

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davidson

FROM Barry Mosley

DATE 5 August 2019

SUBJECT Designation in accordance with s171(2) of the Resource Management Act



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

Reason for update – Alteration of a designation	
Chapter – Designations Chapter K	
Section – Chapter K	
Designation only	
Designation # 3802	Minister for Children
Locations:	21-24 Kiwi Tamaki Road
Lapse Date:	No lapse date

Designation Schedule – Minister for Children

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

3802 Oranga Tamariki Residence Youth Justice Centre – Upper North

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

Purpose

Oranga Tamariki Residence

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

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

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

Conditions

1. ~~That the proposed facility shall provide residential care and control for~~ The placement of up to a maximum of 46 56 children/tamariki and young persons/rangatahi at any one time shall be permitted on the site. This is to be inclusive of not more than 6 children and young persons held under the provisions of the Criminal Justice Act 1985 at any one time.
2. ~~A Security Management Plan shall be~~ That the Department of Child, Youth and Family Services, through the Manager of the facility, shall formulate and implement a Security Management Plan for the proposed residence in accordance with the requirements of regulation 32 of the Oranga Tamariki (Residential Care) Regulations 1996 (Regulations), and in consultation with key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups, and the Community Liaison Committee.
3. ~~That the Manager of the proposed facility shall convene a~~ A Community Liaison Committee shall be convened in accordance with regulations 34 to 36 of the Children, Young Persons, and Their Families (Residential Care)-Regulations 1996 (relating to the establishment, function and operation of Community Liaison Committees).
4. Noise sensitive spaces constructed or altered after 1 July 2019 to the point that a building consent is required must be designed and constructed so that the internal noise levels do not exceed:
 - 35dB LAeq in bedrooms; and
 - 40dB LAeq in all other noise sensitive spaces.

Based on the assumption of an incident level at the site boundaries (and generated 50m away), shared with Business zoned sites as shown below:

	<i>Incident Noise at Business Zoned Site Boundaries, dB Leq</i>						
<i>Frequency</i>	<i>63Hz</i>	<i>125Hz</i>	<i>250Hz</i>	<i>500Hz</i>	<i>1kHz</i>	<i>2kHz</i>	<i>4kHz</i>
<i>Noise Level</i>	76	75	70	66	64	62	60

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

Noise sensitive spaces shall be adequately ventilated and cooled so that windows do not need to be opened for ventilation or temperature control, in accordance with a design provided by a mechanical engineer experienced in ventilation design.



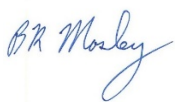

That the parts of the facility existing at 1 July 2019 comprising the sleeping, living and learning areas shall be maintained in a state to ensure compliance with an internal noise limit of 43dB LAeq based on adjacent sites within the Business zone producing a level of 63dB LAeq when measured at, or within, the Korowai Manaaki boundary.

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

<u>Internal Noise Limits</u>	<u>Ldn</u>	<u>Lmax</u>
	<u>45dBA</u>	<u>55dBA</u>

5. Any new buildings or building extensions shall not exceed 20m in height or project beyond a 35 degree recession plane measured from a point 6m vertically above ground level along the boundary of residential zones, open space zones, special purpose – Māori purpose zone or the special purpose – school zone, and shall be set back from all adjoining property boundaries and open space zones boundaries by 12 metres.
6. On-site car parking shall be provided at the rate of 0.85 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

<p><u>room provided for on-site for family/whānau or professional visits.</u></p> <p>7. <u>A staff travel management plan (TMP) shall be prepared and lodged with the Council for certification by 1 July 2019. 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 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.</u></p> <p>8. <u>Measures that provide for the safe movement of pedestrians to and from the site shall be provided.</u></p> <p>9. <u>Secure cycle parking spaces shall be provided at the rate of one cycle space per 20 staff members expected on site at any time (including floor staff on site during periods where shifts overlap).</u></p>	
Changes to text (shown in underline and strikethrough)	As above
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	<p>Attachment 1 – Decision letter from Minister for Children</p> <p>Attachment 2 – Updated Designation 3802</p>

<p>Prepared by: Barry Mosley Planner Principal Planner</p>	<p>Text entered by: Sophia Coulter Planning Technician</p>
<p>Signature: </p>	<p>Signature: </p>
<p>Reviewed by: Barry Mosley Planner Principal Planner</p>	<p>Signed off by: Celia Davidson Manager</p>
<p>Signature: </p>	<p>Signature: </p>

Attachment 1 - Decision from Ministry of Children

Hon Tracey Martin

Minister for Children

Associate Minister of Education

Minister of Internal Affairs

Minister for Seniors



Mr Stephen Town
Chief Executive
Auckland Council
stephen.town@aucklandcouncil.govt.nz

Dear Mr Town

Requirement by the Minister for Children to Alter Designation 3802 'Youth Justice Centre – Upper North' (Korowai Manaaki) at 21-24 Kiwi Tamaki Road, Lot 2 DP448846, Wiri

On 22 February 2019, I served on Auckland Council a Notice of Requirement (NoR) relating to a site at 21-24 Kiwi Tamaki Road, Wiri. The NoR sought to alter an existing designation in the Auckland Unitary Plan (Operative in Part), being Designation 3802 'Youth Justice Centre – Upper North' (Korowai Manaaki).

It is considered that:

- the alteration is reasonably necessary for achieving my objectives and obligations as Minister
- the designation applies to an existing site owned by the Crown and there will be no significant adverse effects as a result of the alteration. As such, there is no requirement to consider alternatives
- the alteration is consistent with Part 2 (purpose and principles) of the Resource Management Act 1991 (RMA)
- any potential adverse effects arising from the alteration are able to be adequately mitigated by the designation conditions.

The Council made its recommendation to me under section 171(2) of the RMA on 13 June 2019. I subsequently received the recommendation of the Council on 14 June 2019. The Council has recommended that the alteration be confirmed, subject to the imposition of amended designation conditions.

Pursuant to section 172(1) of the RMA, I accept in whole the Council's recommendation for the following reasons.

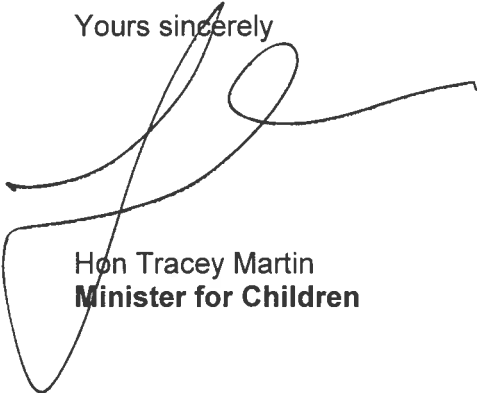
1. It is appropriate to confirm the alteration to the designation in the Unitary Plan for "Oranga Tamariki Residence" on the site at 21-24 Kiwi Tamaki Road, Wiri as shown in the attached Appendix A – Decision of the Minister for Children, Amendments to the Unitary Plan text.

2. The proposed designation conditions are acceptable in addressing any potential environmental effects of the alteration on the environment.

A full set of conditions is included as **Appendix A** to this letter.

I look forward to the Council notifying this decision and a statement of time within which an appeal against the decision may be lodged with the Environment Court in accordance with section 173 of the RMA.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Hon Tracey Martin
Minister for Children

Appendix A – Decision of the Minister for Children

The Conditions which the Minister proposed to confirm for the Notice of Requirement for alterations to Designation 3802 in the Auckland Unitary Plan (Operative in Part)

1. **Amend Designation Schedule – Minister for Children in Chapter K Designations of the AUP to provide:**

Designation Schedule – Minister for Children

Number	Purpose	Location
3802	<i>Oranga Tamariki Residence</i>	<i>21 - 24 Kiwi Tamaki Road, Wiri</i>

2. **Amend Designation 3802 in Chapter K Designations of the AUP to provide:**

3802 Oranga Tamariki Residence

Designation Number	3802
Requiring Authority	Minister for Children
Location	21 - 24 Kiwi Tamaki Road, Wiri Lot 2 DP448846.
Rollover Designation	Yes
Legacy Reference	Designation 278, Auckland Council District Plan (Manukau Section) 2002. Designation 5902 in the Auckland Unitary Plan Operative in Part.
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Purpose

Oranga Tamariki Residence

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- (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

1. The placement of up to a maximum of 56 children/tamariki and young persons/rangatahi at any one time shall be permitted on the site.
2. A Security Management Plan shall be formulated and implemented for the residence in accordance with the requirements of regulation 32 of the Oranga

Tamariki (Residential Care) Regulations 1996 (**Regulations**), and in consultation with key stakeholders including the council, the NZ Police and relevant emergency services, neighbouring property owners, local iwi and community groups, and the Community Liaison Committee.

3. A Community Liaison Committee shall be convened in accordance with regulations 34 to 36 of the Regulations (relating to the establishment, function and operation of Community Liaison Committees).
4. Noise sensitive spaces constructed or altered after 1 July 2019 to the point that a building consent is required must be designed and constructed so that the internal noise levels do not exceed:
 - 35dB LAeq in bedrooms; and
 - 40dB LAeq in all other noise sensitive spaces.

Based on the assumption of an incident level at the site boundaries (and generated 50m away), shared with Business zoned sites as shown below:

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5. Any new buildings or building extensions shall not exceed 20m in height or project beyond a 35 degree recession plane measured from a point 6m vertically above ground level along the boundary of residential zones, open space zones, special purpose – Māori purpose zone or the special purpose – school zone, and shall be set back from all adjoining property boundaries and open space zones boundaries by 12 metres.
6. On-site car parking shall be provided at the rate of 0.85 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.

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Attachment 2 - Updated Text for D3802

Designation Schedule - Minister for Children

Number	Purpose	Location
3800	Care and protection residential centre - Upper North...	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

3802 Oranga Tamariki Residence

Designation Number	3802
Requiring Authority	Minister for Children
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Attachments

No attachments