



Te Puna Wai ō Tuhinapo Oranga Tamariki Residence

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

27 March 2020



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Form 18

Notice of Requirement by Minister for Children for Alteration of Designation

Section 181 and Clause 4 of Schedule 1

Resource Management Act 1991

To: Selwyn District Council

The Minister for Children (the Minister) gives notice of a requirement (NOR) for an alteration to a designation in respect of a public work, namely Designation MS1 – Youth Justice Residential Centre Te Puna Wai ō Tuhinapo in the Selwyn District Plan (District Plan).

The site to which the requirement applies is as follows:

108 Runners Road, Burnham. Section 1 SO 308984

The nature of the proposed public work is:

To alter the purpose of Designation MS1 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki–Ministry for Children (**Oranga Tamariki**) by amending the designation purpose to achieve consistency with designations for other Youth Justice Centres elsewhere in New Zealand. Specifically, it is intended to alter the purpose of the designation such that the facility can continue to be used for youth justice purposes but also for certain adult jurisdiction reasons.

The nature of the proposed conditions that would apply are:

1. Amend the Selwyn District Plan planning maps to replace the abbreviation 'MS1' with 'MCHI 1'.
2. Alter the purpose of Designation MS1 of the Selwyn District Plan as follows (insertions in underlined text, deletions shown as ~~struckthrough~~ text):

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 including bunding, outdoor recreation areas, shared services, access and car parking.

~~Youth Justice Residential Centre — South 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 40 children and young people for the purpose of providing care (including secure care), protection, control, detention and treatment; and~~
- ~~(b) Ancillary educational, recreational, rehabilitative, administrative, and cultural facilities; and~~

~~(c) Activities consistent with and ancillary to the establishment, operation and maintenance of the Youth Justice Residential Centre – South, including buildings, fixed plan and service infrastructure, fencing, landscaping, earthworks including bunding, outdoor recreation areas, access and carparking.~~

3. Alter designation schedule in Appendix E2 to the Rural Volume of the Selwyn District Plan as follows (insertions as underlined text, deletions shown as ~~struckthrough~~ text):

a. *Designation Schedule – Minister for Children*

Des No.	Map Ref	Site Name	Designation Purpose	Location	Zone	Legal Description and Gazette (where known)	Comments / Conditions
MS1 <u>MCHI</u> <u>1</u>	13	Te Puna Wai o ō Tuhinapo	Youth Justice Residential Centre <u>Oranga Tamariki Residence</u>	108 Runners Road, Rolleston <u>Burnham</u>	Rural Outer Plains	Pt RS 1636, SO 2510 <u>Section 1 SO 308984</u> Area – 8.6370ha	Conditions relating to – 1. Buildings 2. Occupancy 3. Community Liaison 4. Security 5. Noise 6. Landscaping 7. Lighting 8. Archaeological discovery 9. Roading 10. Dust

It is proposed to amend the existing conditions of the designation as follows. The attached Assessment of Effects (**AEE**) (Section 5.0) provides an explanation of the proposed alterations to the conditions of Designation MS1.

Conditions

• **Buildings and Site Layout**

The siting, layout, design and appearance of the ~~Youth Justice Residential Centre – South~~ Oranga Tamariki Residence shall be in general accordance with the plans prepared by Stephenson & Turner NZ Ltd marked Project No.8276 Designation Plan (ARC100), revision E), Site Plan (ARC101, revision F), Indicative Water Supply, Waste and Stormwater Disposal Plan (ARC103, revision F), Parking Areas Detail Plan (ARC101, revision F), Elevations (ARC310 revision B; ARC320 revision B; ARC330 revision B; ARC340 revision E; ARC350 revision E; ARC360 revision B; ARC370 revision B; ARC380 revision B; ARC390 revision B) contained in Appendix A of the notice or requirement provided that: -

The finished exterior of all buildings and rooftops shall not exceed 37% reflectivity.

- **Occupancy**

~~The Youth Justice Residential Centre — South Oranga Tamariki Residence shall provide for the placement of up to 40 children/tamariki and young persons/rangatahi up to and including the age of 19 years at any one time.~~

- **Community Liaison Committee**

~~A community Liaison Committee shall be established to assist in the promotion of a positive relationship between the Youth Justice Residential Centre — South and the local community. The Community Liaison Committee shall be kept informed of current and proposed programmes at the Youth Justice Residential Centre — South and include one representative of the Selwyn District Council and two representatives of the local community. This Committee shall meet at least four times each year.~~

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

- **Security Management Plan**

~~A security Management Plan for the Youth Justice Residential Centre — South for the facility shall be formulated and implemented in accordance with relevant regulations and in consultation with the Community Liaison Committee and relevant emergency services.~~

- **Noise**

~~The noise generated on site shall be in general compliance with the appropriate New Zealand Standard when measured at the southern boundary of Two Chain Road being NZS 6802:1991 NZS 6802:2008 once the Youth Justice Residential Centre — South Oranga Tamariki Residence is established and NZS 6803:1999 during construction. There shall be no use of loud speakers or external intercom systems.~~

- **Landscaping**

~~The site shall be landscaped generally in accordance with the landscape plan prepared by Stephenson & Turner NZ Ltd marked Project No. 8276 Drawing NO. ARC102 revision F, and the planting concept plan prepared by Boffa Miskell Limited dated February 2002, including a double row of shelter planting contained in Appendix B of the notice of requirement. All perimeter landscaping shall be maintained in a tidy condition, including replacement if any planting dies or is destroyed, and irrigated until fully established. Perimeter landscaping and bunding along the northern boundary shall be established prior to the construction of the buildings.~~

- **Lighting**

~~The lighting on site shall be sufficient for operational and security purposes and it shall be designed to prevent the intrusion of direct light into neighbouring properties.~~

- **Cultural**

~~Should there be an accidental discovery during construction of koiwi tangata (human remains), parekai (midden), or taonga (artefacts), work in the vicinity shall stop immediately and Te Taumutu Runanga be advised.~~

- ~~**Roading**~~

~~The agreed roading be carried out according to the specifications agreed with the Asset Manager of Selwyn District Council as follows—~~

- ~~a) Seal widening along Runners Road, 700 metres long, 5.8 metres wide existing seal to 6.7 metres wide;~~

- ~~b) Construct 300 metre long, 6.7 metre seal extension of Runners Road beyond the current end of seal, including a combined turning bay and entrance of the proposed centre;~~
- ~~c) Culvert the existing water race across Runners Road to Council standards;~~
- ~~d) Upgrade the intersection of Runners Road and Walkers Road to accommodate the upgrade work on Runners Road.~~

● **Dust Management Plan**

~~A Dust Management Plan shall be formulated and implemented to reduce potential dust nuisance during the earthworks and construction.~~

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

The proposal will have no adverse effects. The attached AEE (Section 8.0) addresses the extent to which the proposed alterations to the designation will have effects on the environment and the ways in which any potential adverse effects will be mitigated.

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

The Minister is seeking that the alteration to the designation is considered under s181(3) of the RMA as the alteration involves no adverse effects and does not involve any changes or adjustments to the boundaries of the designation (therefore satisfying s181(3)(a)). The consideration of alternative sites, routes and methods is not a relevant consideration under the s181(3) pathway.

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

No resource consents are required to support the proposed amendments to the designation.

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

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

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

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

Specifically, in this case, and in order to respond to legislative changes, including an increase in the age of children and young people included within the Youth Court's jurisdiction to those aged 17 years, the Minister's objective is to ensure the designation purpose and related conditions reflect these legislative changes so as to enable the chief executive of Oranga Tamariki to meet his or her responsibilities where children/tamariki or young persons/rangatahi have been placed in his or her care or custody.

The attached AEE outlines the objectives of the requiring authority and the necessity for altering the purpose of the existing Designation at the Te Puna Wai ō Tuhinapo to achieve those objectives.

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

Consultation has been undertaken with the Community Liaison Committee, Department of Corrections, the New Zealand Defence Force, and Te Taumutu Rūnanga. The attached AEE (section 9.0) includes a summary of the consultation undertaken in relation to the proposed amendments to the designation.

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



27 March 2020

Signature of person giving notice

Date

Allan Boreham

Deputy Chief Executive Youth Justice Services

Oranga Tamariki–Ministry for Children

Address for Service:

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Attention: Deborah Rowe

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PO Box 1509

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Attention: Dr Claire Kirman

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Appendix 1: Minister's Decision on Designation for Te Puna Wai ō
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Appendix 3: Certificate of Title

Appendix 4: Consultation Material / Consultation Responses

Appendix 5: Communication in respect of rollover notice for the current
designation

1.0 Introduction

This report has been prepared to support a Notice of Requirement (**NOR**) by the Minister for Children (**the Minister**) to alter an existing designation for a Youth Justice Centre at 108 Runners Road in Burnham pursuant to section 181(3) of the Resource Management Act (**RMA**). This report includes an Assessment of Effects on the Environment (**AEE**).

1.1 Background

Te Puna Wai ō Tuhinapo is an existing Youth Justice Residence located at 108 Runners Road, Burnham. The residence was established in 2005, under section 364 of the Oranga Tamariki Act 1989 (**Oranga Tamariki Act**) (also called Children's and Young People's Well-being Act 1989, and formerly the Children, Young Persons, and Their Families Act 1989). Oranga Tamariki–Ministry for Children (**Oranga Tamariki**) administers the Oranga Tamariki Act. Oranga Tamariki also has certain responsibilities under the Criminal Procedure Act 2011 and the Corrections Act 2004. The background to Oranga Tamariki is discussed further in Section 1.1.1 below.

The residence is identified in the Selwyn District Plan as Designation MS1. Under the current Designation, the residence provides a safe, secure and supportive care environment for up to 40 children and young people who have been placed under the provisions of the Oranga Tamariki Act. The designation also allows for the placement of children/tamariki and young persons/rangatahi who are on remand for adult jurisdiction reasons (but not sentenced in the adult jurisdiction).

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

Despite the additional demand for placements generated by these changes to the Oranga Tamariki Act, it is not proposed to amend the designation at Runners Road to provide any increase in capacity. By way of context, it is noted that the Minister has sought and/or is in the process of seeking amendments to designations for other facilities elsewhere in New Zealand to increase capacity in order to accommodate the additional demand for placements generated by the changes to the Oranga Tamariki Act.

1.1.1 Oranga Tamariki – Ministry for Children

Oranga Tamariki was established as a separate department on 1 April 2017 and replaced the business unit of the Ministry of Social Development formerly known as Child, Youth and Family. Oranga Tamariki is focused on children/tamariki and young people/rangatahi whose wellbeing is at most serious risk – those at risk of harm and those who have offended. Oranga Tamariki was established to develop and implement a more child-centred care, protection and youth justice

system to deliver better long-term outcomes for children/tamariki and young people/rangatahi in line with the new legislative duties set out in the Oranga Tamariki Act.

Oranga Tamariki also seeks to place children/tamariki and young people/rangatahi close to their home, whānau and community where possible. This reduces the travel demands for the child/young person when attending Court and also reduces obstacles to visits by family and whānau.

1.1.2 Amendment to the Oranga Tamariki Act

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

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

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

A small number of amendments took effect immediately, while the majority came into force on 1 July 2019.

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

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

1.1.3 Te Puna Wai ō Tuhinapo

The designation for Te Puna Wai ō Tuhinapo was confirmed by the then Minister of Social Services and Employment in October 2002 following the receipt of the Council's recommendation on 10 September 2002. The Minister of Social Services and Employment accepted the territorial authority's recommendation in part, and proposed some minor amendments to conditions 1

Buildings and Site Layout; 3 Community Liaison Committee; 4(a) Dust Management Plan; and 6 Landscaping. Details of the Minister's decision are set out in the Minister's letter included as Appendix 1.

Outline Plans of Work

The Department of Child, Youth and Family Services (on behalf of the relevant Minister at the time) submitted an outline plan of works for the construction of the Residence on 8 December 2003. The Selwyn District Council confirmed the outline plan on 7 January 2004.¹ As a result of some minor changes to the design of the Residence, an application for a waiver of the requirement for an outline plan was lodged with the Selwyn District Council on 29 September 2004.

1.2 AEE Structure

The NOR is supported by this report which provides background information, a description of the proposal to alter the purpose of the Designation for Te Puna Wai ō Tuhinapo, an assessment of effects on the environment, a description of the consultation undertaken with the community and consideration of the proposed alterations to the designation's purpose and conditions against the relevant statutory requirements.

This AEE addresses the matters set out in Section 181(3) of the RMA.

Section 181(3) of the RMA enables a territorial authority to alter a designation in its district plan if the alteration involves no more than a minor change to the effects on the environment; or involves only minor changes or adjustments to the boundaries of the designation or requirement. Notably sections 168 to 179 and 198AA to 198AD shall not apply to such alterations.

Section 181 states:

181 Alteration of designation

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—*
 - (a) the alteration—*
 - (i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and*

¹ Outline Plan No. R306534

(b) *written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*

(c) *both the territorial authority and the requiring authority agree with the alteration—*

and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

(4) *This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.*

With reference to the above matters:

- Section 8.0 of this AEE assesses the effects on the environment of allowing the amendments to the designation (and concludes that there are no adverse effects arising from the amendment).
- Section 9.0 of this AEE sets out the consultation that has been undertaken in respect of the proposed amendments.

1.3 Proposed Selwyn District Plan

It is noted that the Selwyn District Council is in the process of developing its proposed District Plan. As part of that process the Council is required to give written notice to any requiring authority that has a designation that has not lapsed in the relevant part of the district plan and invite those requiring authorities to confirm whether they wish the designations to be included with or without modification in the proposed district plan.²

The Council issued a rollover notice in respect of Te Puna Wai ō Tuhinapo to the Minister of Social Development on 26 June 2019. The due date for responses was 30 September 2019. Oranga Tamariki responded to the Council on 9 September 2019 confirming that the Minister for Children gave notice of her intent to retain the designation as part of the current review of the Selwyn District Plan, as well as foreshadowing that the Minister was intending to seek amendments to this designation.

On 4 November the Council provided confirmation that the designation has been incorporated into the Proposed District Plan with minor amendments. A draft of the proposed entry of the designation into the Proposed District Plan was included for review.

The Minister provided the Council with a response on the draft entry of the designation, seeking that the Notice of Requirement be rolled over as part of the District Plan Review process. The Minister also requested that the legal description be updated and reiterated that the Minister would shortly be seeking the amendments to the designation which are the subject of this Notice of Requirement. Copies of the above correspondence are included as Appendix 5.

² RMA Schedule 1 Part 1 Clause 4(1A) and (1B)

2.0 Requiring Authority and Requirement Details

2.1 The Minister as a Requiring Authority

The Minister for Children is a requiring authority under Section 166 of the RMA. The Minister acts through Oranga Tamariki–Ministry for Children.

2.2 Summary Details of NOR

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

To:	Selwyn District Council
Requiring Authority:	The Minister for Children
Requiring Authority Purpose:	Youth Justice Residential Centre [refer gazette notice in Appendix 2]
Nature of the Proposed Public Work:	To alter the purpose and certain conditions of Designation MS1 to align with and fulfil the current and future obligations and duties of the Chief Executive of Oranga Tamariki-Ministry for Children.
Address for Service:	<p>Boffa Miskell Ltd PO Box 110, Christchurch 8140 Attn: Deborah Rowe Phone: 03 364 4766 Email: deborah.rowe@boffamiskell.co.nz</p> <p>Copy to: Ellis Gould Lawyers PO Box 1509, Auckland 1140 Attn: Dr Claire Kirman Phone: 09 306 0743 Email: ckirman@ellisgould.co.nz</p>
Address for Fees (Note: please invoice by email):	<p>Oranga Tamariki–Ministry for Children PO Box 546 Wellington 6240 Attn: Steve Taylor Phone: 021 113 1018 Email: Steve.Taylor@ot.govt.nz</p>
Physical Location and Area:	108 Runners Road, Bumham (refer to the Location Plan in Figure 1) 8.637 ha
Legal Description:	Section 1 SO 308984 (refer Certificate of Title in Appendix 4)
District Plan Zoning:	Rural Zone – Outer Plains
Other District Plan information:	Designation MS1 – Youth Justice Residential Centre
Pre-Application Reference Number:	N/A

3.0 Description of the Environment

Te Puna Wai ō Tuhinapo is located on the site at 108 Runners Road, which is located northwards of State Highway 1 and the South Island Main Trunk Line to the south-west of Rolleston. The site is adjoined to the north-east by Rolleston Prison, to the north/west by defence land. The site and the surrounding area is generally flat.

The land to the south of the site (which is also on the southern side of State Highway 1) is in two zones: Rural Outer Plains; and Living 3 (Holmes Block ODP area). The Living 3 zone provides for rural residential development.³ The Rural Outer Plains land that surrounds the subject site is designated for a range of purposes as shown in Figure 1 below:

- D416 Pines Waste Water Treatment Plant (Requiring Authority – Selwyn District Council)
- DE1 Burnham Military Camp (Requiring Authority – Minister of Defence)
- MC1 Rolleston Prison and Periodic Detention Centre (Requiring Authority – Minister of Corrections)

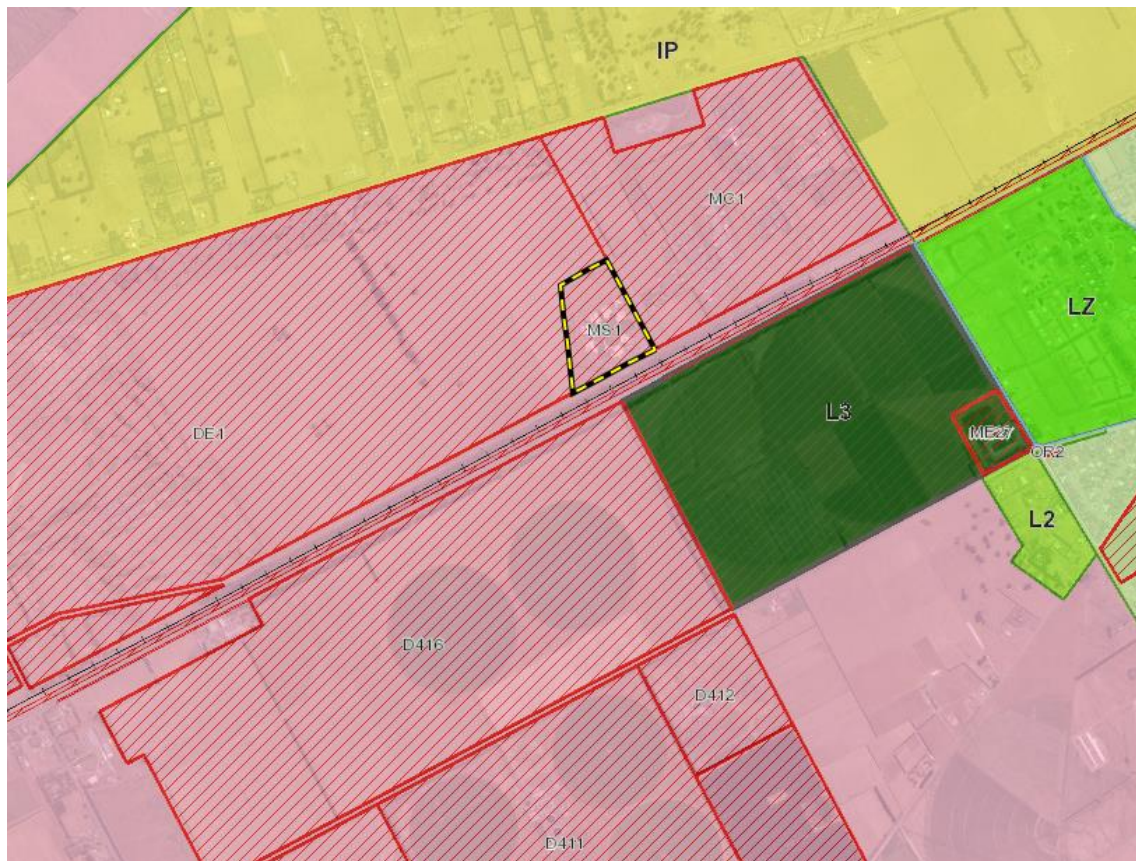


Figure 1: Zoning and designations of land surrounding Te Puna Wai ō Tuhinapo (Source: Selwyn District Plan)

Access to the site is via Runners Road, which also provides access to the Rolleston Prison. Runners Road runs parallel to SH1 and the South Island Main Trunk Line and is accessed from Walkers Road. A carparking area is located immediately within the entrance to the site, along with the main reception and administration building. Buildings on the site are arranged around a central

³ Selwyn District Plan, Explanation and Reasons to Objectives B4.1.1 and B4.1.2

open area as shown in Figure 2 below. Immediately to the left of the central reception and administration block is the marae, followed by the secure care block, which is also where residents are admitted to and released from the residential centre.

There are four residential blocks within Te Puna Wai ō Tuhinapo, each of which provide accommodation for up to 10 residents. Each residential block contains bedrooms, bathroom and laundry facilities, a classroom, kitchenette, and common area. Each residential block has an outdoor courtyard surrounded by a perimeter fence. The perimeter fences that surround each residential block are separate to the overall perimeter fence that surrounds the entire facility.

An education block is located in the north-east corner of the site, and a gymnasium, outdoor swimming pool, and sports field are also located on the site.



Figure 2: Layout of buildings and parking areas at Te Puna Wai ō Tuhinapo (Source: Canterbury Maps)

4.0 Description of existing activities

4.1 Current capacity

The designation conditions for Te Puna Wai ō Tuhinapo currently provide for the placement up to 40 children/tamariki and young persons/rangatahi at the residence. At times the number of residents on site may be lower than 40 depending on demand.

As set out in Section 3.0 above, there are four 'standard' accommodation units at the facility, each with 10 bedrooms. These also have classroom/learning facilities, as well as a TV/lounge room, dining room, and toilet, laundry and shower facilities.

There is also a secure care unit on the site with 7 bedrooms. This unit is used for short periods by existing residents for behaviour management reasons and therefore is not used as additional capacity within the residence.

4.2 Staff numbers

The current staffing for a capacity of 40 children/tamariki and young persons/rangatahi for Te Puna Wai ō Tuhinapo is 160 (including active casual staff) and this is not proposed to change under the new Designation as there is no proposed change to the capacity of the residence. There are 21 care staff on site between 06:30 and 15:00; 19 care staff on site between 13:30 and 20:00; 18 care staff between 20:00 and 06:30; and 11 teaching staff between 09:30 and 15:00. External specialists are booked by appointment on an as needed basis.

4.3 Visiting hours

Visits by professional specialists and whanau are provided for at the following times at Te Puna Wai ō Tuhinapo:

- Whanau
 - Monday – Friday 12:00 – 12:45 and 15:00 – 17:00
 - Weekends and public holidays 11:00 – 15:00

4.4 Range of activities undertaken at the residence

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

The range of activities on-site include:

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

4.5 Security and safety

The arrangements in place for children/tamariki and young persons/rangatahi at the Te Puna Wai ō Tuhinapo to provide a safe and secure environment include:

- behaviour management;
- high staff-young person ratio and supervision;
- providing a structured day with worthwhile activities and programme; and
- comprehensive security and emergency management plans and physical security infrastructure (including fencing, building features, CCTV etc.).

Oranga Tamariki has found that since implementing a holistic child/young person-focussed approach to the care and management of children/tamariki and young persons/rangatahi at Youth Justice residences there are much improved outcomes in terms of the behaviour of children/tamariki and rangatahi/young persons and overall safety and security.

As outlined in Section 5.0 of this report the proposed amendments to the designation conditions do not result in an increase in capacity of children/tamariki and young persons/rangatahi at the Te Puna Wai ō Tuhinapo residence. Therefore, we only anticipate one change in relation to the way in which safety and security measures are implemented at the site. For adult jurisdiction placements the individual bedrooms used for these placements will be lockable from the outside and will be locked overnight. This is not the case for youth justice placements currently and that will remain to be the case.

5.0 Description of Proposed Public Work/Project/Works

The Oranga Tamariki Act has recently been amended, with the changes taking effect from 1 July 2019. As a response to those amendments, and in order to achieve nationwide consistency across its designations for youth justice facilities, the Minister is proposing alterations to the designation for Te Puna Wai ō Tuhinapo. These include:

- Amending the references to the Ministry of Social Development (and the associated abbreviated designation code) as the Requiring Authority for the facility, as the Minister for Children is now the legal Requiring Authority for this designation. Oranga Tamariki–Ministry for Children was established as a separate department on 1 April 2017 and replaced the business unit of the Ministry of Social Development formerly known as Child, Youth and Family;
- Amending the designation purpose to confirm the use of the residence for youth justice and certain adult jurisdiction reasons for children and young people up to and including the age of 19. The current designation allows for the placement of children and young people under the Oranga Tamariki Act who are awaiting determination of their offending or alleged offending (remand) or who have been subject to a response of the Youth Court in relation to their offending. The current designation also allows for the placement of children and young people who have been remanded by the District or High Court into the custody of the chief executive while their case is waiting to be heard or they are waiting to be sentenced. The change sought is to reflect recent legislative amendments

which mean that Oranga Tamariki may be asked by the adult or youth courts (or Police or Corrections) to provide care for young adults aged 18 or 19, in special circumstances. It is also sought to allow the Chief Executive of Oranga Tamariki to place certain young people at the residence who have been sentenced in the adult jurisdiction (pursuant to section 34A of the Corrections Act 2004).

- Amending the legal description of the land to which the designation relates to reflect the current legal description as per the Certificate of Title included as Appendix 3;
- Amending the basis on which the Community Liaison Committee is required to be established (in condition 3) to simply reference the requirements set out in the relevant regulations, and removing unnecessary detail relating to the composition and reporting of the Community Liaison Committee. It is noted that the regulations require 2 persons appointed by the local authority, as compared to the current condition that requires only 1 representative of the local authority;
- Amending the wording of condition 4 (Security Management Plan) to cross reference the relevant regulations;
- Replacing the reference to NZS 6802:1991 in Condition 5 (Noise) with reference to NZS 6802:2008;
- Deleting condition 9 as it relates to the requirement to undertake roading upgrades which have now been completed (rendering the condition unnecessary);
- Deleting condition 10 as it relates to the requirement to prepare a Dust Management Plan for the earthworks and construction phase, which has now been completed (rendering the condition unnecessary);
- Amending the references to 'Youth Justice Centre' to 'Oranga Tamariki Residence' throughout the designation purpose and conditions; and
- Amending references to 'children' and 'young persons' to include 'tamariki' and 'rangatahi' respectively throughout the designation purpose and conditions.

Further explanation in relation to certain of these proposed amendments is set out below.

Community Liaison Committee

Condition 3 of the designation sets out the requirement to establish a Community Liaison Committee (**CLC**), the function it shall perform; and certain requirements about the composition of the CLC. The Oranga Tamariki (Residential Care) Regulations 1996 (**the Regulations**) includes a sub-part which addresses these same matters. In order to ensure consistent operation of CLC across all designations for Oranga Tamariki Residences nationally, it is proposed to amend this condition to simply state that the Manager of the facility shall convene a Community Liaison Committee in accordance with relevant regulations relating to the establishment, function and operation of Community Liaison Committees.

An assessment of the extent to which the aspects addressed in the current condition 3 are also captured in the Regulations is set out in Table 1 below. The most notable difference that will arise as a result of the proposed amendment is that there will be a requirement to have 2 representatives from SDC rather than one (in the existing condition). However the CLC currently has 2 representatives of the SDC on the committee so the impact of the amendment to the condition will not result in any required changes to the membership of the committee. In addition, the requirement for the CLC to be kept informed of current and proposed programmes at the Residence is not explicitly made in the regulations, however it is considered that this will be an

implicit requirement in order for the CLC to fulfil its functions under the regulations and therefore it is not necessary to specifically state this in the condition.

Table 1: Comparison of existing Condition 3 against Oranga Tamariki (Residential Care) Regulations 1996

Original condition wording	Way in which addressed in the Regulations	Comments
A community Liaison Committee shall be established to ...	Section 34(1) requires the manager of every residence to establish a community liaison committee.	The requirement to establish a CLC as per the original condition is reflected in the Regulations.
... assist in the promotion of a positive relationship between the Youth Justice Residential Centre – South and the local community.	<p>Notably, section 35(a) of the Regulations states that one of the functions of the CLC is to promote positive relationships between the residence and the surrounding community. Additional functions of the CLC as set out in the regulations are:</p> <ul style="list-style-type: none"> - To monitor the effects of the residence on the surrounding community - To monitor the effectiveness of measures adopted to mitigate any adverse effects on the surrounding community; - To monitor the effectiveness of the security management plan of the residence - To review abscondings from the residence - To review any changes to internal management practices at the residence in relation to specified actions designed to mitigate adverse effects on the community - To respond to concerns raised by 	The identification of the purpose of the CLC is identified as one of seven such functions listed in the Regulations.

Original condition wording	Way in which addressed in the Regulations	Comments
	<p>residents of the surrounding community</p> <ul style="list-style-type: none"> - To make recommendations to the manager on any of the matters referred to in Section 35 (a) to (f) of the Regulations. 	
The Community Liaison Committee shall be kept informed of current and proposed programmes at the Youth Justice Residential Centre – South and...	There is no explicit requirement for this to occur in the Regulations.	However, this is an implicit requirement in order for the CLC to fulfil its functions as set out in Section 35 of the Regulations.
... include one representative of the Selwyn District Council and two representatives of the local community.	<p>The manager is required to endeavour that the committee has the following membership:</p> <ul style="list-style-type: none"> - 2 persons resident in and representative of the community in which the residence is situated; - 2 persons appointed by the local authority - 2 persons representing the tangata whenua of the area - A constable - The manager of the residence/senior member of staff to attend meetings in the absence of the manager - A representative of the members of staff of the residence - A representative of the children and young persons in the residence 	The requirement to include one representative of the SDC and two representatives of the local community is reflected in the regulations, noting that there would be a requirement for 2 representatives from SDC to be on the CLC as a result of the proposed change to the condition.

Original condition wording	Way in which addressed in the Regulations	Comments
	- Such other person or persons as the committee invites to be members of the committee.	
This Committee shall meet at least four times each year.	The CLC is required to meet at least four times a year (Section 36(1))	The requirement to meet 4 times per year in the original condition is reflected in the regulations.

Roading upgrade

One of the conditions on the current designation requires certain road upgrade works to be undertaken on Runners Road. The condition states:

9. Roothing

That the agreed roading be carried out according to the specifications agreed with the Asset Manager of Selwyn District Council as follows –

- (a) *Seal widening along Runners Road, 700 metres long, 5.8 metres wide existing seal to 6.7 metres wide;*
- (b) *Construct a 300 metre long, 6.7 metre seal extension of Runners Road beyond the current end of seal, including a combined turning bay and entrance of the proposed centre;*
- (c) *Culvert the existing water-race across Runners Road to Council standards;*
- (d) *Upgrade the intersection of Runners Road and Walkers Road to accommodate the upgrade work on Runners Road.*

A memorandum held on the council's files in November 2003 states that Selwyn District Council's (SDC) Asset Manager Roothing had advised that contracts for upgrading Runners Road were in place; that the base course for the extension of the road had been completed; and that the balance of the work was to be completed when the use of heavy vehicles associated with building works had ceased (no later than May 2005).⁴

Documentation associated with the outline plan of works application to establish the youth justice centre stated that *"Runners Road is being extended and upgraded to serve the new facility as agreed previously with the applicant. The applicant is paying the full cost of this work which is being project managed by the SDC on their behalf."*⁵

Boffa Miskell sought clarification on this matter with Benjamin Rhodes in July 2019. Mr Rhodes advised via email that Mr A Mazey had confirmed that the roading upgrade had been completed and that the roading condition is no longer required.⁶

⁴ Memorandum from Davis Ogilvie to Selwyn District Council dated 25 November 2003, page 2

⁵ Engineering Services Report associated with R306534 dated 15 December 2013, page 2

⁶ Email from Benjamin Rhodes to Deborah Rowe dated 16 July 2019

Dust Management

Condition 10 of the designation states the following:

10. Dust Management Plan

A Dust Management Plan shall be formulated and implemented to reduce potential dust nuisance during the earthworks and construction.

As stated above, it is proposed to delete this condition as it was specifically tied to the construction phase of the facility and is no longer necessary given that construction has been completed.

Proposed amendments to designation

The proposed amendments to the Selwyn District Plan for the existing designation for Te Puna Wai ō Tuhinapo are as follows:

Maps

Amend the reference notation for the operative designation MS1 to MCHI1 on the District Plan Planning Maps.

Rural Volume of the Selwyn District Plan

Amend Appendix E2 to the Rural Volume of the Selwyn District Plan as follows (insertions as underlined text, deletions shown as ~~struckthrough~~ text):

Appendix 2

Designations

...

Other Requiring Authorities

...

Minister for Children

Des No.	Map Ref	Site Name	Designation Purpose	Location	Zone	Legal Description and Gazette (where known)	Comments / Conditions
MS1 <u>MCHI1</u>	13	Te Puna Wai ō Tuhinapo	Youth Justice Residential Centre <u>Oranga Tamariki Residence</u>	Runners Road, Rolleston <u>Burnham</u>	Rural Outer Plains	Pt RS 1636, SO 2510 <u>Section 1</u> <u>SO 308984</u> Area – 8.6370ha	Conditions relating to – 1. Buildings 2. Occupancy 3. Community Liaison 4. Security 5. Noise 6. Landscaping 7. Lighting

							8. Archaeological discovery 9. Reading 10. Dust
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The designation purpose and the details of the designation conditions are not set out in the District Plan. However, the letter to the Selwyn District Council from the then Minister of Social Services and Employment confirming the designation included the Minister's confirmation of the designation conditions. A copy of this letter is included as Appendix 1.

The following amendments to the designation purpose and conditions are proposed:

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 including bunding, outdoor recreation areas, shared services, access and car parking.

~~Youth Justice Residential Centre — South being a residence in terms of section 364 of the Children, Young Persons and Their Families Act 1989 for —~~

- ~~(d) The placement of up to 40 children and young people for the purpose of providing care (including secure care), protection, control, detention and treatment; and~~
- ~~(e) Ancillary educational, recreational, rehabilitative, administrative, and cultural facilities; and~~
- ~~(f) Activities consistent with and ancillary to the establishment, operation and maintenance of the Youth Justice Residential Centre — South, including buildings, fixed plant and service infrastructure, fencing, landscaping, earthworks including bunding, outdoor recreation areas, access and carparking.~~

Conditions

1. Buildings and Site Layout

The siting, layout, design and appearance of the ~~Youth Justice Residential Centre — South~~ Oranga Tamariki Residence shall be in general accordance with the plans prepared by Stephenson & Turner NZ Ltd marked Project

No.8276 Designation Plan (ARC100), revision E), Site Plan (ARC101, revision F), Indicative Water Supply, Waste and Stormwater Disposal Plan (ARC103, revision F), Parking Areas Detail Plan (ARC101, revision F), Elevations (ARC310 revision B; ARC320 revision B; ARC330 revision B; ARC340 revision E; ARC350 revision E; ARC360 revision B; ARC370 revision B; ARC380 revision B; ARC390 revision B) contained in Appendix A of the notice of requirement provided that: -

The finished exterior of all buildings and rooftops shall not exceed 37% reflectivity.

2. Occupancy

~~The Youth Justice Residential Centre—South~~ Oranga Tamariki Residence shall provide for up to 40 children/tamariki and young persons/rangatahi up to and including the age of 19 years at any one time.

3. Community Liaison Committee

~~A community Liaison Committee shall be established to assist in the promotion of a positive relationship between the Youth Justice Residential Centre—South and the local community. The Community Liaison Committee shall be kept informed of current and proposed programmes at the Youth Justice Residential Centre—South and include one representative of the Selwyn District Council and two representatives of the local community. This Committee shall meet at least four times each year.~~

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

4. Security Management Plan

~~A security Management Plan for the Youth Justice Residential Centre—South~~ for the facility shall be formulated and implemented in accordance with relevant regulations and in consultation with the Community Liaison Committee and relevant emergency services.

5. Noise

The noise generated on site shall be in general compliance with the appropriate New Zealand Standard when measured at the southern boundary of Two Chain Road being ~~NZS 6802:1994~~ NZS 6802:2008 once the ~~Youth Justice Residential Centre—South~~ Oranga Tamariki Residence is established and NZS 6803:1999 during construction. There shall be no use of loud speakers or external intercom systems.

6. Landscaping

The site shall be landscaped generally in accordance with the landscape plan prepared by Stephenson & Turner NZ Ltd marked Project No. 8276 Drawing No. ARC102 revision F, and the planting concept plan prepared by Boffa Miskell Limited dated February 2002, including a double row of shelter planting contained in Appendix B of the notice of requirement. All perimeter landscaping shall be maintained in a tidy condition, including replacement if any planting dies or is destroyed, and irrigated until fully established.

Perimeter landscaping and bunding along the northern boundary shall be established prior to the construction of the buildings.

7. Lighting

The lighting on site shall be sufficient for operational and security purposes and it shall be designed to prevent the intrusion of direct light into neighbouring properties.

8. Cultural

Should there be an accidental discovery during construction of koiwi tangata (human remains), parekai (midden), or taonga (artefacts), work in the vicinity shall stop immediately and Te Taumutu Runanga be advised.

9. ~~Roading~~

~~The agreed roading be carried out according to the specifications agreed with the Asset Manager of Selwyn District Council as follows –~~

- ~~e) Seal widening along Runners Road, 700 metres long, 5.8 metres wide existing seal to 6.7 metres wide;~~
- ~~f) Construct 300 metre long, 6.7 metre seal extension of Runners Road beyond the current end of seal, including a combined turning bay and entrance of the proposed centre;~~
- ~~g) Culvert the existing water race across Runners Road to Council standards;~~
- ~~h) Upgrade the intersection of Runners Road and Walkers Road to accommodate the upgrade work on Runners Road.~~

10. Dust Management Plan

~~A Dust Management Plan shall be formulated and implemented to reduce potential dust nuisance during the earthworks and construction.~~

6.0 The Minister's Objectives

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

Section 364 of the Oranga Tamariki Act authorises the Minister to approve the Chief Executive of Oranga Tamariki establishing and maintaining residences under the Oranga Tamariki Act that in the opinion of the Chief Executive are required for the care and control of children and young persons including residences for remand, training, rehabilitation and the provision of secure care.

The amendments to the Oranga Tamariki Act (new section 364(1A)) that came into effect on 1 July 2019 also require the Chief Executive to consider establishing a sufficient number and sufficient types of community-based residences to be available for children and young persons

who are detained in the Chief Executive's custody under section 238(1)(d) of the Oranga Tamariki Act which relates to the custody of children or young people pending hearing.

The Purposes of the Oranga Tamariki Act of relevance to this application include:

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

This alteration to the designation for Te Puna Wai ō Tuhinapo is required to enable the Minister through Oranga Tamariki to achieve the purposes of the Oranga Tamariki Act relating to care and custody of young persons placed in the custody of the Chief Executive through the youth justice system following the raising of the youth justice age from 1 July 2019.

The alteration is also required to enable the Minister through Oranga Tamariki to provide for the continued placement of certain children, and young people on remand in the adult jurisdiction under the Criminal Procedure Act 2011 as well as new remand placements of young adults up to

and including the age of 19 under the Criminal Procedure Act 2011 and placements of children and young people following sentencing under the Corrections Act 2004.

7.0 Statutory Considerations

Section 181 of the RMA states that:

181 Alteration of designation

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if—*
 - (a) the alteration—*
 - (i) involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned; or*
 - (ii) involves only minor changes or adjustments to the boundaries of the designation or requirement; and*
 - (b) written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and*
 - (c) both the territorial authority and the requiring authority agree with the alteration—*

and sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

- (4) This section shall apply, with all necessary modifications, to a requirement by a territorial authority to alter its own designation or requirement within its own district.*

As such the AEE addresses the following issues:

- An assessment of the extent to which the proposed amendments to the designation purpose and conditions will result in environmental effects; and
- The nature and outcome of the consultation undertaken in respect of the proposed amendments to the designation.

8.0 Assessment of Environmental Effects

Section 181(3) enables a territorial authority to alter a designation in its district plan if the alteration involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned (and other statutory tests as addressed elsewhere in this AEE). This section of the AEE assesses the environmental effects of amending the Te Puna Wai ō Tuhinapo designation's purpose and conditions as set out in Section 5.0 of this report.

This assessment takes into account the existing approved designation which provides for the placement of 40 children/tamariki and young persons/rangatahi within the existing buildings and facilities on the designated site. An overview of the existing buildings and facilities on the site is set out in Section 3.0 of this report, along with a description of the way in which the residence is managed and operated.

The proposed amendments to the entry of the designation in the Schedule and on the Planning Maps:

- Amend the references to the Ministry of Social Development (and the associated abbreviated designation code) as the Requiring Authority for the facility as the Minister for Children is now the legal Requiring Authority for this designation. Oranga Tamariki – Ministry for Children was established as a separate department on 1 April 2017 and replaced the business unit of the Ministry of Social Development formerly known as Child, Youth and Family.
- Amend the legal description of the land to which the designation relates to reflect the current legal description.
- Amend references to 'Youth Justice Centre' to 'Oranga Tamariki Residence' throughout the designation schedule, purpose and conditions.

The proposed amendments to the designation purpose:

- Confirm the use of the residence for youth justice and certain adult jurisdiction reasons for children and young people up to and including the age of 19. The current designation allows for the placement of children and young people under the Oranga Tamariki Act who are awaiting determination of their offending or alleged offending (remand) or who have been subject to a response of the Youth Court in relation to their offending. The current designation also allows for the placement of children and young people who have been remanded by the District or High Court into the custody of the chief executive while their case is waiting to be heard or they are waiting to be sentenced. The change sought is to reflect recent legislative amendments which mean that Oranga Tamariki may be asked by the adult or youth courts (or Police or Corrections) to provide care for young adults aged 18 or 19, in special circumstances. It is also sought to allow the Chief Executive of Oranga Tamariki to place certain young people at the residence who have been sentenced in the adult jurisdiction (pursuant to section 34A of the Corrections Act 2004).
- Remove explicit reference to 'detention' from the designation purpose, and introduce 'transitional services' and 'shared services';
- Clarifies that ancillary visitor and transitional services are provided at the site; and
- Add 'tamariki' and 'rangatahi' to references to 'children' and 'young persons' respectively throughout the designation purpose and conditions.

The proposed amendments to the designation conditions:

- Amend the occupancy condition (condition 2) to explicitly state that young persons/rangatahi up to and including the age of 19 years may be accommodated at the residence;
- Amend the basis on which the Community Liaison Committee is required to be established (in condition 3) to simply reference the requirements set out in the relevant regulations, removing unnecessary detail relating to the composition and reporting of the Community Liaison Committee. It is noted that the regulations require 2 persons appointed by the local authority, as compared to the current condition that requires only 1 representative of the local authority;
- Amend the wording of condition 4 (Security Management Plan) to cross reference the relevant regulations;
- Replace the reference to NZS 6802:1991 in Condition 5 (Noise) with reference to NZS 6802:2008;
- Delete condition 9 as it relates to the requirement to undertake roading upgrades which have now been completed (rendering the condition unnecessary);
- Delete condition 10 as it relates to the requirement to prepare a Dust Management Plan for the earthworks and construction phase, which has now been completed (rendering the condition unnecessary);

8.1 Operational changes arising from the alteration to the Designation

As it is not proposed to increase the capacity at the residence, there will be no changes to the operational management or any noticeable changes to the physical infrastructure of the Residence as a consequence of the proposed alteration to the designation. While it is proposed to amend condition 3 of the designation, which relates to the establishment and operation of the CLC, as set out in Section 5.0 of this AEE, the impacts of the proposed amended wording on the operation and function of the CLC are less than minor. The only operational change that arises from the change is that there will be a requirement for two, rather than one, representatives of the SDC to be on the CLC. However as outlined above, there are already two representatives of the SDC on the CLC. For adult jurisdiction placements the individual bedrooms used for these placements will be lockable from the outside and will be locked overnight. This is not the case for youth justice placements currently and that will remain the case.

8.1.1 Capacity

There are no changes proposed to the maximum number of children/tamariki and young persons/rangatahi to be placed at Te Puna Wai ō Tuhinapo at any one time.

8.1.2 Age of Residents

The alteration seeks to enable placements up to and including 19 years. As outlined in section 5.0 the change aligns with the Raising the Age changes to the Oranga Tamariki Act that came into force on 1 July 2019. This means that Oranga Tamariki is required to accept young persons/rangatahi who are aged up to and including 17 years where the Youth Court has ordered

that they be detained in the custody of the Chief Executive or they are subject to certain orders requiring placement in a residence.

This change means that most of the young people that Oranga Tamariki will be responsible for will be under 18 years, however, on occasion, Oranga Tamariki may also be required to accept a small number of young adults aged between 18 and 19 (inclusive) who Oranga Tamariki may have been asked by the adult or youth courts (or Police or Corrections) to provide care for. This means that the residence may accommodate young persons/rangatahi who are aged up to and including 19 years when they are placed in the custody of the Chief Executive of Oranga Tamariki.

8.1.3 Placement Pathways

The alteration seeks to enable placements of tamariki/rangatahi who are serving a sentence under the adult jurisdiction. Currently the designation provides for young people/rangatahi who have been remanded under the adult jurisdiction to be placed at Te Puna Wai ō Tuhinapo, and it is proposed as part of this NOR for them to be able to serve their sentence at Te Puna Wai ō Tuhinapo also.

8.1.4 Number of Staff

There are no changes proposed to the staffing numbers for Te Puna Wai ō Tuhinapo.

8.1.5 Visiting Hours

There are no changes proposed to the current visiting hours for Te Puna Wai ō Tuhinapo.

8.1.6 Layout, buildings and uses

The proposed alteration to the Designation will not involve the addition of any new buildings on the site or external building changes. As there are no changes to the residential capacity or staff numbers, there is no change to the car parking requirements, provision or layout.

8.2 Neighbourhood/Community Effects

The site is located on land that is within the Rural Plains zone. The site is adjoined to the east by the Rolleston Prison (Designation MC1), and to the west by defence land (Designation DE1). As set out earlier in this report, the proposed amendments to the designation purpose and conditions will not result in any changes to the level of intensity of the activity at the designated site, nor any increase in the number of children/tamariki and young persons/rangatahi at the residence.

The amendments seek to align the purpose of the designation with recent changes to the Oranga Tamariki Act, including by specifying that the residence can be used for both youth justice and certain adult jurisdiction reasons. Related amendments to condition 2 of the designation stipulate that young persons/rangatahi up to and including the age of 19 can be accommodated at the residence.

The increase in age limit and reasons for placement will not result in any new adverse effects on the environment arising from the proposed amendments. The security and safety measures are summarised in Section 4.5 above and these include: behaviour management, staff-to-young person ratio and supervision, the structured day and comprehensive security and emergency

management plans and infrastructure. For adult jurisdiction placements the bedroom doors will be lockable from the outside and will be locked overnight to restrict movement.

Given the nature of the surrounding land uses, that it is not proposed to increase the capacity of the residence, and that the existing security and safety measures will continue to be implemented at the residence in addition to the use of lockable bedroom doors for adult jurisdiction placements, it is not considered that there will be any adverse neighbourhood or community effects arising from the proposed amendments to the designation. The actual and potential effects related to the change in age and placement pathway will be managed by the existing security features and operational procedures employed by Oranga Tamariki at Te Puna Wai ō Tuhinapo with any effects appropriately internalised and managed.

8.3 Physical Effects

The site contains the established residence and associated buildings, landscaping, recreational and parking areas. This includes various control features such as fences, gates and associated infrastructure. No physical changes are proposed as part of this application, and any potential future development at the site will be subject to the designation conditions and the outline plan process.

The proposed amendments to the designation conditions do not result in any increase in the capacity of the residence, nor to related staffing numbers. No changes are proposed to the parking areas on the site, and therefore it is considered that there will be no effects on the surrounding transport network as a result of the proposed amendments.

8.4 Noise effects

As the proposed amendments will not result in the increase of the capacity of the existing residence, nor any changes to the nature of the activities at the site, it is not considered that there will be any change to any noise associated with the residence. In addition, it is noted that Condition 5 of the designation requires noise generated on the site to be in accordance with NZS 6802:1991 when measured at the southern boundary of Two Chain Road, and that there shall be no use of loud speakers or external intercom systems.

It is proposed to amend this condition so that the most up to date version of NZS 6802 is referenced in the condition, otherwise no further amendments are proposed.

8.5 Cultural Effects

Te Taumutu Rūnanga is identified as the papatipu rūnanga that holds mana whenua over the area of Canterbury within which the site is located. Oranga Tamariki sent a letter outlining the proposed amendments to the designation to Te Taumutu Rūnanga on 1 October 2019.⁷ A further letter was sent to Liz Brown, Chairperson of Te Taumutu Rūnanga on 22 October 2019. Representatives from Te Taumutu Rūnanga and Oranga Tamariki representatives subsequently met to discuss the proposed amendments to the designation on 11 November 2019. Liz Brown wrote to Steve Taylor at Oranga Tamariki to confirm that Taumutu Rūnanga supports the alterations to the designation (see Appendix 4).

⁷ Letter from Allan Boreham (Oranga Tamariki) to Julie Robilliard (Te Taumutu Rūnanga) dated 30 September 2019, sent via email by Deborah Rowe (Boffa Miskell) on behalf of Oranga Tamariki

8.6 Conclusion

Overall it is considered that the proposed amendments to the designation conditions and purpose will not have any adverse effects on the environment.

9.0 Consultation

This section provides a summary of the consultation undertaken by the Minister to date.

9.1 Resource Management Act Requirements

Section 36A of the RMA expressly provides that an applicant or requiring authority does not have a duty under the RMA to consult any person regarding a NOR. While consultation is not mandatory for the designation of land, case law has clearly established that undertaking consultation is best practice.

However, section 181(3)(b) enables a territorial authority to alter a designation in its district plan if written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration.

In order to raise community awareness of the proposed changes to the Designation and to seek agreement on the proposed changes to the designation, the neighbouring properties were advised of the proposed changes and their feedback sought. In determining and undertaking the nature of consultation to be undertaken, consideration was given to the nature of the activity, nature of potential effects, and existing consultation and engagement practices in place.

Given the existing, lawfully established nature of the activity, the existing CLC framework in place and the conclusion that any adverse effects on the environment would be less than minor, the primary method of consultation on the proposal has been through direct consultation with neighbouring sites and mana whenua, and engagement with the CLC. .

A letter outlining the proposed changes to the Designation was sent to the following organisations on 30 September 2019:

- Major Payton, New Zealand Defence Force - Burnham Military Camp (adjoining land to the west)
- Mike Howson, Prison Director, Department of Corrections (adjoining land to the east)
- Julie Robilliard, Chair, Te Taumutu Rūnanga

As set out in Section 8.5 above, a further letter was sent to Liz Brown, Chairperson of Te Taumutu Rūnanga on 22 October 2019. Representatives from Te Taumutu Rūnanga and Oranga Tamariki representatives subsequently met to discuss the proposed amendments to the designation on 11 November 2019. Liz Brown, the Chairperson of Te Taumutu Rūnanga, wrote to Steve Taylor at Oranga Tamariki to confirm that Taumutu Rūnanga supports the alterations to the designation (see Appendix 4).

Representatives of Burnham Military Camp and the Rolleston Prison also provided letters confirming support for the proposed amendments (see Appendix 4).

The CLC comprises a range of community members and specific interested parties. The existing CLC includes representation by local mana whenua and the wider local community, including the Council, police, and Burnham Military Camp. A special meeting was held on 27 June 2019 to discuss the proposed alteration to the designation. The feedback was positive with no specific concerns raised in relation to the changes.

In summary the CLC, which represents the local landowners and wider local community, is supportive of the proposed alteration. A copy of the minutes from the meeting is attached as **Appendix 4**.

9.2 Pre-Application Meetings

An informal discussion about the proposed amendments to the designation was held with Benjamin Rhodes of the Selwyn District Council on 25 June 2018. No particular issues were raised at this meeting.

10.0 Notification

Section 181 of the RMA sets out a process for the alterations to existing designations. Requiring authorities may at any time give notice to the relevant territorial authority of its requirement to alter a designation for which it is responsible.⁸ Unless otherwise provided for by section 181(3), sections 168 to 179 and 198AA to 198AD shall apply to a requirement to alter an existing designation.⁹ Notably section 169 relating to notification would apply to such requirements.

However, as set out in the introduction to this AEE, the Minister seeks that the proposed alterations to the Te Puna Wai ō Tuhinapo designation are considered under section 181(3). Section 181(3) enables a territorial authority to alter a designation in its district plan if:

- The alteration involves no more than a minor change to the effects on the environment associated with the use or proposed use of land or any water concerned, or involves only minor changes or adjustments to the boundaries of the designation or requirement; and
- Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners or occupiers agree with the alteration; and
- Both the territorial authority and the requiring authority agree with the alteration.

Section 181 states that if all the above circumstances are met, then sections 168 to 179 and 198AA to 198AD shall not apply to any such alteration.

As set out elsewhere in this AEE, it is considered that the nature of the proposed amendments to the designation satisfy the relevant tests under section 181(3) and therefore a notification assessment under section 169 of the RMA is not required in this instance.

⁸ RMA section 181(1)

⁹ RMA section 181(2)

11.0 Conclusion

The Minister provides this NOR pursuant to section 181(3) of the RMA for an alteration to Designation MS1 in the Selwyn District Plan.

This NOR seeks amendments to the purpose and existing conditions of the designation to align with and fulfil the current and future obligations and duties of the Chief Executive. The spatial extent of the Designation is not being altered.

The Minister has assessed the relevant matters as set out in s181(3) of the RMA and concludes that the amendment to the designation is necessary for achieving the Minister's objectives; that the alteration involves no more than a minor change to the effects on the environment associated with the use of land; and that the owners and occupiers of land potential affected by the alterations have given their written approval to the alteration. . The amended designation arrangements for the site will enable the delivery of the youth justice requirements of the Oranga Tamariki Act, and responsibilities under other legislation.

An assessment of effects on the environment has been undertaken based on the parameters of the alterations to the designation proposed, which involves a change to the conditions which will increase the age of the young persons/rangatahi able to reside at the facility and enable the placement of tamariki and rangatahi for certain adult jurisdiction purposes. The effects assessment concludes that there will be no adverse effects on the environment arising from the proposed amendments.

The proposed alteration to the purpose and conditions of the designation is consistent with the objectives and policies of the relevant planning policy documents.

Having considered the effects on the environment of allowing the alteration to the designation it is concluded that the alteration to the designation can be confirmed under section 181(3) of the RMA

Appendix 1: Minister's Decision on Designation for Te Puna Wai ō Tuhinapo

Appendix 2: Gazette Notice (Extract)

Appendix 3: Certificate of Title

Appendix 4: Consultation Material / Consultation Responses

Appendix 5: Communication in respect of rollover notice for the current designation