

**BOARD OF INQUIRY**

**Men's Prison at  
Wiri Proposal**

**Draft Report and Decision  
of the  
Board of Inquiry  
into the  
Proposed Men's Correctional Facility At Wiri**

**Draft report and decision produced under section 149Q of the  
Resource Management Act**

**Volume 2 of 2**

## **Explanatory Note to Designation 288 Conditions**

*Designation 288 provides for Comprehensive Corrections Facilities comprising a women's corrections facility (ARWCF) and a men's corrections facility (MCF) at 20 Hautu Drive. The conditions that accompany this designation apply to the designated site as a whole, except where specified as applying only to the ARWCF or the MCF.*

*The conditions reference the following plans:*

- *the Indicative Concept Plan for the ARWCF (Figure 2, 3 February 2004, DB0901);*
- *the Development Plan for the MCF (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011);*
- *the Heritage Areas Plan (Figure 2, Revision E, prepared by Boffa Miskell, dated 25 March 2011); and*
- *the Quantitative Risk Assessment and Mitigation Plan (Figure 3, Revision A, prepared by Boffa Miskell, dated 17 May 2011).*

*The Indicative Concept Plan for the ARWCF is referred to in Condition 1(a). This condition of the original designation required the initial works for the ARWCF, which was established in 2006, to be in general accordance with this indicative concept plan. Condition 1(a) does not limit future activities on the site in so far as they are consistent with the designation and other conditions.*

*The Heritage Areas Plan identifies those parts of the site identified as heritage areas and remnant cultural landscape features. This plan is referred to in conditions 3, 37 and 38 which set out specific limitations that apply to these areas.*

*The Development Plan for the MCF shows the indicative location of its secure and non secure facilities, and the controls on development in conditions 79, 80, 81, 82 and 83.*

*For the purposes of these conditions, 'site' means the entire area of land subject to Designation 288, unless specified in the condition as either the ARWCF or the MCF site.*

*Reference to 'the Minister' in these conditions refers to the Minister of Corrections or their successor (where their successor is the requiring authority).*

*The designation is for the construction, operation, maintenance and upgrading of comprehensive corrections facilities and associated facilities and the authorisation of all ancillary activities and facilities including, but not limited to:*

- Any preliminary or future earthworks not covered by existing consents*
- Entry buildings*
- Visitor carparks*
- Staff carparks*
- Administration and staff amenities*
- Visits centres*
- Inmate receptions*
- Industries*
- Kitchens/laundries*
- Programmes*
- Health centres*
- Meeting houses*
- High security accommodation*
- High Medium security accommodation*
- Medium Low security accommodation*
- Low security accommodation*
- Self care (inner security area) accommodation*
- Self care (middle security area) accommodation*
- Atea*
- Inmate Atea*
- Village Green*
- Gymnasiums*
- Playing fields*
- Stormwater management ponds*

- *Internal roading*
- *Security fences, security walls, surveillance equipment and lighting*
- *Landscaping and 'set back' buffer areas*

*and shall extend to all of the land shown within the extent of the designation boundary on plan DB0901, figure 2, indicative concept plan dated 3 February 2004 as amended by the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011) and these conditions.*

The designation shall be subject to the following conditions:

### **Scope of the Designation**

1. (a) The initial works for the ARWCF to give effect to the designation shall be generally in accordance with the Notice of Requirement for the ARWCF dated 28 May 2002, and the indicative concept plan, Figure 2, 3 February 2004, DB0901, subject to any amendments required by the conditions that follow. However, nothing in this condition shall limit future activities on the site in so far as they are consistent with the designation and other conditions.

(b). All works and activities for the MCF shall be generally in accordance with the Notice of Requirement for Alteration to Designation 288 dated 1 November 2010, subject to any amendments required by the conditions that follow. However, nothing in this condition shall limit future activities on the site in so far as they are consistent with the designation and other conditions.

(c). The comprehensive corrections facilities on the site shall be limited to the ARWCF and a MCF.

(d). Any secure facilities associated with the ARWCF shall be generally located within the area identified as 'Indicative Extent of ARWCF Secure Facilities' on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011).

(e). Any secure facilities associated with the MCF shall be generally located within the area identified as 'Indicative Extent of prison Secure Facilities' on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011).

(f). Any non-secure facilities associated with the MCF shall be generally located within the area identified as 'Indicative Extent of prison Non Secure Facilities' on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011).

2. That for a distance of 45m from the northern boundary of the site, adjoining the land of Wiri Oil Services Ltd, no new buildings or activities shall be constructed or carried out. This condition shall not apply to horticultural activities or to maintenance of grounds, or to maintenance, alteration or use of the existing building.

3. No buildings (excluding mesh fencing and lighting, security and communication devices, including poles for lighting and surveillance equipment) shall be constructed within that part of the Corrections' designation, identified as area "A" on the Heritage Areas Plan (prepared by Boffa Miskell, Figure 2, Revision E, dated 25 March 2011).

4. (a) The accommodation units of the ARWCF shall be located at least 134 metres from the Wiri Oil Services Limited boundary and the outside of the secure perimeter fence shall be located at least 100 metres from that boundary.

(b) All inmate accommodation, staff administration and kitchen buildings to be used by staff and inmates within 200m of the Wiri Oil Services boundary shall have mechanical ventilation. The ventilation system shall be capable of having suitable filtration systems installed to minimise odour and VOCs, to the satisfaction of the Council based on results of the monitoring required by condition 35.

5. An easement for an esplanade strip and/or access strip for a coastal recreational walkway for the benefit and use of the public shall be granted in the Council's favour at no cost to the Council by the Minister generally along the boundary of the subject land with the Manukau Harbour on the following basis:

(a) The easement in perpetuity shall adjoin the mark of mean high water springs of the Manukau Harbour, unless the topography requires that it be located away from the coast. The legal documents relating to the easement shall be prepared by the Council's solicitors at the Minister's expense, executed by or on behalf of the Minister and registered on the certificate of title of the land prior to commencement of the proposed activity.

(b) The esplanade strip and access strip shall be of sufficient width to allow cycle and pedestrian access through the area.

(c) The route of the formed walkway shall be determined jointly by the Minister and the Council and shall minimise the impact upon the part of the Corrections' designation identified as area "C" on plan '21095' dated 9 October 2003. The construction and maintenance of the walkway will be undertaken by the Council, at such time as it deems fit to do so.

(d) The Minister shall construct and maintain as a minimum a standard post and wire fence along the boundary of the esplanade strip and the access strip easement, within 6 months of the creation of the easement.

(e) The Minister shall take all reasonable steps to place and maintain signs at the boundaries of the Minister's property along the walkway and at the public entrances to the walkway, prior to its use. The Minister shall consult with the Council, with regard to the wording of signage with a view to ensuring that, to the extent practicable, the signage does not discourage the public from using the walkway.

(f) The walkway shall be available to the public during hours of daylight every day of the year except in specified circumstances, to be agreed between the Minister and Council.

(g) During the event of the specific circumstances referred to in Condition 5(f), the Minister shall make available an alternative walkway to continue this public access.

*Advice Note:*

*Easements have been created further to this condition and are registered against Identifier 368904 (North Auckland).*

## **Traffic**

6. The principal access to the ARWCF shall be off Hautu Drive, while access for an "emergency situation" may be provided off other adjacent roads. For the purposes of this condition, an "emergency situation" is defined as a situation requiring alternative vehicular access by the Department of Corrections, New Zealand Police, New Zealand Fire Service and/or an Ambulance, New Zealand Defence Force, Civil Defence and includes situations relating to the escape of any inmate.

7. Adequate onsite parking, loading, access and manoeuvring areas be provided at all times for all types of vehicles anticipated to visit the facilities. All onsite parking, loading, access and manoeuvring shall be formed, drained, sealed and marked out in accordance with Council's Engineering Quality Standards and Figure 8.5 of Chapter 8 of the District Plan. Full engineering drawings in respect of these works shall be submitted to and approved by the Council, as part of the Outline Plan of Works.

8. In the event that the McLaughlins Road frontage of the site requires upgrading due to the Minister's construction, establishment, operation and/or maintenance of the facility, and becomes a public road, this shall be constructed to Business Road standards for half a road frontage in accordance with Rule 9.9.2.11(a)(iv) of the Manukau Operative District Plan. A payment, which shall be agreed between the Minister and the Council, shall be paid to the Council prior to commencement of the road frontage upgrading (such payment to be applied to the upgrade and to take into account any payments made to the owners of the road for its upgrade).

9. Cul de sacs in accordance with Council's Engineering Quality Standards shall be fully formed and vested in the Council and at no cost to the Council as continuations of Hautu Drive and Ha Place prior to commencement of building construction. These areas shall include any necessary service berms and footpaths in addition to a standard front berm. Full engineering drawings in respect of these works shall be submitted to and approved by the Council.

### **Landscape and Urban Design**

10. An Integrated Design and Mitigation Strategy (IDMS) shall be prepared for the entire designated site and submitted for the approval of the Council as part of the outline plan of works for the establishment of the *MCF*. The Council, the Department of Conservation, Ngati Te Ata, Te Akitai (and any other mana whanua group subsequently recognised), Vision Manukau and the Volcanic Cones Society shall be given an opportunity to review and comment on the draft IDMS (including for the avoidance of doubt, the visual mitigation strategy, ecological planting strategy, and comprehensive landscape plan) at least three (3) months prior to its submission with the outline plan of works. The IDMS shall include the matters set out below.

### ***IDMS Principles and Functions***

- (a) The IDMS must set out the overarching principles that will shape a visual mitigation strategy, an ecological planting strategy, and a comprehensive landscape plan.
- (b) The IDMS shall address building placement, scale and form in relation to the surrounding and proposed landscape context and, in particular, shall identify viewshafts to Maunga Matukutureia from the southern part of the ARWCF, the marae on the CYFS facility, and the Weymouth/Puhinui walkway that are to be protected as much as practicable. The IDMS shall specify building materials and colour, proposed screening and planting, proposed pest control measures, proposed site preparation and remediation, plant species selection, plant establishment and ongoing maintenance and monitoring requirements.
- (c) The IDMS should establish how it is proposed to integrate the development when viewed from the Clendon residential area, ARWCF and CYFS facility, and the means proposed to integrate the scale, form and bulk of the buildings and structures in the western and southern portion of the site in relation to the open space.
- (d) All buildings and external structures shall be designed and finished in materials and colours that are generally visually recessive.

### ***IDMS Components***

- (e) The IDMS shall include the following components, each of which shall give effect to the IDMS and its overarching principles:
- (i) A **Visual Mitigation Strategy** for the entire site. This shall include but not be limited to:
- key visual objectives including the identification and management of views towards the site from surrounding residential, commercial and public open space areas (particularly from the Weymouth/Puhinui Walkway and adjacent DoC reserve) and the objective of maintaining views of Maunga Matukutureia to the fullest extent practicable;
  - the use of mass planting where appropriate within a minimum 8 metre planting strip along all boundaries of the site to enable the screening and/or visual integration

of built forms within the site and with the surrounding landscape character, including the maintenance of the existing landform within this 8 metre planting strip (except where mounding or additional soil depth is required to achieve the optimum growth of plants). The 8 metre planting strip shall not apply to the following locations:

- at the Hautu Drive, Ha Crescent, McLaughlins Road and Kiwi Tamaki Road vehicle and pedestrian entrances;
- either side of the access strip to Kiwi Tamaki Road; and
- parking areas, access drives and other hard surfaces associated with the ARWCF existing as at 1 May 2011.

(ii) An **Ecological Planting Strategy**, to enhance the ecological attributes of the site, and in particular the south-west corner of the site, providing a buffer between the facilities and the Puhinui Creek. The strategy shall promote the use of eco-sourced species where appropriate.

(iii) A **Comprehensive Landscape Plan** for the entire site, including but not limited to:

- planting proposals for the retained wetland area and any stormwater ponds;
- planting proposals for the entry and parking areas;
- planting proposals within the required minimum 8 metre planting strip along all boundaries of the site, except in the locations excluded above;
- new parking areas designed with landscaped dividers or islands to provide separate parking bays each containing not more than 100 carparking spaces. The dividers or islands shall be planted with well developed specimen trees capable of growing to a height of approximately 6 metres within 10 years of planting. When determining tree and shrub species, safety aspects such as sight distances must not be compromised;
- consideration of any planting and/or public amenities on adjoining public land to enable the co-ordinated management of the site's boundaries;

- the name (including botanical), numbers, location, spacing and size of the plant species, details on the timing of planting, and details of existing planting to be retained (where practicable);

- a landscape management programme, including implementation and maintenance, setting out the methods for pest control (including, if necessary, pest proof fencing along the boundary of the site and the Matukuturua Stonefields Historic reserve), use of sacrificial planting (where appropriate), fertilising, and if necessary irrigation, to ensure continued growth of the plants. The landscape management programme shall detail existing and proposed soil depths, sufficient to ensure the optimum growth of the plants. These minimum soil depths may either be achieved using existing ground conditions where appropriate, or through mounding and/or through the provision of additional soil.

(iv) A report by a suitably qualified and experienced urban designer and landscape architect on how the design achieves the principles of the IDMS, including how the design achieves a good interface with surrounding areas.

11. The Minister shall not be in breach of Condition 10 if any one or more of the named groups specified do not wish to provide comment.

12. The outcomes of the engagement on the IDMS as specified in condition 10, including the comments provided by the parties and any changes made as a consequence, shall be documented and provided to the Council with the outline plan of works for the establishment of the MCF.

13. The Minister will cover the reasonable expenses of the parties named in condition 10 to commission any expert review of the IDMS, subject to the parties discussing the potential for joint engagement of an expert and subject to the Minister's approval of the scope of works and professional services fee proposals, prior to any expert advice or reports being commissioned by the parties.

14. (a) In the event that further outline plans are required and/or submitted for the site, the IDMS shall be updated in accordance with the conditions described above.

(b) Unless and until any outline plan is required and/or submitted for further development undertaken at the ARWCF, only the planting including screening, pest and

predator control, site preparation, species selection, and ongoing maintenance and monitoring aspects of the initial IDMS shall apply to the existing ARWCF.

15. Except for the screen and mass planting within the minimum 8 metre planting strip along all boundaries of the site, the landscape plan may be altered at any time, provided the changes to the plan are in general accordance with the IDMS and landscape plan which was approved by the Council as submitted with the outline plan.

16. The Minister shall implement the comprehensive landscape plan, the ecological planting strategy and the visual mitigation strategy within 12 months of completion of construction of the MCF and shall thereafter maintain all specified works and plantings to the satisfaction of the Council.

### ***Existing Landscaping Plans***

17. Until such time as the IDMS required under condition 10 is approved by the Council, the following conditions (18-24) shall apply.

18. The visual mitigation and ecological planting plan for the ARWCF approved by the Council with the outline plan of works for the ARWCF on 10 September 2004 shall apply to the site.

19. The visual mitigation and ecological planting plan may be altered at any time with the approval of the Council. In that regard, the Council shall not unreasonably withhold his or her approval, and in particular will not refuse approval to changes to the plan made necessary as a result of expansion of facilities within the site on the sole ground that such expansion is not consistent with the plan as originally approved.

20. The general landscaping plan for the ARWCF approved by the Council with the outline plan of works for the ARWCF on 10 September 2004 shall apply to the site.

21. The general landscaping plan required under condition 20 above may be altered at any time, provided the changes to the plan are in general accordance with the plan which was approved by the Council.

22. The Minister shall implement the visual mitigation screening strategy within 6 months of completion of initial building construction for the ARWCF and shall thereafter maintain the planting to the satisfaction of the Council.

23. The Minister shall implement the ecological planting within 6 months of completion of initial building construction for the ARWCF and shall thereafter maintain the planting to the satisfaction of the Council.

24. The Minister shall implement the remainder of the general landscaping plan within 15 years of the ARWCF being occupied.

### **Lighting**

25. All exterior lighting plans shall be submitted to the Council prior to commencement of building construction. The lighting plans shall show and describe the location, type and intensity of lighting for facilities where external lighting is planned on the site and be approved to the satisfaction of the Council, taking into account the security requirements of the corrections facility.

### **Noise**

26. All sleeping areas within the ARWCF shall be provided with acoustic insulation against noise from the adjacent Quarry and Business 5 and 6 zones so that internal noise within the ARWCF resultant from off site activities does not exceed  $L_{10} 35\text{dBA}$   $35\text{dB } L_{A10}$  and  $L_{\text{max}} 55 \text{ dBA}$  with external doors and windows closed. These spaces shall also be provided with alternative ventilation in accordance with the requirements of the New Zealand Building Code, subject to the satisfaction of the Council.

27. Any noise from construction work (as defined in Chapter 18 of the Manukau Operative District Plan) emanating from the site shall comply with the relevant requirements of the Manukau Operative District Plan 2002.

28. Sound levels shall be measured and monitored by the Minister in accordance with New Zealand Standard NZS 6802:1999, Assessment of Environmental Sound and the results of the monitoring shall be compiled in a report to be submitted to the Council within 6 months of the opening of the ARWCF.

29. Should the results of the monitoring required by Condition 28 indicate that the facility does not comply with the noise limits specified, then discussions shall take place between the Minister and the Council to resolve this matter and remedy it as soon as is reasonably practicable.

### **Air**

30. The Minister shall undertake monitoring of VOCs, including benzene, in relation to the ARWCF to the satisfaction of the Council, the results of which shall be forwarded to the Council as and when required. Monitoring shall be conducted simultaneously at two locations:

(a) one at the northern façade of the closest building to the northern boundary of the site which is required to have mechanical ventilation pursuant to Condition 4(b); and

(b) the other at a location adjacent to the southern boundary of the site.

31. Monitoring required under condition 30 shall consist of passive sampling with 3M badges in accordance with NIOSH Method 1500 & 1501 or equivalent method approved by the Council, to produce monthly average concentrations, and shall be undertaken:

(a) for a period of 12 months commencing not more than one month from the date of confirmation of this designation; and

(b) in any further 12 month period or periods following receipt of written notice from the Council that there has been a significant change in the operations at the WOSL site. Results shall be recorded and made available to the Council on request. A report on the monitoring programme shall be presented to the Council at the end of each 12 month monitoring period. For the purposes of this condition and condition 32 below, a "significant change in the operations at the WOSL site" includes:

(i) the commissioning of new fuel tanks within 100 metres of the northern boundary of the ARWCF site; and/or

(ii) increases in total storage tank capacity on the WOSL site of more than 40% above 116 million litres, being the capacity on the WOSL site that existed at the confirmation of this designation; and/or

(iii) any other change that, in the opinion of the Council, could give rise to significant increases in the concentration of VOCs, including benzene, on the ARWCF site.

32. In addition to monitoring required under condition 31 the Minister shall from the date that the ARWCF opens, commence a field odour monitoring programme for the succeeding 12 months and repeat this five years thereafter and/or in any 12 month period or periods following receipt of written notice from the Council that there has been a significant change in the operations at the WOSL site.

(a) The monitoring shall be undertaken by an individual whose olfactory sensitivity complies with the requirements of an odour panellist used in dynamic olfactometry as stipulated in AS/NZS 4323.3:2001 (Stationary Source Emissions — Determination of Odour Concentration by Dynamic Olfactometry).

(b) Odour shall be assessed at no less than five locations in the vicinity of the ARWCF. At least one location will be on the northern boundary fence, and another in a position near the accommodation unit that is closest to that fence.

(c) The odour assessment method shall follow the "single measurement" procedures set out in the German Standard VDI 3940 (Determination of Odorants in Ambient Air by Field inspections).

(d) The location, day, time and atmospheric conditions shall be recorded at the time the assessments are made.

(e) Subject to (g) below, assessments at each location shall as far as practicable be undertaken once per week, with no less than 50 assessments undertaken of each site over the 12 month period. The assessment day and time shall be determined in conjunction with the Council and Wiri Oil Services Limited, and shall aim to ensure that:

- the assessments achieve a representative measure of odours at the ARWCF and account for activities at WOSL that may have the potential to cause odour; and
- information that is necessary for the Council to review the monitoring regime pursuant to (g) below to focus monitoring upon times when odour events are more likely is collected as efficiently as possible.

(f) Results shall be recorded and made available to the Council on request. A report on the monitoring programme shall be presented to the Auckland Council at the end of each 12 month monitoring period.

(g) The Council may, if it considers it appropriate having regard to the monitoring results received pursuant to paragraph (e) above, require changes to be made to the monitoring regime so as to focus upon times and/or days of the week when odour events are more likely to occur. Such changes will be made by written notice provided to the Minister or his or her representatives. For the avoidance of doubt, no such alteration to the monitoring regime shall increase its duration beyond 12 months, require monitoring to be undertaken at more than five locations on the site, or require a total of more than 50 assessments of each site to be undertaken during the monitoring period.

33. The Minister shall from the date the ARWCF opens log all air quality complaints received. The complaint details shall include:

(a) the date, time, position and nature of the complaint;

(b) location within the corrections facility of the complaint and, unless the complainant elects not to supply those details, their name, phone number and address; and

(c) any remedial actions undertaken. Details of any complaints received shall be provided to the EHC Manager within seven days of receipt of the complaint(s).

34. If the Council reaches the view that an odour nuisance and/or health effects may be occurring within the site, based on:

(a) the frequency or nature of odour complaints received by the Council (pursuant to condition 33 or otherwise); and/or

(b) monitoring required under conditions 30, 31 and 32, the Council will appoint an independent air quality expert to undertake an investigation and make recommendations pursuant to condition 36 below. The independent air quality expert will be chosen by the Council, Wiri Oil Services Limited and Department representatives. The costs of such expert will be paid for by the Department.

35. In the event that an independent air quality expert is appointed under Condition 34, he or she shall be instructed to undertake an investigation of the site over a period of not less than two weeks and not more than six weeks to determine whether, in his or her professional view, the installation of the filtration equipment specified in condition 4(b) is justified so as to mitigate or avoid odour nuisance and/or health effects.

36. In the event that the independent air quality expert recommends the installation of filtration equipment under condition 35 above, the Minister shall ensure that the specified filtration equipment is fully installed and operational within three months of the date the recommendation is received by the Minister.

### **Archaeological or Cultural Artefacts**

37. The small triangle of land in the south-western corner of the subject site, which includes remnants of a historic stone wall, stone structures, a midden and the spring, shall be excluded from any earthworks and building development (excluding fencing). This area of land is identified as area "C" on plan '21095', dated 9 October 2003 (as amended by the Heritage Areas Plan prepared by Boffa Miskell, Figure 2, Revision E, dated 25 March 2011).

38. The Minister shall carry out consultation with Ngati Te Ata and Te Akitai (and any other mana whanua group subsequently recognised), for any works that are proposed by the Minister within an area identified as a "Remnant Cultural Landscape Feature" shown on the Heritage Areas Plan, prepared by Boffa Miskell, Figure 2, Revision E, dated 25 March 2011. In this regard, consultation should address the following:

(a) whether any matters pertaining to tangata whenua protocols need to be addressed;

(b) whether the works afford appropriate acknowledgement of the status of the Area of Significance to Tangata Whenua;

(c) whether the works take into account the necessary tangata whenua protocols;  
and

(d) whether there is a need for tangata whenua monitors to be appointed to monitor earthworks on any part of the site.

The Minister shall not be in breach of this condition if any tangata whenua group declines to consult.

39. In the event of archaeological features being uncovered (e.g. shell midden, hangi, oven stones, pit depressions, defensive ditches, artefact material, gardening soils or koiwi tangata (human skeletal remains), work shall cease within a 10m radius of the discovery and the Council, the New Zealand Historic Places Trust Regional Archaeologist and the appropriate iwi authorities shall be contacted within 72 hours so that appropriate action can be taken.

*Advice Note*

*The requirement set out in Condition 39 above includes the appropriate iwi authorities and the New Zealand Historic Places Trust being given a reasonable time to record and recover archaeological features discovered before work may recommence there. Work should not recommence until the New Zealand Historic Places Trust has given approval for work to continue.*

**Ecological Protection**

40. Any works that create the potential for inflows of sediment and nutrients into waterways (e.g. the Puhinui Creek mangrove area) and the Manukau Harbour shall comply with the Auckland Regional Council sediment control guidelines and Council requirements.

*Advice Note*

*At the time the Notice of Requirement for the alteration for the designation for the MCF was lodged, the relevant sediment control guidelines are ARC Technical Publication 90 "Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region".*

**Community Impact Forum (CIF)**

41. (a) The Minister shall establish and coordinate a Community Impact Forum (CIF) and appoint an independent chairperson in consultation with the Minister of Maori Affairs and Auckland Council on such terms and conditions as the Minister sees fit.

(b) The CIF shall include the prison management from both the ARWCF and the men's prison, the Community Liaison Officer (CLO) for the Comprehensive Corrections Facilities on the site, the Auckland Council, and one representative from those of the Manurewa, Papakura, Mangere-Otahuhu, and Otara-Papatoetoe Local Boards that wish to be involved. The Minister shall also invite, as a minimum, 1 representative from the following parties to join the membership of the CIF:

- (i) Mana whenua representatives, being Ngati Te Ata, Te Akitai (and other mana whenua group subsequently recognised) and 1 other tangata whenua representative appointed on the nomination of the Tangata Whenua Committee;
- (ii) Local resident and community groups;
- (iii) Local business community;
- (iv) Department of Corrections including relevant service areas;
- (v) Department of Conservation;
- (vi) Ministry of Social Development;
- (vii) Child Youth and Family Services;
- (viii) Management of the Korowai Manaaki Youth Justice Facility;
- (ix) Management of the Weymouth Northern Residential Centre;
- (x) Housing New Zealand;
- (xi) Counties Manukau District Health Board;
- (xii) Maori service providers to the Comprehensive Corrections Facilities;
- (xiii) Pacific Island service providers to the Comprehensive Corrections Facilities;
- (xiv) Te Puni Kōkiri;

(xv) Other social infrastructure and service providers (both government and not for profit) that the CIF agrees as appropriate for example; local NGOs, youth representatives, local schools, and early childhood education centres/kindergartens;

(xvi) New Zealand Police (including representatives from Counties Manukau Police District);

(xvii) Wiri Oil Services Limited;

(xviii) New Zealand Transport Agency.

## **CIF Purpose**

42. The purpose of the CIF is as follows:

(a) To provide a forum for community and stakeholder involvement through which any issues of community interest or concern can be raised and responded to in relation to the construction of the MCF and the presence and operation of the ARWCF and the MCF.

(b) To provide a forum for Corrections to inform the CIF and its members concerning actions taken through its relationships with service providers and government agencies to facilitate the effective provision of social infrastructure, social support and health services to the ARWCF and MCF and to seek the input of the CIF and its members on these matters.

(c) To develop, review, implement and report on a Social Impact Monitoring Plan (SIMP) that will be used by Corrections in conjunction with other agencies with relevant responsibilities to address any adverse social and cultural effects and community based service delivery and rehabilitation needs attributable to the presence and operation of the ARWCF and the MCF.

(d) To receive and consider the findings of the SIMP to allow the relevant agencies on the CIF (including Corrections) to respond as appropriate in accordance with condition 52.

(e) With reference to the SIMP, to identify and promote opportunities to provide mutual benefit for the Comprehensive Corrections Facilities and the local community (for example the provision of local goods and services and employment opportunities) and to support where relevant the achievement of the community outcomes outlined in Tomorrow's Manukau – Manukau Apopo 2006-2016 or other succeeding documents, strategies or frameworks such as Local Board plans.

(f) To provide a forum for the promotion of policy and programme integration and cross-sector collaboration at the local and regional levels, where the effects of the ARWCF and the MCF have relevance to other policy areas;

(g) To consider issues relating to compliance with designation conditions; and

(h) To recommend project and scheduling priorities to the Social Impact Fund Allocation Committee established under condition 56 for consideration, scheduling and funding.

### ***CIF Operating Procedures***

43. The CIF shall be formed before construction of the MCF commences and no later than 1 February 2012. The CIF shall have its first meeting in February 2012 following appointment of the independent social impact assessment specialist pursuant to condition 48 and circulation of the draft brief for preparation of the SIMP pursuant to condition 51(a). Meetings shall be convened once every 3 months thereafter, unless otherwise sought by the majority of its members.

44. Meetings will be held at times and locations that maximise representation and attendance.

45. The Minister will offer an honorarium to CIF members (including any independent chair appointed pursuant to condition 47(a)) for participants not members of Government Agencies to cover the reasonable expenses in attending meetings. The amount of this honorarium will be at the sole discretion of the Minister. The Minister shall also be responsible for any direct costs of running the meetings.

46. The Minister shall not be in breach of Condition 41 if any one or more of the parties, specified in Condition 41, either do not wish to be members of the CIF or do not attend particular meetings.

47. The CIF shall formulate its Terms of Reference that will include:

(a) Defined roles and responsibilities of its members, to achieve the purposes of the CIF;

(b) A process for reviewing membership and roles of the Minister and other groups and agencies involved in the CIF;

(c) Procedural matters for the running and recording of meetings, including decision making and quorum for meetings; and

(d) The establishment of a working group for the purpose of managing the preparation of the SIMP required by Condition 49 and subsequent annual reviews of the SIMP.

### ***Social Impact Monitoring Plan (SIMP)***

48. A suitably qualified independent social impact assessment (SIA) specialist (whose appointment shall be agreed by the Auckland Council) shall be engaged by 1 January 2012 to prepare a Social Impact Monitoring Plan (SIMP).

49. The Purpose of the SIMP is to provide a framework to identify, assess, monitor, manage, and re-assess the social and cultural effects (positive and negative) of the ARWCF and men's prison on the community, and also provide an annual report on compliance with designation conditions.

### ***SIMP Content and Procedure***

50. The SIMP will be based on best practice guidelines and procedures for social impact assessment and shall include:

(a) A social impact assessment, which shall be undertaken by the independent SIA specialist, to provide a baseline of potential effects.

(b) Alignment with the community outcomes sought in Tomorrow's Manukau – Manukau Apopo 2006-2016 or other succeeding documents, strategies or frameworks such as Local Board plans.

(c) A set of indicators covering the drivers and outcomes of potential social and cultural effects attributable to the presence and operation of the ARWCF and/or the MCF. This may include:

- Changes in demand associated with the ARWCF and MCF on social infrastructure and social services (such as health, housing, education, police);

- Capacity of the social infrastructure and service providers to respond to increases in demand for social infrastructure and social services associated with the ARWCF and MCF;

- Community views (positive and negative) associated with the ARWCF and the MCF (e.g. concerning matters such as community safety, the future of the community and its children, and community aspirations);
  - Details of any formalised arrangements and agreements between the Minister and other government agencies in relation to providing supporting services or funding for prison-related activities;
  - Number of prison staff living in or moving into the local area, their transport requirements and accommodation needs;
  - Number of prisoner families living in or moving into the local area, their transport requirements and accommodation needs;
  - Number of released prisoners living in or moving into the local area, their transport requirements and accommodation needs;
  - Number of visitors, their transport requirements and accommodation needs;
  - Changes in local crime statistics, including gang activity;
  - Employment and training opportunities within the local community;
  - Employment and training opportunities for prisoner rehabilitation purposes;
  - Opportunities for training and employment at the Comprehensive Corrections Facility(s);
  - Other relevant indicators as identified and agreed to by the CIF from time to time.
- (d) An annual report on compliance with designation conditions.
- (e) An annual report on the identification, monitoring, evaluation and management of the effects outlined in the SIMP indicators, together with a summary of matters raised to the CIF and how they have been responded to by the CIF and its members.

51. The following procedures shall apply to the preparation of the initial SIMP and to subsequent annual reviews:

(a) A draft brief to the appointed SIA specialist detailing the scope of work for preparing the initial SIMP shall be prepared by the Minister and agreed with the Council prior to the first meeting of the CIF and shall be circulated to the CIF's members prior to the CIF's first meeting.

(b) The contents of the final brief to the independent SIA specialist shall be considered and agreed by a majority of CIF members at the first meeting of the CIF.

(c) The initial SIMP shall be prepared by the independent SIA specialist with the participation and input of the Minister, the Tangata Whenua Committee, CIF and CLO.

(d) The initial SIMP shall be prepared prior to commencement of construction of the MCF and within 6 months of the approval of the brief to the independent SIA specialist (whichever is the earlier).

(e) The SIMP shall be reviewed by an independent SIA specialist annually thereafter with the participation and input of the Minister, the Tangata Whenua Committee, CIF and CLO.

(f) Both the initial SIMP and subsequent annual reviews will be made publicly available through the Department of Corrections website and by any other suitable means, and shall be forwarded to Auckland Council, the Manurewa Local Board and the CIF, and to the Manukau Library and Te Matariki Clendon Library.

### ***Matters Arising from the SIMP***

52. Any social and cultural effects attributable to the presence and operation of the ARWCF and/or the MCF (in whole or in part) and identified through the SIMP shall be dealt with by the Minister according to the following process:

(a) The Minister in conjunction with the Tangata Whenua Committee, CIF and the independent social impact assessment specialist will determine where responsibility lies to address any social/cultural effect identified in the SIMP (specifically, whether it is the responsibility of the Minister, other parties, or the Minister in combination with other parties to deal with the social/cultural effect identified).

- (b) Where there is disagreement between the Minister and the CIF as to:
- (i) whether the social and cultural effects are attributable to the ARWCF and/or the MCF (in whole or in part);
  - (ii) the measures required to be undertaken to avoid, remedy or mitigate those effects; or
  - (iii) whether it is the Minister's responsibility to address any issue (in whole or in part);

an independent and appropriately qualified and experienced arbitrator, agreeable to the Council and the Minister, shall be promptly engaged at the Minister's cost to determine the cause of the social and cultural effects and the measures to be undertaken to avoid, remedy or mitigate the social/cultural effect identified. The independent arbitrator shall consider the findings of the SIMP, the views of the CIF members including the reasons for disagreement, and shall determine whether the effects are directly attributable to the ARWCF and/or MCF, and if necessary, appropriate measures required to be undertaken to avoid, remedy or mitigate the effects. The independent arbitrator shall also determine whether any matter is within the Minister's responsibility to address, in the event of any disagreement in that regard. The independent arbitrator shall, as soon as possible, issue his or her decision on the matter. In making the decision, the independent arbitrator shall be entitled to seek such further information and hear from the parties as he or she thinks fit.

(c) The Minister shall take all reasonable steps to ensure that social and cultural effects identified in the SIMP as attributable to the ARWCF and/or the MCF (in whole or in part), or any effects identified in a decision by an independent arbitrator appointed pursuant to condition 53(b) above, and which are within the Minister's responsibility to address (whether in whole or in part), are appropriately avoided, remedied or mitigated as soon as practicable. To the extent that any matter is outside the responsibility of the Minister to address, he or she will request appropriate Ministers, or any other relevant party, to take such measures as are necessary to avoid, remedy or mitigate the adverse effects of those matters..

(d) The Minister shall have available at least \$250,000 budgeted each year ("the social impact fund") to ensure that those social and cultural effects identified in Condition 52(c) as being attributable to the ARWCF and/or the MCF within the Minister's responsibility are appropriately avoided, remedied or mitigated.

(e) Any unused portion of the social impact fund made available in any given year pursuant to this condition shall accumulate from year to year to a maximum of \$500,000.

(f) The fund and maximum shall be CPI adjusted annually.

***Tangata Whenua Committee and Māori stakeholder consultation***

53. (a) The Minister shall establish a Tangata Whenua Committee for the purpose of consultation and advice regarding any matters of cultural concern that might arise with respect to the operation or programmes of either of the prisons on the site.

(b) Unless otherwise agreed, the Committee shall meet at least 3 monthly and be co-chaired by those representatives acknowledged as being mana whenua. The first meeting of the Committee shall take place no later than 6 months following the confirmation of the alteration to Designation 288 and shall be facilitated by the manager of the women's prison.

(c) The membership of the Committee shall include 1 representative from each of the following:

- (i) Ngati Te Ata
- (ii) Te Akitai Waiohua
- (iii) Te Kawerau Iwi Tribal Authority
- (iv) Huakina Development Trust
- (v) Ngāi Tai Umupuia Te Waka Tōtara Trust
- (vi) Ngāti Paoa Trust
- (vii) Ngāti Tamaoho Trust
- (viii) Ngāti Whātua o Ōrākei Māori Trust Board
- (ix) Tainui Trust Board

(d) The Committee shall determine its own procedures and may, with the Minister's approval, invite other relevant tangata whenua to appoint representatives in addition to those named in this condition.

(e) The Minister will offer an honorarium to committee members for participants not members of Government Agencies to cover the reasonable expenses in attending meetings. The amount of this honorarium will be at the sole discretion of the Minister. The Minister shall also be responsible for the direct costs of running the meetings.

(f) The Minister shall not be in breach of this condition if any one or more of the parties specified either do not wish to be members or do not attend particular meetings.

54. Prior to the submission of the Outline Plan of Works, the Minister shall ensure that comments are sought from Maori stakeholder groups, including but not limited to those set out below, on the operation of the proposed MCF. The comments will inform the operation of the proposed MCF, particularly as it relates to the rehabilitation and reintegration of Maori prisoners. A report recording these comments will be provided to the Council with the outline plan of works. These Maori stakeholder groups may include but are not limited to the following:

- (i) Ngati Te Ata
- (ii) Te Akitai Waiohau
- (iii) Te Kawerau Iwi Tribal Authority
- (iv) Hoani Waititi Marae Trust
- (v) Manukau Urban Māori Authority
- (vi) Huakina Development Trust
- (vii) Māori Women's Welfare League
- (viii) National Māori PHO Coalition
- (ix) Ngāi Tai Umupuia Te Waka Tōtara Trust

- (x) Ngāti Paoa Trust
- (xi) Ngāti Tamaoho Trust
- (xii) Ngāti Whātua o Kaipara ki te Tonga (Ltd)
- (xiii) Ngāti Whātua o Ōrākei Māori Trust Board
- (xiv) Orakei Marae
- (xv) Ruapotaka Marae
- (xvi) Manurewa Marae
- (xvii) Te Wananga O Aotearoa
- (xviii) Tumutumu Marae Trustees Committee
- (xix) Waikato Raupatu Lands Trust
- (xx) Waipareira Trust

***Social Impact Fund Allocation Committee (“SIFAC”)***

55. The Minister shall establish a Social Impact Fund Allocation Committee whose purpose is to allocate, review and oversee the funds made available by the Minister under condition 52(d) for the purposes recommended to it from the CIF and/or the Tangata Whenua Committee.

- (a) The SIFAC shall be chaired by the chairperson appointed to the CIF.
- (b) There shall be no more than 7 members of the SIFAC of whom at least 2 shall be appointed by the Minister (one of whom shall be appointed in consultation with the Minister of Maori Affairs), at least 2 shall be appointed by Auckland Council, and up to 2 may be co-opted by the SIFAC following its establishment.

- (c) Other than the Chair, no member may also be a member of the CIF unless that is the unanimous resolution of the SIFAC.
- (d) The SIFAC shall determine its own proceedings but must report on its activities annually to the Minister and the Council. The SIFAC must determine a quorum for the purpose of any significant decision or recommendation.
- (e) The Minister shall provide a secretariat to the SIFAC – who may be the Community Liaison Officer.
- (f) A member shall be appointed for a term of 3 years and may be reappointed at the end of any such term. A vacancy created by a member retiring or resigning for any reason may be filled in such manner as the SIFAC determines.
- (g) The Minister will offer an honorarium to SIFAC members for participants not members of Government agencies to cover the reasonable expenses in attending meetings. The amount of this honorarium will be at the sole discretion of the Minister.
- (h) The SIFAC shall cease to exist when the fund created under condition 53(d) ceases.

***Community Liaison Officer (CLO)***

56. The Minister shall appoint an appropriately qualified Community Liaison Officer (CLO) in accordance with the following provisions:

- (a) The CLO shall be appointed in consultation with the Auckland Council, and on terms and conditions agreed in consultation with the Auckland Council, by 1 December 2011.
- (b) The responsibilities of the CLO shall include:
  - (i) providing advice to the CIF on appropriate Terms of Reference prior to its first meeting;
  - (ii) ongoing liaison with the independent SIA specialist;
  - (iii) proactively engaging with stakeholders and community, including the members of the CIF

- (iv) assistance in the preparation of the SIMP;:-
  - (v) attendance at community meetings and forums as required to engage on issues of relevance to the MCF (including during its construction) and ARWCF; and
  - (vi) attendance at all CIF meetings and at Tangata Whenua Committee meetings where invited.
- (c) The CLO shall be remunerated by Corrections.

***Existing ARWCF Community Liaison Group***

57. Until such time as the CIF required under Condition 41 is established, the following conditions (58-62) relating to the existing community liaison group for the ARWCF shall apply.

58. The Minister shall establish and co-ordinate a community liaison group which shall comprise a minimum of, one a representative of each of the following parties:

- (a) Auckland Council;
- (b) Ngati Te Ata and Te Akitai (and any other mana whenua group subsequently recognised);
- (c) Local residential community landowners/community;
- (d) Department of Corrections Management team;
- (e) New Zealand Police;
- (f) Wiri Oil Services Limited.

The community liaison group will be an ongoing point of contact between Corrections and the community. The group shall be formed within four months of building construction commencing and shall have its first meeting at that time.

59. The Minister shall be responsible for convening the meetings of the community liaison group and shall cover the direct costs of running those meetings and the costs associated with any actions which are agreed to as a result of the meetings.

60. The Minister shall provide an opportunity for the Community Liaison Group to meet at least twice during any 12 month period and also when otherwise sought by the majority of its members.

61. The Minister shall not be in breach of Conditions 58–60 if any one or more of the named groups, specified in Condition 59, either do not wish to be members of the ARWCF Community Liaison Group or do not attend particular meetings.

62. At a minimum, matters to be considered, and recommendations made on, by the Community Liaison Group shall include the following:

(a) Any strategy to be developed by the Minister to ensure that opportunities are provided to the local community for employment associated with the construction and operation of the ARWCF;

(b) A notification network and community response guidelines in the event of an escape from the ARWCF facilities, as well as a point of contact of the facilities for members of the community to call if any issues arise.

### ***Emergency Planning***

63. An upgraded emergency management plan (“EMP”) for the ARWCF and the proposed MCF, incorporating evacuation management, shall be developed in consultation with Wiri Oil Services Limited and New Zealand Transport Agency and be submitted to the Council, for the approval of the Council Civil Defence Controller, in conjunction with the Chief Fire Officer Manukau, and the District Commander Counties-Manukau Police. The EMP shall include 24 hour contact details for the facilities in the event of an emergency.

64. The upgraded EMP shall be prepared in two stages. The first stage shall be the upgraded EMP for the ARWCF and shall be submitted to the Council within three (3) months of the alteration to the designation being confirmed. The plan shall be developed to particularly address the potential for a vapour cloud explosion from the Wiri Oil terminal. It will include identification of “safe areas” to which people can be evacuated in the event of such an

emergency, which may include areas within or outside of the ARWCF secure perimeter (including if required within the non-secure perimeter area of the MCF).

65. Any safe areas identified in the EMP as being outside of the ARWCF and necessary for the emergency evacuation of women prisoners, shall be identified on the Outline Plan of Works for the MCF and be reserved during both construction and operation of the MCF (provided that, during construction, such areas may be moved within the site, provided sufficient area and safe access from the ARWCF prison is maintained at all times).

66. The upgraded EMP for the ARWCF shall incorporate the findings of a structural assessment of the existing buildings at ARWCF in relation to the  $0.5 \times 10^{-6}$  risk contour for a vapour cloud explosion from the Wiri Oil terminal. The structural assessment shall be undertaken by a suitably qualified engineer as soon as practicable and shall identify the safe buildings at ARWCF within or to which people can be evacuated in the event of an imminent risk of vapour cloud explosion from the Wiri Oil terminal

67. The plan will also include procedures by which the total and overnight accommodated population numbers on site are managed, recorded and reported to ensure compliance with the thresholds stated in condition 112.

68. The second stage shall be the upgraded EMP for the MCF and shall be submitted to the Council prior to the occupation of the MCF.

### **Wastewater Drainage**

69. Adequate provisions shall be made for the disposal of wastewater. This shall involve the extension of the existing public systems from an adequate system to and within the site to provide each building with individual connection points and provision for the upstream catchment(s) in accordance with the Engineering Performance Standards of the District Plan. Engineering plans shall be submitted to Watercare Services and shall be certified as approved prior to any works commencing on site.

### **Water Supply**

70. Adequate provision shall be made for the supply of water. This shall include the extension of the existing public system to provide buildings with connection points and provision for surrounding district in accordance with Council's Engineering Performance

Standards of the District Plan. Engineering plans shall be submitted to Watercare Services and shall be certified as approved prior to any works commencing on site.

### **Water Quality Pond Management**

71. The Minister shall provide Council with a copy of the Stormwater Quality Pond Management Operation and Maintenance Plan (that shall include but not be limited to the following):

- (a) Outfall structure maintenance of Pond No's 3 and 5,
- (b) Post-storm event maintenance procedure,
- (c) The frequency of regular maintenance and inspections,
- (d) General inspection checklists for all aspects of the stormwater management systems.

72. The Minister shall provide Council with a copy of the as-built plans (that shall include but not be limited to the following):

- (a) as-built plans of the stormwater management system shall be submitted to the Council within thirty days (30) after completion of the stormwater management system;
- (b) the surveyed locations and elevations of all stormwater structures, which shall be measured to the nearest 0.1 metre with co-ordinates expressed in terms of the New Zealand Mapping Grid and DOSLI datum;
- (c) stormwater management device details including locations, dimensions, volumes, flood levels, sections, treatment efficiencies, inlet, discharge rates and outlet structures'
- (d) elevations of all inflow and outflow structures;
- (e) all flowpath dimensions including emergency flowpaths and the relationship to the Annual Exceedence Probability; and

(f) documentation of any discrepancies between the approved plans and the 'as-built' plans.

### **Land Modification**

73. All land modification works shall be undertaken in such a manner as to ensure that beyond the boundary of the site there shall be no 'dust' or 'soil erosion/siltation', which in the opinion of the Council, is objectionable, offensive or has the potential to create an adverse effect on the receiving environment.

74. If considered necessary by the Council, control measures consisting of an all-weather construction entrance will be installed. Such control measures will consist of a stabilised pad of aggregate on a filter cloth base at the construction site entrance/exit to ensure that any vehicles leaving the site do not deposit soil and other debris on public roads. Any such material deposited on any public road shall be cleaned up immediately at the Minister of Correction's expense. Any major movement of excavated material from the site may require the installation of a wheel wash for trucks at the construction site entrance.

75. The Minister shall ensure that the land within the site and the land on adjoining properties shall remain stable at all times with respect to the approved on-site excavation works.

76. Adequate provision shall be made during the earthworks construction for the protection and/or relocation of all existing public drains within the site. Any damage to public drains that may occur during the development shall be the Minister's responsibility.

### **Network Utility Services**

77. Power and telephone services shall be installed underground to provide service connections to the correctional facility and shall be located entirely within the boundaries of the subject site.

### **Maximum Prisoner Accommodation**

78. Prisoner accommodation within the MCF shall be limited to that required for the management of 1060 prisoners.

79. Prisoner accommodation within the ARWCF shall be limited to that required for 480 prisoners. This condition is subject to conditions 112 and 113.

In addition to the other conditions above, the following conditions (80 – 107 and 115 – 121 and 123 - 124) shall only apply to the men's prison.

### **Security Level at the MCF**

80. There shall be no maximum security prisoner accommodation at the MCF.

### **Development Controls**

81. Building heights shall not exceed the RL height limits in the separate areas shown on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011):

(a) Area 1: RL 24.5 metres or four storeys, whichever is the lower.

(b) Area 2: RL 19.5 metres.

(RL above DOSLI datum 1946).

Exemptions from this condition are as follows:

(i) Area 1:

- Sloping roofs (limited to either gable or hip) and rooftop projections, including lift rooms and plant not exceeding 3 metres above the height limit in condition 81(a) above.
- Lighting, security and communication devices, including poles for lighting and surveillance equipment not exceeding 6 metres above the height limits in condition 82(a) above.

(ii) Area 2:

- Sloping roofs (limited to either gable or hip) and rooftop projections, including lift rooms and plant not exceeding 2 metres above the height limits in condition 81(b) above.
- Lighting, security and communication devices, including poles for lighting and surveillance equipment not exceeding 2 metres above the height limits in condition 81(b) above.

82. The external face of the secure perimeter wall or fence shall not exceed an overall height of 6 metres above finished ground level, provided that the maximum height of the wall or fence shall not exceed RL 27.5 metres in Area 1 and RL 21.5 metres in Area 2 as shown on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011). The exterior face of the secure perimeter shall be no closer than 13.5 metres to the external boundaries of the site.

For the purposes of this condition ‘finished ground level’ shall be measured at the exterior side of the secure perimeter wall or fence.

83. Site coverage shall be no greater than 32% of Area 1 and 20% of Area 2 as shown on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 4 April 2011):

For the purposes of this condition the area used to calculate ‘site coverage’ means that portion of Areas 1 and 2 shown on the Development Plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011) covered by buildings. Included in the term “buildings” for the purpose of this definition are accessory buildings, and those parts of the site covered by overhanging buildings, but not fences or walls, eaves, pergolas, slatted open decks, or similar structures of a substantially open nature.

84. The Gross Floor Area (“GFA”) for all buildings within Areas 1 and 2, as shown on the development plan (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011), shall not exceed a total of 75,000m<sup>2</sup>.

For the purposes of this condition ‘GFA’ means the following:

GFA is the sum of the gross area of the several floors of all buildings on a site, measured from the exterior faces of the exterior walls, or from the centre lines of

walls separating two buildings or, in the absence of walls, from the exterior edge of the floor.

Except as otherwise provided, where floor to floor vertical distance exceeds 6m, the GFA of the building or part of the building so affected shall be taken as the volume of that space in cubic metres divided by 3.6.

In particular, GFA includes:

- (a) basement space except as specifically excluded by this definition;
- (b) elevator shafts, stairwells and lobbies at each floor unless specifically excluded by this definition;
- (c) interior roof space providing headroom of 2.4m or more whether or not a floor has been laid;
- (d) floor spaces in interior balconies and mezzanines;
- (e) floor space in terraces (open or roofed), external balconies, breezeways, porches if more than 50% of the perimeter of these spaces is enclosed, except that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m shall not constitute an enclosure;
- (f) all other floor space not specifically excluded.

The GFA of a building shall not include:

- uncovered steps;
- interior roof space having less than 2.4m headroom;
- floor space in terraces (open or roofed), external balconies, breezeways or porches. (A “breezeway” is a roofed outdoor area). Provided that not more than 50% of the perimeter of these spaces is enclosed and provided that a parapet not higher than 1.2m or a railing not less than 50% open and not higher than 1.4m, shall not constitute an enclosure;

- Pedestrian circulation space;
- space for stairs, escalators and elevators servicing a floor or that part of a floor used only for carparking or loading;
- required off-street parking and/or loading spaces;
- carparking in basement space (including manoeuvring areas, access aisles and access ramps).
- Non-habitable floor space in approved structures.

85. The sum total of all buildings within the MCF secure facilities area identified on the Development Plan for the men's prison (Figure 1, Revision A, prepared by Boffa Miskell, dated 12 May 2011) shall be designed to accommodate a maximum of 1060 prisoners.

### **Traffic**

86. (a) The principal operational access to the MCF (being the access for staff, service providers and visitors) shall be from either Hautu Drive or Kiwi Tamaki Road.

(b) Except as provided for by Condition 87 below, should Hautu Drive be the road that services the principal operational access for the MCF, the following mitigation works shall be undertaken by the Minister or their nominee prior to the occupation of the MCF, and operational limits maintained during its operation:

- (i) Works on the Hautu Drive/Roscommon Road intersection as follows:
  - Increase the right-turn bay out of Hautu Drive to a minimum length of 50 metres; and
  - Increase the right-turn bay on Roscommon Road into Hautu Drive to a minimum length of 100 metres.
- (ii) Other operational controls as follows:

- Public visiting hours shall not start or finish during the periods 6.30am - 9.30am or between 4.00pm and 6.30pm on weekdays.
- Custodial shift change-overs shall not occur within the period between 6.30am – 9.30am and 4.00pm – 6.30pm.

(c) Except as provided for by Condition 87 below, should Kiwi Tamaki Road be the road that services the principal operational access for the MCF then the following mitigation works shall be undertaken by the Minister or their nominee prior to the occupation of the MCF, and operational limits maintained during its operation:

(i) Works on the Kiwi Tamaki Road /Roscommon Road/Bolderwood Place intersection as follows:

- signalisation of the Kiwi Tamaki Road /Roscommon Road/ Bolderwood Place intersection;
- increase the right turn bay on Roscommon Road into Kiwi Tamaki to a minimum length of 100 metres; and
- provide a right turn bay out of Kiwi Tamaki Road to a minimum length of 50 metres.

(ii) Other operational controls as follows:

- Public visiting hours shall not start or finish during the periods 6.30am - 9.30am or between 4.00pm and 6.30pm on weekdays.
- Custodial shift change-overs shall not occur within the period between 6.30am – 9.30am and 4.00pm – 6.30pm

87. A traffic impact assessment (“TIA”) of the potential traffic effects of the MCF operation on the Hautu Drive/Roscommon Road or Kiwi Tamaki Road/Roscommon Road intersection shall be undertaken by a qualified traffic engineer and submitted to Auckland Council with the Outline Plan of Works. The TIA shall include consultation with the New Zealand Transport Agency and Auckland Transport. The assessment shall model the traffic effects of the MCF on the intersection, taking into account the operational characteristics of

the prison, including staff numbers, shift patterns, and visitor hours to determine whether the mitigation works and/or operational controls imposed by Condition 86 are required. In the event that the TIA determines the intersection performance can be maintained to a level of service acceptable to Auckland Council and Auckland Transport, without some or all of the mitigation works or operational limits set out in Condition 86, then only such mitigation works or operational controls as are necessary to maintain a level of service acceptable to Auckland Council and Auckland Transport are required.

88. A TIA of the potential construction traffic effects of the MCF on the Hautu Drive/Roscommon Road, Kiwi Tamaki Road/ Roscommon Road/ Bolderwood Place and/or McLaughlins Road (Vogler Drive)/Roscommon Road intersection shall be undertaken (which ever is used for construction traffic) by a qualified traffic engineer and submitted to Auckland Council with the Outline Plan of Works. The TIA shall include consultation with the New Zealand Transport Agency and Auckland Transport, and shall determine the traffic effects of the construction of the MCF on the intersection(s), taking into account the construction duration, methodology, earthwork requirements and construction traffic access. In the event that the TIA determines the intersection performance cannot be maintained to a level of service acceptable to Auckland Council and Auckland Transport, then such temporary works as are necessary shall be undertaken and maintained for the duration of construction to ensure an appropriate level of service.

***Post operation monitoring condition***

89. (a) A traffic assessment survey of the actual traffic effects of the operation of the MCF on either Hautu Drive/Roscommon Road or the Kiwi Tamaki Road/Roscommon Road/Bolderwood Place intersection (depending on which one is used as the principal operational access) shall be undertaken by an independent and qualified traffic engineer on an annual basis commencing one year after the occupation of the MCF until such time as the MCF is fully occupied, or five years have elapsed since the initial occupation of the MCF, whichever occurs first.

(b) The traffic assessment survey shall be submitted to Auckland Council and Auckland Transport for review within 2 months of a survey under the above condition.

(c) The assessment should consider weekday and weekend peak trip generation, intersection Level of Service and queuing at the relevant intersection resulting from the operation of the MCF.

- (d) In the event that the traffic assessment survey determines either that:
- (i) the observed queuing into or out of the principal operational access exceeds the queue storage for these movements; or
  - (ii) the level of service for the Roscommon Road through movements at the relevant intersection as a result of traffic attributable to the MCF is below the accepted limit of level of service “C” (Austroad standards);

then additional mitigation works within the legal road will be required to produce a level of service “C” (Austroads standards) on Roscommon Road through the intersection.

(e) Where the traffic assessment survey determines that the existing Level of Service for the Roscommon Road through movements at the intersection (excluding traffic attributable to the MCF) is below Level of Service “C” at the time of survey (i.e. either Level of Service “D” or “E”), then additional mitigation works within the legal road will only be required to maintain the existing Level of Service on Roscommon Road through the intersection.

(f) Any additional mitigation works required by this condition shall be detailed in a mitigation plan which accompanies the traffic assessment survey referred to in this condition. The mitigation plan shall be provided to Auckland Council and Auckland Transport for approval together with the traffic assessment survey. The approved additional mitigation works shall be undertaken by the Minister or their nominee within 12 months of the approval by Auckland Council and Auckland Transport of the mitigation plan.

90. Any of the mitigation works required under Conditions 7 and 86-89 shall be undertaken by the Minister or their nominee at their cost.

### ***Travel Demand Management***

91. The Minister or their nominee shall submit a framework Travel Demand Management Plan (“TDMP”) with the Outline Plan of Works for the MCF, for the purposes of encouraging increased use of public transport and active modes (such as walking and cycling) and ride share schemes as a means of travel to the site. The TDMP plan shall be prepared to the satisfaction of the authorised representative of Auckland Transport and shall address, but not be restricted to the following:

- (a) working with Auckland Transport to promote the aims outline above;
- (b) promotion of safe and sustainable travel for all users of the prison facility;
- (c) monitoring, review and amendment as appropriate of the facilities for active modes, public transport and ride share schemes; and
- (d) how active modes, public transport and ride share will be encouraged and promoted.

The effectiveness of the TDMP shall be reviewed annually by the Minister or their nominee. The results of the review, including any new measures to encourage increased use of public transport and active modes, shall be reported within 2 months of the review to Auckland Transport.

### ***Parking and Cycle Facilities***

92. The parking required for the MCF under condition 7 shall include the allocation of at least 20 parking spaces for multi-occupancy vehicles and be located as close as practicable to the staff entrance. The use of these parking spaces shall be monitored, reviewed and supply adjusted as part of the Travel Demand Management Plan. Provision shall also be made for at least 10 covered and secured cycle stands for staff and 5 cycles stands for visitors, and a minimum of 2 (if not already provided) showers/changing rooms within the staff facilities.

### ***Kiwi Tamaki Road***

93. All reasonable steps shall be undertaken by the Minister to secure appropriate access arrangements to and from the MCF over the adjoining property to Kiwi Tamaki Road. In the event that such access is secured it shall serve as the principal access for the MCF and Hautu Drive shall only be used for emergency purposes. In the event however that such access can not be secured, Hautu Drive will be the principal access option for the MCF.

### **Lighting**

94. All external lighting shall be designed by an appropriately qualified illumination engineer to comply with Australian Standard AS4282, and the final external lighting design plan shall be submitted to the Council for approval prior to construction commencing.

### **Noise**

95. The noise levels from activities within the MCF measured at the following receiving locations, shall not exceed:

Receiving Location	Average Maximum Level $dB_{L_{Aeq}}$		Maximum $dB_{L_{Amax}}$
	Mon – Sun 7am – 10pm	At all other times	
At the boundary of any residential zone, at the boundary of Child Youth and Family Services' Korowai Manaaki Youth Justice Residence and at the inner security area of the ARWCF	50	40	65

96. External facades to all sleeping areas in the MCF shall be designed with an airborne sound insulation rating of  $D_{N,TW}$  40 decibels or greater with external doors and windows closed. These spaces shall also be provided with alternative ventilation in accordance with the requirements of the New Zealand Building Code to the satisfaction of the Council.

97. Noise levels shall be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics - Measurement of Environmental Sound” and New Zealand Standard NZS 6802:2008 “Acoustics - Environmental Noise”.

98. Construction noise shall not exceed the limits specified in and shall be measured in accordance with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.

99. Construction vibration shall not exceed the limits specified in Table 3 of the German standard DIN 4150-3:1999 “Structural Vibration – Effects of Vibration on Structures” and shall be measured in accordance with these standards.

100. A Construction Noise and Vibration Management Plan showing how construction activities will comply with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise” and German Standard DIN 4150-3:1999 “Structural Vibration – Effects of Vibration on Structures” shall be prepared and submitted for the approval of the Council prior to the commencement of construction activity.

## **Screening**

101. Buildings shall be designed to ensure that there are no direct views between prisoner accommodation and the Children Youth and Family Korowai Manaaki Residential Facility at 24 Kiwi Tamaki Road (Pt Lot 1 DP 177225).

102. Buildings shall be designed and/or visual barriers used to ensure that prisoners within the ARWCF are not visible to prisoners within the MCF, and to ensure that prisoners within the MCF are not visible to prisoners within the ARWCF.

## **Contamination**

103. Prior to the commencement of any development works for the MCF site, a Contaminated Land Management Plan (“CLMP”) shall be prepared by a suitably experienced person and submitted to the Auckland Council for approval. The CLMP shall make reference to the site investigations undertaken, and provide procedures and methods for the management (i.e. treatment and/or removal) of any contaminated soils or water on the site, during and post construction.

## **Community Safety Management Plan (CSMP)**

104. Prior to occupation of the MCF, the Minister shall provide to the Council a Community Safety Management Plan (“CSMP”) that includes the following matters:

- (a) Response to a prison escape

The CSMP shall set out procedures to be followed in the event of an escape and a notification procedure for neighbours and the surrounding community.

- (b) Visitor management

The CSMP shall set out procedures to be followed to manage visitors’ behaviour on site. This shall specify practices such as visits by appointment only and subject to approval from the site manager, requirements for identification to be presented, police checks and spot checks of visitors’ cars for drugs and other contraband.

Visitor ablution facilities shall be provided on-site.

### **Name, signage and visibility**

105. The name of the MCF must not draw any association with any local feature or place name.

106. All signage relating to the prison shall be located within the prison site and kept to a practicable minimum size and number

107. Where practicable, marked prison vehicles shall not use residential streets.

### **Quantitative Risk Assessment and Mitigation**

108. The Minister shall meet, at least annually, with Wiri Oil Services Limited to discuss any relevant compliance issues arising, information exchange or revisions that may be required to the deed between the Department of Corrections and Wiri Oil Services Limited dated 7 March 2011. That deed addresses the management and mitigation of any effects arising from the potential risk of vapour cloud explosion on the prison site or reverse sensitivity effects on WOSL arising from AWRCF activities, including the requirement for further risk assessment should either party be contemplating any material change to the factors modelled in the risk assessment report. The results of this consultation shall be reported to the Council as soon as practicable.

109. The Minister shall facilitate the installation at the Wiri Oil Services Ltd Terminal of an early warning detection system as soon as practicable and no later than 31 December 2013, in accordance with the agreement set out in the deed between the Department of Corrections and Wiri Oil Services Limited (WOSL) dated 7 March 2011. The system will provide for the detection of overfill or other loss of containment events at the WOSL site and reduction in the amount of flammable vapour released. A report by a suitably qualified expert setting out the outcomes of an investigation into options for an early warning detection system and a recommendation as to the preferred option shall be provided by the Minister to the Council within 6 months of the confirmation of the alteration to the designation.

110. Within 3 months following installation of the early warning detection system or, in the event that no such system is completed or installed, by 31 December 2013, the Minister shall provide a Quantitative Risk Assessment (QRA) to WOSL and the Council. The Minister,

Council and WOSL shall jointly engage a suitably qualified expert to prepare that QRA. The QRA shall confirm:

(a) Whether the level of risk at the AWRCF is now within the “negligible” band as calculated by means of the Australian NSW Department of Planning (DoP) Hazard Industry Planning Advisory Paper (HIPAP) No 4 Risk Criteria for Land Use Safety Planning<sup>1</sup> (“HIPAP 4 criteria”) or such equivalent criteria as agreed between the Minister, WOSL and the Council.

(b) In addition to the installation of an early warning detection system at the Wiri Oil terminal whether any other mitigation or management measures are required at the ARWCF (or otherwise on the Designation 288 site), to ensure the level of risk at the ARWCF site posed by the Wiri Oil terminal achieves the *lowest* reasonably practicable ALARP, or such equivalent quantitative risk assessment criteria as agreed between the Minister, WOSL and the Council. These mitigation or management measures shall include, but are not limited to:

- (i) buffer areas where night time population is avoided;
- (ii) decommissioning of existing buildings at ARWCF whose purpose is to accommodate night time population where this is now considered inappropriate;
- (iii) structural works that may be required for buildings;
- (iv) additional detection or early warning systems; and
- (v) any other recommended measures.

111. The Minister shall implement on the Designation 288 site as soon as practicable on completion of the QRA, any other mitigation or management measures pertaining to that site that are recommended by the QRA conducted under condition 110(b), including structural upgrades, to ensure the lowest practicable risk is met, to the satisfaction of Council .

112. A further QRA shall be undertaken by a suitably qualified expert (engaged jointly between the Minister, Council and WOSL) and shall be provided to the Council and WOSL

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<sup>1</sup> Hazard Industry Planning Advisory Paper (HIPAP) No 4, Risk Criteria for Land Use Safety Planning, NSW Department of Planning, Consultation Draft , July 2008

by the Minister where the population within the existing ARWCF (as at 1 May 2011) exceeds any of the following triggers:

- (a) A total daytime population (all buildings) of 580 (including prisoners, staff, service providers and visitors) within the Indicative Extent of ARWCF Secure Facilities on the Quantitative Risk Assessment and Mitigation Plan (Figure 3, Revision A, prepared by Boffa Miskell, dated 17 May 2011);
- (b) Introduction of any overnight population (including prisoners and staff) within existing buildings 1-3 identified on the Quantitative Risk Assessment and Mitigation Plan (Figure 3, Revision A, prepared by Boffa Miskell, dated 17 May 2011);
- (c) An increase in any overnight population (including prisoners and staff) in existing buildings 4-13 or otherwise within the Indicative Extent of ARWCF Secure Facilities on the Quantitative Risk Assessment and Mitigation Plan (Figure 3, Revision A, prepared by Boffa Miskell, dated 17 May 2011) above 466; or
- (d) Any relocation within existing buildings of overnight population closer to the WOSL boundary above the overnight population shown on the Quantitative Risk Assessment and Mitigation Plan (Figure 3, Revision A, prepared by Boffa Miskell, dated 17 May 2011).

113. A further QRA shall also be undertaken by a suitably qualified expert (engaged jointly between the Minister, Council and WOSL) and shall be provided to the Council and WOSL by the Minister prior to the lodgement of an Outline Plan of Works for any new building on the Designation 288 site within the Future WOSL Growth Scenario Risk Contour identified on the Quantitative Risk Assessment and Mitigation Plan (Figure 3, Revision A, prepared by Boffa Miskell, dated 17 May 2011).

114. The QRA required under conditions 112 and 113 shall assess the level of risk for development or activity that exceeds any of these triggers based on the HIPAP 4 criteria, or such equivalent quantitative risk assessment criteria as agreed between the Minister, WOSL and the Council. If the risk can be mitigated to meet the individual and societal risk assessment criteria, the appropriate mitigation measures must be put in place by the Minister prior to the occupation of the buildings in the manner set out in condition 110. If the level of risk cannot be adequately mitigated to meet the appropriate risk assessment criteria, the proposed development or activity shall not proceed.

## **Construction Management Plan**

115. A Construction Management Plan (“CMP”) shall be submitted to the Council prior to the commencement of construction of the MCF. The CMP shall include specific details relating to the construction and management of all works associated with the MCF, including

- (a) A Construction Lighting Management Plan to control glare and spill light from temporary lighting during the construction period;
- (b) A Construction Noise and Vibration Management Plan to demonstrate how compliance will be achieved with conditions 98, 99 and 100;
- (c) The Construction Traffic Impact Assessment required to be submitted with the Outline Plan of Works in accordance with condition 88;
- (d) The methods to ensure compliance with Land Modification conditions 73-76; and
- (e) The following information:
  - (i) Details of the Community Liaison Officer appointed by Corrections under condition 56), including their contact details (phone, facsimile, postal address, email address);
  - (ii) Details of the site or project manager, including their contact details (phone, facsimile, postal address, email address);
  - (iii) The location of large notice boards that clearly identify the name, telephone number and address for service of the site or project manager;
  - (iv) An outline construction programme of the works;
  - (v) Any means to ensure that no damage occurs to street trees through the construction period;
  - (vi) The means to ensure the protection of services such as pipes and water mains within the road reserve;

- (vii) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
- (viii) Location of workers offices and conveniences (e.g. portaloos);
- (ix) Procedures for ensuring that occupiers in the immediate vicinity of construction areas are given prior notice of the commencement of construction activities and are informed about the expected duration of the works;
- (x) Means of ensuring the safety of the general public during construction.
- (xi) Means of ensuring compliance of construction activities with Civil Aviation Rules Part 77 Objects and Activities Affecting Navigable Airspace.

## **Prison Operations**

116. For so long as the MCF on the site is used to accommodate sentenced prisoners, the Minister shall operate a rehabilitation and reintegration programme at the site that incorporates a fundamental aim of reducing reoffending by prisoners as a component of the MCF operation.

117. The Minister shall incorporate a prisoner education programme (which may be part of its rehabilitation programme) as a component of the MCF operation.

118. The Minister shall give due regard to providing employment or contracting opportunities to suitably qualified Counties-Manukau area individuals and businesses as part of the construction and operation of the MCF.

119. The Minister shall provide a standard of primary on-site healthcare to prisoners at the MCF that is reasonably equivalent to the standard of primary healthcare available to the public.

120. The Minister shall monitor the MCF visitor carpark security, and will take all reasonable steps to avoid any loitering by prisoner visitors or associates in and around the carpark.

121. The Minister shall ensure that any graffiti appearing within the MCF site will be removed in a timely manner.

122. The Minister will ensure that communication protocols are established between the operators of ARWCF and the MCF to ensure that any changes to operations at either prison that could potentially impact on the other prison must be considered by both parties to enable potential adverse impacts to be addressed.

123. The Kaitiaki plan with Ngati Te Ata dated 1 March 2011 must be attached to any operating contract for the MCF.

### **Reserve Contribution**

124. The Minister shall pay a reserve contribution in respect of the development of the MCF, which shall be calculated at a rate of 0.5% of the assessed value of the development and pro-rated for staffing complement as a fraction of the total on-site population. The reserve contribution shall be paid prior to release of any building consent for the MCF development.

#### *Advice Note:*

*Indicatively only, and based on the projections given at the hearing, this would equate to a reserve contribution of \$736,000, from an estimated capital cost of \$368 million and total expected population of 1770 (1060 prisoners + 710 staff).*