register shall be reported by the requiring authority to the CLC along with reporting of any

action taken by the requiring authority in response to the concern or complaint.

Neighbourhood Forum

43. A Neighbourhood Forum shall be convened prior to the commencement of operation of the Residence for youth justice purposes.
44. The purpose of the Neighbourhood Forum is to:
 - (a) provide opportunities for residents to build an understanding of the operation of the Residence including through receipt of information from the requiring authority regarding the operation of the Youth Justice Facility and the Care and Protection Facility; and
 - (b) to provide comment and feedback on the changes proposed to the Residence as a consequence of the inclusion of, and transition to, youth justice services; and
 - (c) provide opportunities for residents to build an understanding of the Residence's social effects.
45. The functions of the Neighbourhood Forum shall include:
 - (a) To enable the manager(s) of the Youth Justice Facility and the Care and Protection Facility or the requiring authority (as appropriate) to provide information to the community relating to:
 - i. The SIMP, including any monitoring reports and reviews;
 - ii. Physical works proposed at the site, where such changes may impact on the road frontage, signage or overall appearance of the site from public places;
 - iii. Physical works proposed at the site associated with changes to boundary fences, screening or physical security systems;
 - iv. Operational changes associated with the use of the Residence or operational security; and
 - v. Processes that will be implemented for any security breaches from the Youth Justice Facility (including abscondences).
 - (b) To provide opportunities for residents and members of the forum to provide feedback and input to the requiring authority on the above.
 - (c) To provide information on how the feedback received has been considered and responded to by the requiring authority.
46. Meetings or information sessions with the Neighbourhood Forum shall be held at least 2 times a year for up to 2 years following the introduction of youth justice services at the Residence and annually thereafter. The requiring authority in consultation with the Neighbourhood Forum shall consider whether it is necessary to hold additional meetings.
47. The requiring authority shall invite the following people to the Neighbourhood Forum:
 - (a) By direct invitation: Those residents at the properties of:
 - i. 1 to 13 (odd numbers), 4 to 18 (even numbers) Damian Way;
 - ii. 285, 291 to 325 (odd numbers), 314 to 318 (even numbers), 408 to 424 (even numbers) Weymouth Road;
 - iii. 18 to 36 (even numbers), and 1 to 7 (odd numbers) Tutuwahtu Crescent,
 - iv. 67 to 83 (odd numbers), 78 to 108 (even numbers) Kaimoana Street, 4 to 32 (even numbers) Taiapure Street and the six facing properties on the eastern side

- of Taiapure Street;
 - v. 21 Ipukarea Street;
 - vi. 1 to 9 (odd numbers), 9a, 11 to 17 (odd numbers), 4 to 16 (even numbers) Leaver Place; and
- (b) By open invitation: Residents of the Census Area Units:
- i. Weymouth East;
 - ii. Weymouth West; and
 - iii. Clendon Park South;
- as identified in the updated SIA.

48. Within one month of any Neighbourhood Forum meeting or session, a report will be prepared by the requiring authority and made available to the CLC, any attendees of the Neighbourhood Forum meeting or session and the Council, reporting on the engagement process, the feedback received from the community and actions / responses from the requiring authority.

Communications Plan

49. The requiring authority shall prepare a Communications Plan detailing the following:
- (a) Membership of the Community Liaison Committee;
 - (b) The proposed format and communication channels of the Neighbourhood Forum;
 - (c) Residents and other people registered with the Neighbourhood Forum (noting this is not a 'membership' forum and is open to all interested residents);
 - (d) The nominated complaints processes;
 - (e) The nominated phone numbers and email address for both urgent and non-urgent matters; and
 - (f) Processes for review of the Communications Plan.

The requiring authority shall provide the Communications Plan to the Council with the SIMP and shall implement any specific measures or processes identified in the Communications Plan as soon as reasonably practicable thereafter.

Transport

50. Provide a safe and direct connection between the main building entrance and the Weymouth Road footpath for those who walk or use public transport.

51. On-site car parking shall be provided at the rate of 0.8 car park spaces per staff member expected on site at any one time (including floor staff on site during periods where shifts overlap). Additional car parking shall also be provided at a rate of one car park space per visitor/whānau room provided for on-site for family/whānau or professional visits.
52. Secure cycle parking spaces shall be provided at the rate of one cycle space per 15 staff members expected on site at any time (including floor staff on site during periods where shifts overlap). Two visitor cycle parking spaces shall be provided within the publicly accessible area of the site.
53. Prior to the commencement of the operation of the Residence for youth justice purposes, a staff TMP shall be prepared and lodged with the Council for certification. The TMP shall generally follow the 'Workplace Travel Plan Guidelines' (NZTA 2011). The objective of the TMP is to encourage staff to use alternative transport modes (walking, cycling and public transport) for commuting to and from the site. The TMP shall include provisions requiring regular monitoring of the performance of the TMP. The TMP shall be implemented and regularly monitored, as certified.
54. A PMP shall be prepared for the site and lodged with the Council for certification within three months of commencing use of the Residence for youth justice purposes. The objective of the PMP is to manage the use of parking and manoeuvring areas (approximately 25 spaces and the associated accessways) located immediately adjacent to the residential boundary during the hours of 10pm and 7am to minimise noise and amenity impacts on neighbours. Included in the PMP shall be a system by which individual traffic movements are limited to no more than 10 vehicles per 15 minute period during the period of 10pm to 7am. The PMP shall be implemented, as certified.

Certification process

55. Should the Council refuse to certify any plan or report required to be certified by these conditions, the requiring authority shall, as soon as practicable, submit a revised plan or report for certification.

Advice Note:

In the event that the Council refuses to certify any plan or report the Council shall promptly provide the requiring authority in writing with the reasons for non-certification.

Naming of the Residence

56. The requiring authority shall ensure that any new name for the Residence and any signage at the road frontage does not include reference to 'Weymouth' or 'Waimahia Inlet'.

Advice note:

It is noted that any new name for the Residence is to be gifted by Puukaki ki te Aakitai

Youth Inclusion Programme

57. Within the first 12 months of the Youth Justice Facility commencing operation on the site and for a minimum period of 5 years, the requiring authority will, provided the other relevant authorities cooperate, establish and operate a Youth Inclusion programme in the wider Weymouth area targeted at the prevention of at risk youth entering the youth justice system.

Advice Note:

The programme would be a multi-agency initiative run in conjunction with community partners that include local iwi social services, local Police, regional Ministry of Education officials and the local schools, and the district health board. The programme would be modelled on the Huntly Oranga Rangatahi programme.

Restriction on Establishment of Other Youth Justice Facilities

58. Oranga Tamariki will not establish or operate any new youth justice facility within a 2.5 km radius of the site to accommodate children/tamariki or young people/rangatahi who have been detained in the custody of the Chief Executive of Oranga Tamariki.

Attachments

Attachment 1

Clinical Screening and Risk Assessment Framework

Clinical Screening Framework for admissions to the Youth Justice Residence at 398 Weymouth Road and ongoing Risk Assessment Framework for suitability of placement

Note: This screening tool has been developed with the support of a Clinical Psychologist with extensive experience in Corrections, Health, Education and Oranga Tamariki services.

Principles

- Violence is not a behaviour, aggression is. People engage in violence in a number of ways including when under the influence of alcohol and or drugs, in self defence, due to a mental health episode or in aggression.
- A child or young person is less likely to re-offend if we understand their needs and how those impact on their behaviour and thinking. A smooth transition to their community will encourage desistance from offending.
- The Youth Justice Residence at 398 Weymouth Road will be used to accommodate vulnerable children and young people. We define vulnerable children and young people as those with, amongst other things, neurodisabilities, intellectual disabilities or those who have higher or complex care and and/or health needs that interact with their offending needs.

Assessment

On admission, children and young people have risk and needs assessments. Assessments are focussed on risk to self, “fit” into the residential environment, offending behaviour, education, health and transition needs. These assessments completed by the residential clinical team will allow us to determine a level of vulnerability and what is the most appropriate placement for individual children or young people.

Screening for placement

Only those children or young people who satisfy the requirements of Condition 2 of the Designation 3800 shall be considered for placement at the residence under this screening and re-assessment framework.

To determine the suitability of placement at the residence a registered, suitably qualified and experienced Psychologist will verify the assessment of the child or young person against four screening criteria:

1. Propensity for Aggressive Behaviour

Understanding the agreed Summary of Facts for the offence the child or young person has been charged with:

- What part in the alleged offence did the child or young person play?
- If there was violence, what role did they play and what were the factors that contributed to it?
- If there have been past offences, what can we determine from previous behaviours?

Identify if there was a pattern of significant interpersonal aggression or persistent disregard that would not be manageable in the environment of the Youth Justice Residence at 398 Weymouth Road.

ABSOLUTE: Identification of such factors means they will not be placed at the Youth Justice Residence at 398 Weymouth Road.

2. Risk of Absconding

Previous behaviour while having been in Oranga Tamariki residences (if first admission, then behaviour must be proven)

- Evidence of compliance with structure and rules of a residence.
- Ability to benefit from a behaviour management plan.
- Evidence of engaging with staff, peers and programmes.

Identify absconding risk. The child or young person must have no history of absconding (or attempting to abscond) from an Oranga Tamariki Youth Justice residence.

ABSOLUTE: If there is such a history, they will not be placed in the Youth Justice Residence at 398 Weymouth Road.

3. Attitude to Treatment

Engagement in care plan

- How well do the programmes and interventions available at the Youth Justice Residence match the needs of the child or young person?
- How ready is the child or young person to engage with the proposed activities and interventions?
- Has the child or young person consented to participate in the treatment?

Assess to ascertain the child's or young person's attitude to participating in interventions.

ABSOLUTE: A child or young person who is not prepared to consent to treatment or is not ready for treatment will not be placed in the Youth Justice Residence at 398 Weymouth Road.

4. Peer Associations

Dynamic with existing peer group at the Youth Justice Residence

- Are there identified risks of association? For example no obvious peer group at the Youth Justice Residence (too young, too old, no gender match).
- Are there any co-offenders already at the Youth Justice Residence that cannot be adequately separated from the child or young person?

Assess to identify how well the child or young person interacts with the peer group.

ABSOLUTE: Any history of sustained conflict with peers (obtained via interview or file review), or inappropriate associations that have not been mitigated will exclude admission to the Youth Justice Residence at 398 Weymouth Road.

Escalation

Risk is dynamic. Behaviour and motivation may change on a daily basis. A child or young person who is assessed as suitable for placement at the Youth Justice Residence one day, may not be suitable at a different time. A child or young person placed at the Youth Justice Residence will be inducted to that environment with very clear expectations of what behaviours are expected at the Youth Justice Residence.

If staff are unsatisfied with the level of engagement, or identify a heightened level of risk (either to self or others) then they will be transferred immediately to a more appropriate youth justice environment. The decision maker responsible for this will have the appropriate authority to allow an immediate decision to be made.

It will be expected that this risk review is constant, but formalised at every shift handover, where a screening tool will aid the conversation on appropriateness of placement.

The screening tool will consider: state of mind, arousal levels and group dynamic among other risk indicators.

Operating Model

- The operating model will be very similar to that in our existing youth justice residences including Korowai Manaaki (same staff ratio, expectations and protocols, eg line of sight) and provide for:
- staffing models that respond to the needs of the young people and that can be altered to respond to changing need. Staff competence in trauma informed practice, meeting the regulatory requirements, including the National Care Standards and organisational standards for support and care of young people placed with Oranga Tamariki.
- a structured day. Which will include, for example, educational or vocational training, therapy, recreation and sport, whanāu visits, and reintegration activities.

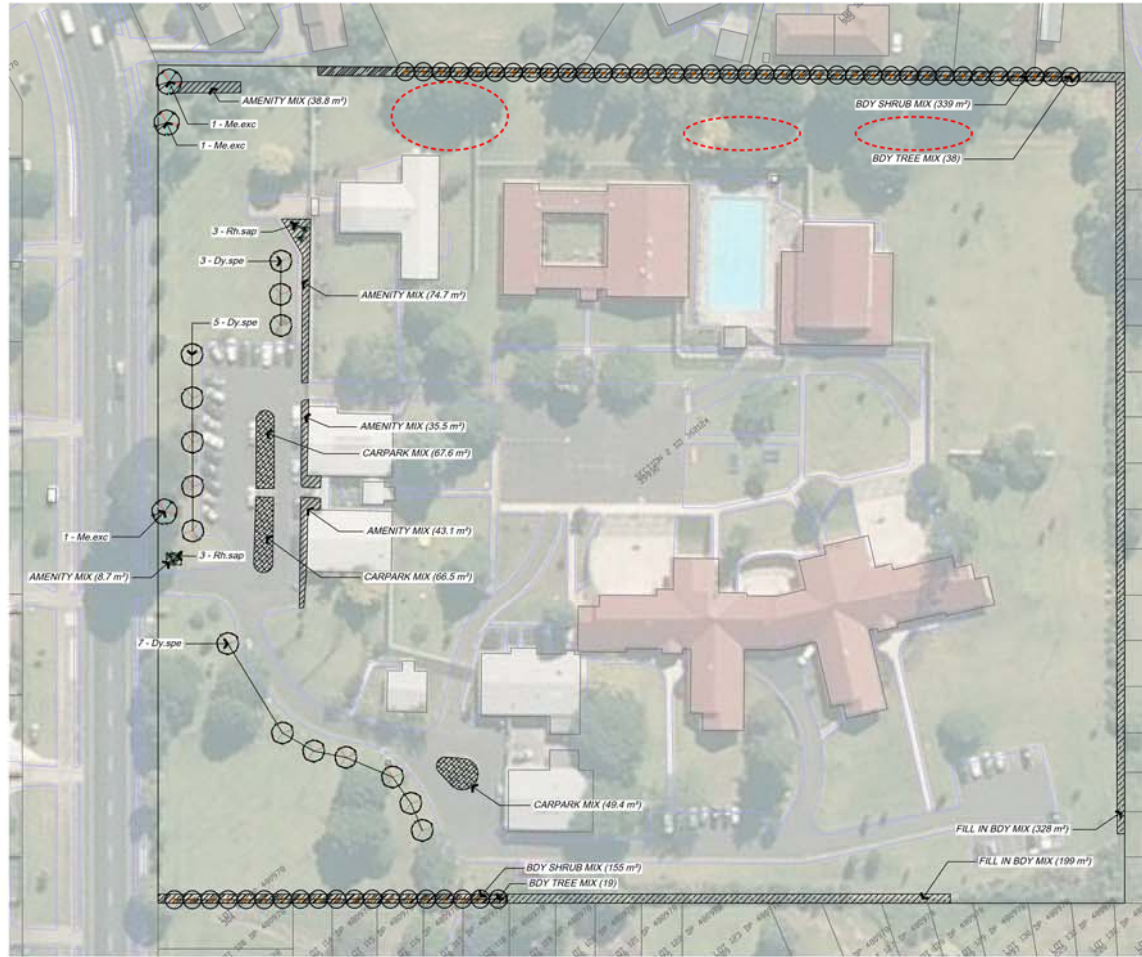
Explanation of Intent

The Youth Justice Residence is intended:

- To create a more normal environment to what currently exists in other Oranga Tamariki Youth Justice residences - the centralised school, the pool, the immediate neighbours in an established community go a long way to creating the feel of normality. We believe young people will feel less stigmatised about their detention and motivated to engage in the programmes we expect will improve behaviours and support our goals of positive outcomes for tamariki and rangatahi and reducing reoffending.
- To enable structured interventions to be tailored to specifically address the individual needs of the more vulnerable populations in the care of Oranga Tamariki as well as cohorts of children or young people that require a different approach (like young women).
- To be able to offer programmes that are specific to the needs of young women and vulnerable boys. Programmes we are unable to develop in our existing youth justice residences because of competing priorities. Examples include: cognitive behavioural therapy, dialectical behaviour therapy, sensory programmes, art therapy etc.
- To provide the ability for residents to engage further with interventions available in the community if assessed as appropriate.
- To provide the ability to create an environment, where our young people and staff can be confident that aggression will be unacceptable and never tolerated.

- To provide an ability for residents to engage with whanāu directly to support their ability to care for the child or young person on their return to the community.

Attachment 2 – Landscape Plan



- Monkey Apple trees x 4 to be removed
- Scrappy growth to be removed

LANDSCAPE CONCEPT

Boundary condition

Where the proposed condition requires tall growing specimen trees for screening, a hedge of native trees has been allowed for at 4m spacings, at a size of 25L. Species include Puriri, Titoki, Hoheria, Rewarewa and Kowhai (*BDY Tree Mix*).

Underplanting of bushy native shrubs will grow to form a leafy mass under the hedge for lower screening. Species include Pseudopanax, Griselinia, Kawakawa, Hebe, Ti kouka, Coprosma and Wharariki. (*BDY Shrub Mix*).

Infill planting underneath the deciduous hedge will thicken existing planting and provide screening necessary. The understory species mix used above will be continued.

Amenity planting

The carpark mix comprises hardy native low growing species suitable for use in a carpark, such as Meuhlenbeckia, Libertia and Crimson Rata (*Carpark Mix*).

The remaining amenity planting is a mix of flowering native shrubs to create seasonal interest such as Hebe, Rata, Renga ranga lilies and Coprosma (*Amenity Mix*).

Specimen trees

On the road frontage an additional TWO Pohutukawa will be located at the Northern end to continue the line of Pohutukawa trees planted parallel to the berm.

Clumps of Nikau will be planted at the roadside entrance and at the entrance of the Marae. Kohekohe have been used to further screen the carpark and visually soften the property when viewed from the road.

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME	COMMON NAME	CONT	QTY	
	BDY TREE MIX	Hoheria populnea	Lacebark	25L	57	
		Kohekohe excelsa	Kohekohe	25L	9	
		Metrosideros excelsa	Pohutukawa	25L	14	
		Sophora microphylla	Kowhai	25L	9	
		Vitex lucida	Puriri	25L	11	
					25L	14
	Dy.spe	Diospyrum spectabile	Kohekohe	45L	15	
	Ma.exc	Metrosideros excelsa	Pohutukawa	25L	3	
	Rh.sap	Rhoplostylis sapida	Nikau	45L	6	
SHRUB AREAS	CODE	BOTANICAL NAME	COMMON NAME	CONT	SPACING	QTY
	BDY SHRUB MIX	Coprosma thermoides	Mingimiro	2L	1200mm	493.9 m²
		Cordyline australis	Ti Kouka	2L	1000mm	36
		Griselinia lucida	Puka	2L	1500mm	58
		Hebe stricta	Koromiko	2L	1000mm	26
		Macropiper excelatum	Kawakawa	2L	1500mm	48
		Phormium tenax	Wharariki	2L	1200mm	36
		Pseudopanax lessonii	Houpara	2L	1500mm	58
	CARPARK MIX	Libertia pumila	NZ Iria	2L	400mm	183.4 m²
		Metrosideros carminea	Crimson Rata	2L	1000mm	58
		Muehlenbeckia axillaris	Creeping Pohutukawa	2L	1000mm	86
	AMENITY MIX	Anthylocladus cuneatum	Rengarenga	2L	500mm	200.8 m²
		Coprosma rugosa	Coprosma	2L	700mm	64
		Hebe x 'Wai Māi'	Hebe	2L	600mm	145
		Metrosideros carminea	Crimson Rata	2L	1000mm	105
	FILL IN BOY MIX	Griselinia lucida	Puka	2L	2000mm	526.9 m²
		Macropiper excelatum	Kawakawa	2L	2000mm	48
		Pseudopanax lessonii	Houpara	2L	2000mm	48