

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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Report to Auckland Council  
Hearing topic 074 Designations

Minister for Social Development

Designation 5902  
Youth Justice Centre Wiri

May 2016

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**Report first prepared by Murray Kivell in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 142 of the Local Government (Auckland Transitional Provisions) Act 2010, on 25 August 2015 and updated 21 September 2015.**

**Adopted as Auckland Unitary Plan Independent Hearings Panel recommendations in accordance with the Auckland Unitary Plan Independent Hearing Panel procedure and in accordance with section 144 of the Local Government (Auckland Transitional Provisions) Act 2010 on date of signature.**

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## **1. Introduction**

The purpose of this report is to provide an assessment and recommendation in relation to designations, modifications and new designations classified by the Independent Hearings Panel as moderately complex. This classification will generally apply where there is a:

- i. rollover of a designation with no modifications and a submission lodged by third party;
- ii. modification to a designation that will result in more than minor effects and with or without submissions;
- iii. notice of requirement for a new designation for existing works with or without submissions.

## **2. Assessment**

The assessment will address:

- i. effects on the environment of allowing the modification or requirement;
- ii. mitigation measures proposed by requiring authority including any proposed conditions;
- iii. other section 171 matters or section 168A(3) (if the requiring authority is Auckland Council) matters where relevant;
- iv. whether land is owned by the requiring authority.

See section 9 of this report for the assessment of each modification and requirement.

On the basis of the assessment, the report concludes that the following designation modifications should be confirmed;

## **3. Expert input**

Not applicable.

## **4. Mediation required**

Based on the responses of the requiring authority as detailed in section 9, there are no matters identified that would benefit from mediation.

## **5. Hearing required**

Based on the responses of the requiring authority as detailed in section 9, there are no matters that have been identified to progress to a hearing.

## 6. Recommendation to Panel

That the Panel confirms the designation modifications.

<b>Author</b>	Murray Kivell
<b>Author's Signature</b>	
<b>Date</b>	25 August 2015 and updated 21 September 2015 with no change

## 7. Panel recommendations to Auckland Council

The Auckland Unitary Plan Independent Hearings Panel recommends that Auckland Council recommends to the requiring authority that it confirms the notice of requirement for the modifications to designation 5902 included in the Proposed Auckland Unitary Plan.

## 8. Panel reasons

The reasons for the Panel's recommendation are set out in section 9 below.

<b>Panel Chair</b>	David Kirkpatrick
<b>Chair's Signature</b>	
<b>Date</b>	18 May 2016

## 9. Assessment of modifications and submissions

Requiring authority	Minister for Social Development
Designation number	5902
Designation purpose	The Youth Justice Centre — Upper North being a residence under section 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.
Location	21-24 Kiwi Tamaki Road, Wiri
Designation given effect to	Yes
Lapse date in operative plan	NA
Rollover designation with no modifications	NA
Description of the modification	<p>Modification of conditions.</p> <ol style="list-style-type: none"> <li>1. Remove conditions 1, 9, and 11 as they relate to the construction of the facility which was completed prior to 2002.</li> <li>2. Remove conditions 6 and 10 as the esplanade reserve (Lot 3 DP 448846) has been vested in Auckland Council and the archaeological condition no longer is relevant.</li> <li>3. Remove condition 5 that restricts the Minister from restraining neighbouring quarry operations as the quarry operations have ceased and the area is subject to land use change.</li> <li>4. Remove condition 7 as it relates to construction of a new road (now called Kiwi Tamaki Road) that now is built.</li> <li>5. Remove condition 12 as it restates the requirements of section 176 of the Resource Management Act 1991.</li> <li>6. Modify Condition 8 to make reference to noise requirements in the Auckland Council District Plan Operative Manukau Section 2002, as at 1 June 2012.</li> </ol>
Notice of requirement	NA
Land ownership	NA
Land owned by the requiring authority	All land subject to designation is owned by the requiring authority.
Submitter	No submissions.
Matters addressed in submission	No matters to consider.
Engagement by requiring authority with report writer.	The Proposed Auckland Unitary Plan Schedule actually records a slightly amended condition that makes reference to internal noise standards of 45dBA Ldn and 55dBA Lmax. and with no reference to a operative plan. This simplifies my assessment below.
Assessment and reasons	The designation has been given effect to, and the

	<p>modifications proposed are administrative changes where conditions are no longer relevant as works have been completed (conditions 1, 7, 9, 11), vesting and reserve management responsibilities have been transferred to Auckland Council (conditions 6 and 10), or are not necessary as the condition restates obligations under the Resource Management Act 1991 (condition 12).</p> <p>The effects of the modifications of conditions have been assessed as administrative and have environmental effects no more than minor on adjacent properties and the wider environment. This is based on the operations on the site being established for some time.</p> <p>Condition 8–Noise The Form 18 rollover notice sought reference to inclusion of the Business Zone noise standards in the Auckland Council District Plan - Operative Manukau Section 2002. The amended condition (now condition 4) simply refers to the two internal noise standards to be met in designing for sleeping, living and learning areas at the centre. This approach is preferable. It is clear and the only additional matter is to ensure consistency of approach with the wording against the plan-wide noise provisions. On this basis there is not expected to be any change to the noise environment from the direct transfer of the internal noise standard to the designation conditions in the Unitary Plan.</p>
Recommendation	The modifications are assessed as administrative in nature and will not give rise to environmental effects that are more than minor. I recommend the amended conditions as provided for in the Proposed Auckland Unitary Plan Schedule be accepted.
Recommendation to Panel	That the Panel recommend to Council that the designation is confirmed with all modifications requested as set out in the Proposed Auckland Unitary Plan schedule for Designation 5902.
Response from requiring authority: 11 September 2015	Agrees with the above recommendations to the Panel.
Report writer's further comments	None required.
Recommendation from Panel	The Panel agrees with the report writer's recommendations.
Panel Reasons	The Panel agrees with the report writer's reasons.