

PROPOSED ALTERATION TO DESIGNATION FOR WAIKERIA PRISON

Planning Report under section 198D of the Resource Management Act 1991

Date: 30 June 2017

Ref: 144680

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1 EXECUTIVE SUMMARY

This s198D report has been prepared to assist the Environment Court in understanding all of the factual information and issues that should be taken into account in considering the Notice of Requirement lodged by the Department of Corrections for the Waikeria prison expansion.

The report assesses the application against the relevant statutory requirements of the RMA and provides a technical review of the effects associated with the project. The report author generally agrees with the conclusions reached in the NOR in relation to cultural, archaeological, noise, ecological, economic and construction effects. A set of draft conditions have been recommended in Appendix 4 to address the effects arising from these issues.

Based on the report of the Social Impact reviewer (Ms Linzey), I consider that the Social Effects arising from the project have been appropriately identified. An amendment to the Community Liaison Group (CLG) condition has been recommended to respond to the additional social effects anticipated by the applicant's consultant. This amended condition will ensure that the membership and remit of the CLG are expanded over the construction period and for a period of up to 5 years post commencement of operation. Provided that the CLG condition is expanded in the manner set out in the draft conditions in Appendix 4, I am satisfied the social effects identified will be appropriately managed.

A set of additional conditions have been recommended in relation to the lighting effects of the project to ensure that the appropriate lighting standards are applied and achieved in the design of the expanded facility. This also responds to the lack of design detail currently in the application and ensures that sufficient detail is provided at the important final detailed design stage of the project.

The landscape peer reviewer has expressed concern over the lack of design information associated with the application and notes that this means he cannot reach the same firm conclusion in relation to landscape and visual effects as the applicant's landscape consultant. In my opinion and based on Mr Mansergh's review; I consider that the expanded prison facility will alter the characteristics of the rural landscape, and that mitigation will be required to ensure an adequate level of integration. Although I am satisfied that mitigation is feasible in principle, its effectiveness cannot be assured until such times as the finalised design of the new facility is known. I have recommended changes to the LVMMP condition in Appendix 4 that will ensure that sufficient design information is available at the time the LVMMP is submitted so that the level of mitigation can be assessed against the finalised project design rather than the worst-case scenario set out in the NOR application.

The applicant has proposed a series of localised roading upgrade works on Waikeria Road to bring the road up to the required standard for both the construction and operational phases of the project. The upgrades to the existing Waikeria Stream bridge and Waikeria Road itself have been reviewed and considered generally appropriate. However, in relation to timing, I concur with Mr Inder that the required upgrades to Waikeria Road should occur

prior to the commencement of construction. A set of draft conditions have been recommended to ensure that this occurs.

I share Mr Inder's concern that capacity and safety issues have not yet been adequately addressed for right turning vehicles onto SH3. As at the date of completing this report a final agreed upgrade solution for this intersection had not been developed. Although I anticipate that there is an appropriate solution to this issue, I remain concerned that this effect arising from the expansion of the prison facility remains unaddressed. While it is expected that the parties to this application will progress this matter over the coming months ahead of the hearing of this matter, I have included a set of conditions in Appendix 4 that provide a framework for both assessing and implementing the final intersection upgrade solution when it is developed.

2 INTRODUCTION

2.1 The Notice of Requirement

The Minister of Corrections has given notice of a requirement (NoR) for an alteration to Designation D55 (Waikeria Prison) in the Otorohanga District Plan. The NoR is given to Otorohanga District Council (ODC) pursuant to section 181 of the Resource Management Act 1991 (RMA).

The existing designation conditions relating to Waikeria Prison are to be modified, as required, in order to allow for the construction, operation and maintenance of prison facilities and associated infrastructure to accommodate up to 3,000 prisoners at Waikeria Prison. The NoR will enable an increase in prisoner capacity from the current limit of 1,250 prisoners to 3,000 prisoners. The spatial extent of the existing designation is not being altered.

2.2 Purpose of This Report

The purpose of this report is to bring to the attention of the Environment Court all the relevant factual information and issues which should be considered in formulating a decision on the NoR. The report has been prepared pursuant to section 198D of the RMA on behalf of Otorohanga DC. Where appropriate, the report does not repeat material from the NoR documentation and it relies on the information provided in the AEE and supporting documents. Where this approach is adopted specific mention is provided.

The report also provides an assessment of the NoR in accordance with the relevant matters specified in the RMA. Any conclusions reached or recommendations made in this report are not binding on the Environment Court and it should not be assumed that the Court will reach the same conclusions having considered all of the evidence relating to the NoR.

3 BACKGROUND

3.1 Waikeria Prison

Waikeria Prison is located at the southern end of Waikeria Road, 16km south of Te Awamutu, in the Waikato. The 1,276ha site is owned by the Crown and is gazetted by Her Majesty for prison purposes. The Minister of Corrections is the requiring authority for the entire site.

The land on which the prison is located was taken for public works in the early 20th century, and Waikeria Prison was established in 1911. The current facility provides for approximately 650 prisoners in minimum to high security units although the prison routinely accommodated 800 to 1,000 prisoners from 2007-2012 prior to the closure of some secure units that were at the end of their useful life.

The existing Waikeria facility is designated in the Otorohanga District Plan as D55, the stated purpose of which is '*operation of prison and associated activities - subject to conditions*'. The existing facility is one of New Zealand's largest prisons in terms of land area.

In 2016, the Department of Corrections (the Department) developed a Prison Capacity Programme in response to a rising prisoner population and projected future growth. Using the Justice Sector Forecast, the Department predicted that 1,700 additional prisoner places would be required by 2025.

The Department established a programme that would meet the predicted capacity shortfall by providing an additional 80 prisoner places at Northland Region Corrections Facility by April 2017, 245 prisoner places at Mt Eden Corrections Facility by late 2019, and 1,500 prisoner places through the construction of a new facility at Waikeria Prison by 2021. In November 2016, the Government approved the procurement of a 1,500 prisoner facility at Waikeria Prison.

The July 2016 Justice Sector Forecast, used by the Department in the development of its Prison Capacity Programme, has been outstripped by actual growth in the prisoner population. The actual prisoner population as at January 2017 was over 800 above the July 2016 forecast peak for that month. This is in addition to the growth already signalled by the July 2016 forecast. The rapid increase in actual prisoner numbers therefore requires a rapid capacity response to enable ongoing performance of the Department's statutory obligations. It also requires a capacity increase at Waikeria Prison to enable poor quality stop-gap capacity to be retired as promptly as possible.

The Department is already using capacity reserves that are ordinarily used in the event of a large-scale disaster, or which need to be held in reserve in the event of further demand uncertainty. The high likelihood of further prisoner population growth means continued use

of capacity reserves is not a sustainable long-term option. Over the long term, the continued reliance upon these reserves runs the risk of inefficiencies and overcrowding.

The predicted capacity shortfall is predominantly in the upper North Island, and Waikeria Prison is considered well placed to meet the prisoner needs of the Auckland, Hamilton and the Bay of Plenty catchments. Development of the Waikeria site is considered an efficient use of the Department's resources, being land already designated, in Crown ownership and largely underutilised.

The increase in prisoner capacity and the building of a new facility at Waikeria has been determined by the Department to be economically and technically feasible, in a location where adverse cultural, environmental and social effects can be adequately avoided, remedied or mitigated.

4 SITE AND SURROUNDING ENVIRONMENT

4.1 Location of Designation

The Department has provided a detailed description of the site and locality in Section 7 of the NoR Assessment of Environmental Effects (AEE). That description is adopted for the purposes of this report but is summarised as follows:

The existing prison facility is located on a 1,276ha rural site approximately 16km south of Te Awamutu and 8km from the intersection of Waikeria Road (a collector road) and State Highway 3 (SH3).

To the north-west the site extends to the Mangapaia Stream and to the east the Mangatutu Stream defines much of the eastern boundary of the prison site. To the south, the prison site extends beyond the now closed Manuka Road by between 600m and 2km. To the west, the site boundary largely follows Wharepuhunga Road to approximately 600m east of Te Kawa. A location plan is provided as Figure 1 below.



The Waikeria site contains four archaeological sites, three of which are located towards the southeast corner of the site with the fourth being located to the northeast of the site on a bend of the Mangatutu Stream. None of the sites are located within the proposed 'building zone' which is the subject of this NoR. In addition to being a prison facility, the Waikeria site is also used for dairy farming and dry stock purposes, operated by the Department. Three dairy farms are operational within the site.

The environment surrounding Waikeria prison is a modified rural landscape characterised by pastoral farming and rural residential activities. The wider landscape is generally open, homogenous and typical of much of the lower Waikato. Despite its relative openness, trees are a feature of the landscape, typically associated with shelter belts or with rural residential development.

The basin is located in the Puniu River Catchment, which is a tributary of the Waipa River, and within the Waipa Ecological District (ED). Major streams in the area include the Mangatutu Stream which forms the north-eastern boundary of the site. The Mangatutu Stream joins the Puniu River north east of the site Waikeria Prison site.

Eleven recorded archaeological sites, (five pa sites and four pit/terrace sites) are located outside of, but within 1,000m of the Waikeria Prison Designation boundary.

The closest settlements to the Waikeria site are Kihikihi (10km), Te Awamutu (16km) and Otorohanga (17km). Hamilton is the closest city, being located 45km north of Waikeria. Adjoining properties to the east and north of the site are setback at least 400m from the proposed building zone. Other adjoining sites are setback between 400m to 3500m from the NoR's proposed building zone.

5 THE PROPOSAL

5.1 Alteration to Designation

It is proposed to amend the purpose of the Waikeria Prison designation (D55) and its associated designation conditions to allow for the construction, operation and maintenance of prison facilities and associated infrastructure in order to provide for up to 3,000 prisoners. This represents an additional 1,750 prisoners to the existing designation capacity limit of 1,250. The spatial extent of the existing designation is not being altered.

The alteration sought is specifically as follows:

1. The alteration of the designated purpose as follows:

Construction, operation and maintenance of Prison and associated activities to accommodate up to 3,000 prisoners (subject to condition)

2. The deletion of condition 1 of the designation as follows:

~~Prison buildings and facilities on the site designed for the overnight containment of inmates shall be limited to a maximum inmate capacity of 1,250.~~

3. Update the designation legal description as follows:

~~Sections 1 & 2 SO 60097~~ Section 2 SO 60097 and Sections 1 and 3 SO 455234 comprised in Computer Freehold Register 647680 (South Auckland Land Registration District)

5.2 Development Model

The proposed new facility is to be procured through a Public-Private-Partnership (PPP) model with the Department engaging the private sector to design, build, finance and maintain the new facility. The PPP excludes custodial operations and the Department will continue to operate the existing and new facilities.

The procurement process for the new facility is to proceed in parallel with the NoR process. The procurement process will not conclude until April 2018 and until that time, a design for the proposed facility will not be contractually agreed.

The PPP model presents some difficulties with respect to the assessment of this NoR because the design of the facility is not yet known. Instead, the NoR is accompanied by set of high level 'design parameters', which provide guidance as to the Department's eventual needs. Contractors who bid for this job will be required to design a facility which complies with these pre-agreed design parameters. However, the opportunity to impose an Outline Plan of Works (OPW) as a condition does enable the territorial authority to receive additional design information and subsequent mitigation measures post issue of the Notice of Requirement decision.

The design parameters are listed in full section 6.1.1 of the NoR. The key parameters with respect to the proposed 'building zone' are summarised in Table 1 below.

Table 1: Key Design Parameters

Parameter	Description
<i>Activities and Buildings in the Proposed Building Zone</i>	
<i>Maximum Building Height</i>	<i>12m. Excluding structures for lighting, light poles electronic security and communication towers.</i>
<i>Maximum Height of the Secure Perimeter</i>	<i>6m. The secure perimeter will include:</i> <ul style="list-style-type: none"> <i>• Primary Physical Barrier;</i> <i>• Additional fences outside the Primary Physical barrier; and</i> <i>• Two access roads for Corrections vehicles, either side of the fence.</i>
<i>Building location</i>	<i>All new prison facilities will be located within the proposed Building Zone (refer Figures 3, 4, and 14 in Volume 3).</i>
<i>Building materials</i>	<i>Use non-reflective glass and roof materials and a recessive colour scheme.</i>
<i>Car parking</i>	<i>The design and layout of car parking and any changes to the private internal road layout on the Waikeria prison site will be determined through the design process. All new car parking areas will be in the proposed Building Zone.</i>
<i>Construction Noise</i>	<i>Construction activities will comply with the requirements of NZS 6803 Construction Noise.</i>
<i>Noise</i>	<i>The noise limits are detailed below and will apply at the notional boundary of rural dwellings existing at [date NoR is confirmed].</i> <i>Monday-Friday 7am-10pm 50dB LA10 Saturday</i>

	<p>7am – 7pm 50dB LA10</p> <p>Sunday and Public Holidays 8am – 5pm 50dB LA10</p> <p>All other times 40 dB LA10/70 dB LAmax</p>
Lighting	Lighting will comply with the requirements of the Otorohanga District Plan, existing designation conditions 4 and 5 and the technical principles of AS 4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting).

5.3 Site Layout and Design

In time, specific site layout and design will be provided in the form of an 'outline plan of works' (OPW). The OPW is to be prepared once the design has been finalised through the procurement process. In the meantime, the NoR identifies a proposed Building Zone (PBZ), within which the new facility is to be constructed. The location of the PBZ is identified in Figure 2 below.

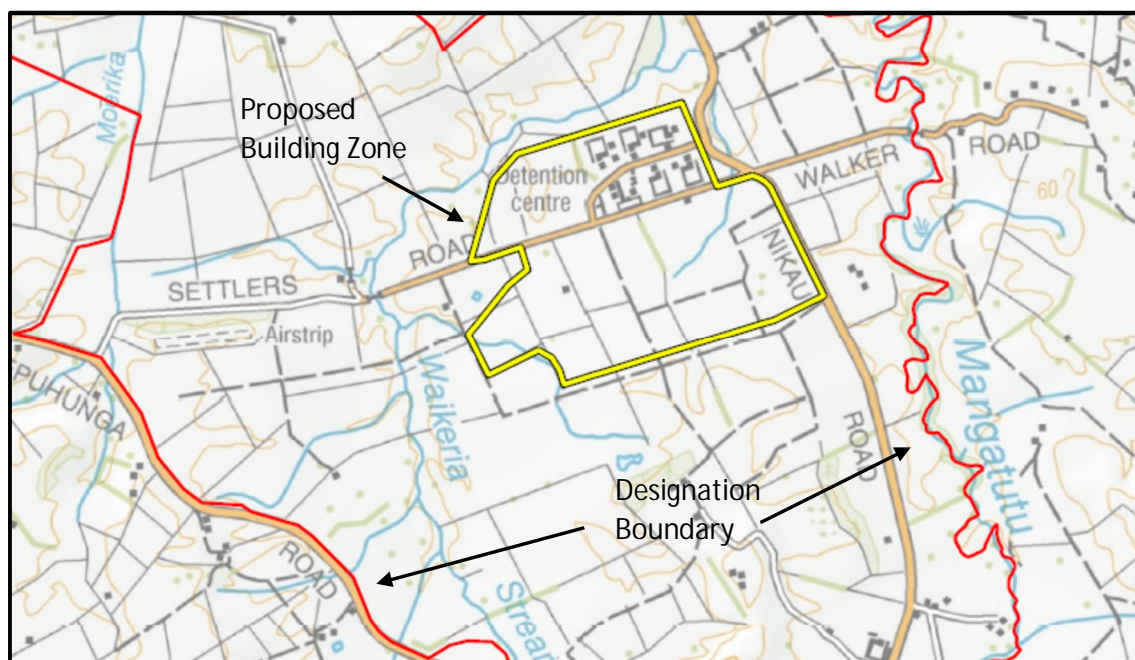


Figure 2: Proposed Building Zone (PBZ)

The PBZ will accommodate a range of new secure and non-secure facilities, in addition to a number of existing prison facilities (e.g. the lower jail). A comprehensive list of those facilities is included within Sections 6.2.3 and 6.2.4 of the NoR AEE and a repetition of that list is not considered necessary for the purposes of this report.

Key aspects of the design and layout are summarised as follows:

Building location

For the purposes of the NoR, there are no limitations on the footprint or coverage of proposed buildings, although height will be restricted to a maximum of 12m. Expectation is that not all of the PBZ will be occupied by buildings and the PBZ will include outdoor areas.

Secure Perimeter

The NoR provides for a 6m secure perimeter fence, which is fundamental to the security of the prison facility. The secure perimeter will include a primary physical barrier and secondary fences on either side of the primary barrier. An internal and an external access road will also be provided for Corrections vehicles on either side of the fence.

Lighting and Surveillance

Lighting and surveillance cameras are required to provide security and to assist detection of breaches in the secure perimeter. Lighting design for the new facility is to be finalised through the PPP process but is expected to include the following based upon other prison sites within New Zealand:

- Lighting on the inside and outside of the secure perimeter;
- Secure compound and building security lighting;
- Pole-mounted car park lighting; and
- Access road lighting.

Services

The Department holds two resource consents that authorise the taking of groundwater for water supply at Waikeria Prison. Resource consent 119635 authorises the taking of up to 1,000m³ groundwater per day for prison domestic supply purposes. Consent 122643 authorises the taking of up to 1,000m³ per day and up to 17,000m³ per year to provide emergency water supply in the event that the primary bore is unable to be used. The existing water take consents are considered sufficient to service both the existing and the new prison facilities.

The Department holds two resource consents in relation to wastewater discharge (reference 105043 and 104978) which are due to expire on 28 February 2022. The existing wastewater treatment plant is nearing the end of its useful life and therefore the proposal is to reticulate wastewater to the Waipa District Council's municipal treatment plant in Te Awamutu. Based on the submission received from Waipa District Council this appears to now be certain.

Although the prison holds existing regional consents for stormwater diversion and discharge, additional discharge consents will be required for the new facility. The issue is discussed further in section 5.5 of this report below.

Prison Operation

Section 6.3 of the NoR AEE includes a detailed description of the prison's day-to-day operational function. It provides operational background on 'security classification',

'custodial functions' and 'working prisons'. Although a repetition of that background is not considered necessary for the purposes of this report, it is noted that approximately 1,400 staff are required to service a 3,000-prisoner facility, comprising 930 staff in a custodial capacity and the balance in management and support purposes. A 2,000-prisoner facility requires proportionally less staff, being 600 custodial staff and a further 330 management and support staff.

5.4 Construction

Construction of the new facility is expected to take two to three years and will involve the following sequencing:

1. Site preparation and bulk earthworks;
2. Civil works;
3. Building works; and
4. Commissioning

Bulk earthworks are envisaged to involve a cut to fill balance from material on the site. Achieving that balance is expected to involve the uplifting, placement and compaction of up to 300,000m³ of earth on site. The final volumes will depend on the detailed design and construction methodology which is to be developed as part of the OPW process.

In the interests of efficiency, civil works are to be undertaken in conjunction with the bulk earthworks. Again, however, the construction methodology and programming of civil works is to be developed as part of the detailed design phase, which is not known at this stage.

5.5 Other Consents Required

5.5.1 Early Works

Site preparation works ('early works') are proposed prior to construction of the new facility and this will trigger additional consent requirements from Waikato Regional Council. The early works are discreet elements of the proposal and the associated consents are being sought independently of the NoR application. The intent is that preparatory works will be under way (or completed) by the time this NoR has been processed. Regional consents will be required for preparatory earthworks, wetland modification and stream diversion.

In addition to the above, the remediation of contaminated land is expected to trigger a consent requirement under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations (NES). The NES consent is required from Otorohanga District Council and is being sought independently of this NoR.

5.5.2 Stormwater Diversion and Discharge

The proposed development will require a Waikato Regional Council consent for the diversion and discharge of stormwater. The stormwater design is contingent upon the finalised building design, which is not yet known. Therefore, these consents will be applied for at a later stage and do not form part of this NoR application.

5.5.3 Bridge Replacement

The prison site is accessed via a one lane bridge over the Mangatutu Stream at the terminus of Waikeria Road. It is envisaged that the one lane bridge will need to be upgraded or replaced as part of the prison development and this may trigger a consent requirement from Waikato Regional Council. As the finalised design is not yet known, the bridge consent will be applied for at a later stage and does not form part of the NoR application.

6 RELEVANT RMA PROVISIONS

6.1 Section 198D

Section 198D of the Act sets out the responsibilities of the territorial authority in respect of a request for a direct referral in relation to a Notice of Requirement which has been granted by the Territorial Authority, in this case Otorohanga District Council.

198D Territorial authority's subsequent processing

- (1) If the territorial authority does not grant the request under [section 198B](#), it must continue to process the requirement.*
- (2) If the territorial authority decides to grant the request under [section 198B](#), it must continue to process the requirement and must comply with subsections (3) to (7).*
- (3) The territorial authority must prepare a report on the requirement within the longer of the following periods:*
 - (a) the period that ends 20 working days after the date on which the period for submissions on the requirement closes;*
 - (b) the period that ends 20 working days after the date on which the territorial authority decides to grant the request.*
- (4) In the report, the territorial authority must—*
 - (a) address issues that are set out in [section 171](#) or [191](#) to the extent that they are relevant to the requirement; and*
 - (b) suggest conditions that it considers should be imposed if the Environment Court confirms the requirement (with or without modifications); and*
 - (c) provide a summary of submissions received.*
- (5) As soon as is reasonably practicable after the report is prepared, the territorial authority must provide a copy to—*
 - (a) the requiring authority or heritage protection authority; and*
 - (b) every person who made a submission on the requirement.*

6.2 Sections 181

The Minister of Corrections has lodged a NOR for amendment to Designation D55 of the Operative Otorohanga District Plan ('District Plan') pursuant to section 181(1) of the RMA ('alteration to designation'). The relevant parts of Section 181 are as follows:

" 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."*

Section 171 ('recommendation by territorial authority') sets out the particular matters to be assessed by the 'territorial authority' with regards to a NOR. Section 198D (4) (a) directs that the territorial authority must prepare a report that addresses the matters in s171. The subsections of particular relevance to this assessment are set out as follows:

"Section 171

- (1A) *When considering a requirement and any submissions received, a territorial authority must not have regard to trade competition or the effects of trade competition.*
- (1) *When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—*
 - (a) *any relevant provisions of—*
 - (i) *a national policy statement:*
 - (ii) *a New Zealand coastal policy statement:*
 - (iii) *a regional policy statement or proposed regional policy statement:*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

As set out in section 171 above, the assessment of effects carried out by the territorial authority is subject to section 5, which states that the purpose of the RMA is:

"to promote the sustainable management of natural and physical resources in a way ...which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety" while "avoiding, remedying or mitigating any adverse effects of activities on the environment."

The definition of "environment" in section 2 of the RMA includes "*people and communities*" and also includes "*amenity values*". Amenity values are in turn defined as: "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*".

Section 7(c) requires that all persons exercising functions and powers under the RMA shall have particular regard to, among other things, "*the maintenance and enhancement of amenity values*."

These legislative requirements are addressed in subsequent sections of this report.

6.3 Part 2

This NoR is subject to Part 2 of the RMA being its purpose and principles. The overall purpose of the RMA is to promote the sustainable management of natural and physical resources. "Sustainable management" is defined to mean managing the use, development and protection of such resources in a way that enables people and communities to provide for their social, economic and cultural well-being and their health and safety. At the same time, they must:

- Sustain the potential of resources to meet the reasonable foreseeable needs of the future generations.
- Safeguard the life-supporting capacity of air, water, soil and ecosystems.
- Avoid, remedy or mitigate adverse effects on the environment of the activity.

Section 6 of the RMA contains 'matters of national importance', Section 7 of the RMA requires particular regard to be had to certain matters and Section 8 of the RMA requires that the principles of the Treaty of Waitangi are taken into account.

All of the above-listed Part 2 matters are addressed in detail in section 9 of this report below.

7 EFFECTS ON THE ENVIRONMENT OF ALLOWING THE NOR

7.1 Social Effects

Section 8.1 of the NoR AEE considers the social effects of the proposed alteration to designation. The evaluation is based upon a Social Impact Assessment (SIA) prepared by Quigley and Watts Limited, a copy of which is attached as Report 4 in Volume 2A of the application.

Issues considered by the SIA include effects on population, housing and community, educational services, rehabilitation providers, prison visitors, police and probation services, health services and community way of life. The geographic focus of the SIA (the study area) comprised Te Awamutu, Kihikihi, Otorohanga and Hamilton.

The SIA concludes that, overall, the proposed prison expansion will have a positive social impact on the region but will also give rise to a number of adverse effects. The SIA notes that local communities look forward to the employment and income from the prison expansion and that the social benefits of employment are 'immense' at the individual, family and community level.

While there are a range of positive effects on employment and income, the NoR has the potential to cause additional pressure on an already pressurised housing market; on the basis that new accommodation is required for both the construction workforce and new prison staff. This could potentially give rise to an adverse social effect on the community.

The capacity of community mental health services, community alcohol and drug services and social housing is also likely to be negatively affected by the proposed capacity increase at Waikeria Prison. Recognising this, the SIA recommends a number of mitigation measures to address those effects and those measures are addressed in detail within section 8.1 of the NoR AEE. In summary, the key mitigation measures include but are not limited to the following:

- The careful recruitment of the prison construction workforce to maximise the number of people recruited from within the study area;
- Providing construction and permanent prison staff with community information over the entire study area in order to 'spread the load' on community facilities and services; and
- The careful recruitment of permanent prison staff to maximise the number of people recruited from within the study area.

The draft and final versions of the SIA have been peer reviewed by Amelia Linzey of Beca Consultants (the 'Beca review') and the review generally validates the findings of the SIA. The Beca review confirms that an appropriate range of social impacts has been identified although it notes that in some instances, the proposed SIA mitigation measures are potentially constrained in their effectiveness. For that reason, the Beca review recommends additional conditions relating to the 'monitoring of housing impacts over the construction period', 'a social impact management and monitoring plan' and amendments to the 'community liaison impact group' that is already provided for in the existing conditions.

I support the monitoring of housing impacts because worker accommodation is a critical factor in social wellbeing and because the availability of housing (or lack thereof) potentially affects the ability of the Department to fulfil its construction objectives. Whilst it is accepted that house prices and rental shortages are not solely the responsibility of the Department, I agree that housing pressures resulting from construction are potentially of sufficient scale to warrant mitigation. This matter is addressed further as a recommended condition in Appendix 4.

The SIA has identified that the prison expansion will potentially have a range of social effects. The Beca report considers that these effects have been appropriately identified in the SIA and supports many of the proposed mitigation measures while also suggesting some additional measures.

The Beca report recommends an expanded membership and remit for the Community Liaison Group (CLG) to enhance its effectiveness during both the construction phase and for up to 5 years after commencement of operations. This enhanced CLG is designed to provide a forum to monitor and respond to key issues identified through the Social Impact Assessment report appended to the NOR.

On that basis, I support the principle of an expanded Community Liaison Group for a set period of time because this will be a potentially effective means of identifying and addressing emerging social impacts through an already established CLG that has been working for some years. Amended conditions in relation to Social Impact matters are included in the draft conditions in Appendix 4.

Submissions

Submissions by MKTR and Duncan Allan both raise social-related issues.

Issues of concern to MKTR include the influx of families into the region with resultant competition for accommodation, as well as downstream impacts on educational facilities, social and health services. The social concerns raised by MKTR are generally consistent with those listed in the SIA and with the findings of the Beca peer review. Based on those assessments, I agree that an influx of families into the Waikeria catchment has the potential to increase pressure on an already "heated" housing market, both from the temporary construction workforce and from the additional permanent workforce required to service the expanded prison operation.

As already noted, the NoR includes mitigation measures to address those concerns; including but not limited to, maximising recruitment from within the Waikeria catchment. However, the mechanisms to ensure that the measures recommended in the SIA are implemented are not readily apparent either in the AEE or the draft conditions provided by the Department. The Beca peer review develops that mitigation strategy further and recommends a range of measures as the foundation for designation conditions. As appropriate, additional conditions to manage social effects are included within Appendix 4 of this report, over and above those recommended by the Department. In my opinion, these additional conditions are required to ensure that there is certainty that the Department will respond to the issue as they arise and transparency as to how it does so.

The submission by Mr Allan is broad ranging. He submits that the Department failed to give adequate consideration under s 171(1)(b) of the RMA by failing to consult with prisoners and their whanau and by not giving adequate weight to effects on prisoners and their whanau. Section 171(1)(b) relates to the consideration of alternative sites, routes or methods. This does not require consideration of alternative systems or approaches to that of the current prison system. That is a matter of social policy and an issue for central government to address. It is not a matter to be considered in the context of an effects assessment for a notice of requirement under the RMA. Nevertheless, the consideration of alternatives under s 171(1)(b) is only required if either of the prerequisites in s 171(1)(b) are met.

Although the Department's view is that neither of the s171(1)(b) pre-requisites are met in this case, an assessment of alternatives has nonetheless been undertaken in accordance with best practice. The Department's assessment of alternatives is summarised on pages 26-29 of the AEE and the full report is contained in Volume 2A. I agree that the consideration of alternatives is in the interests of best practice and, in my opinion, the alternatives considered by the Department are appropriate to the nature and scale of the NoR.

Again, in response to Mr Allan's concerns, I note that consultation is not expressly required in relation to s 171(1)(b). As recommended by the Cultural Effects Report – Prison Alternatives Assessment (August 2016), direct engagement with Iwi and other stakeholders was nonetheless undertaken (which is consistent with the requirement that the consideration of the notice of requirement is subject to Part 2). Furthermore, a detailed assessment of effects was undertaken as part of the Prison Alternative Site Assessment (30 September 2016). In my opinion, there is no foundation to Mr Allen's submission that the assessment of alternatives is inadequate due to either a failure to consult or to give adequate weight to effects.

Mr Allen expressed a general concern in his submission that Maori prisoners and their whanau were not consulted in the NoR process, despite being the most adversely affected group. The way in which Maori prisoners are "affected" by the prison system again is a matter of social policy and is not a relevant "effect" for the purposes of assessing effects on the environment under s171.

With respect to his claims regarding a lack of consultation, although there is no duty to consult under the RMA, I am satisfied that the Department engaged in an extensive consultation process which is well documented in section 10 of the NoR's AEE and within Appendices 3 and 4 of the NoR. That consultation included engagement with the immediate and wider impacted community, as well as iwi stakeholders.

Mr Allen also submits that the designation is not reasonably necessary for achieving objectives 4¹, 6², and 7³ of the Department's specific objectives for the prison expansion. With respect to objective 4, section 3.3 of the NoR identifies that the greatest demand for prisoner places over the next 10 years is south of Auckland and north of Taupo, being the upper North Island.

The NoR relates to an upper North Island facility and is therefore located where the greatest demand for prisoner places is generated, close to family and friends. The facility is also located close to Hamilton City, Te Awamutu, Otorohanga and Kihikihi which, collectively at least, are communities large enough to attract and sustain service providers to rehabilitate and reintegrate prisoners.

¹ An optimal fit for purpose solution to rehabilitate and reintegrate prisoners whereby prisoner places are provided close to prisoner demand and therefore close to prisoner's family and friends.

² The prison facility is located sufficiently close to communities large enough to attract and sustain service providers to rehabilitate and reintegrate prisoners.

³ Significant adverse environmental effects of the development are appropriately avoided, remedied or mitigated.

Based upon the information provided it is my view that the proposed expansion of Waikeria Prison will be well aligned with objectives 4 and 6. With appropriate conditions, and based on the AEE provided with the NoR, I also consider that any significant adverse environmental effects are able to be avoided, remedied or mitigated, thereby ensuring consistency with objective 7.

Mr Allen submits that a prison constructed under a 'business as usual' approach cannot meet the sustainable management requirements under Part 2 of the RMA, due to the adverse effects on Maori prisoners and their whanau. Mr Allen's concern appears to relate to the 'effect' of imprisonment on Maori, and the lack of measures to mitigate those effects. Mr Allen takes issue with the standard imprisonment model. In particular, he considers that there is insufficient rehabilitation and training programmes and that various on-site services such as healthcare and drug treatment facilities are inadequate.

While social effects have been accepted by the courts as a valid RMA concern, some of the concerns raised by Mr Allen stray into matters of social policy which in my opinion fall outside the ambit of this proceeding. Nevertheless, some of the concerns raised by Mr Allen are relevant social effects and these have been considered in the SIA and peer review discussed above.

As discussed in section 9 of this assessment below, I am satisfied that the proposed prison expansion achieves the sustainable management purpose of the RMA and is consistent with Part 2 of the Act.

7.2 Cultural Effects

Section 8.2 of the NoR AEE considers the cultural effects of the proposed alteration of designation. The cultural evaluation is based upon a Cultural Impact Assessment (CIA) carried out by Te Onewa Consultants Limited ('Te Onewa'). A copy of the CIA is attached as report 5 in Volume 2A of the application.

As part of the CIA, Te Onewa undertook preliminary research of the relevant iwi management plans, planning documents, traditional and historical publications and the Rohe Potae hearing in the Waitangi Tribunal. Te Onewa identified and made contact with all relevant iwi including Ngati Maniapoto, Ngati Raukawa, Waikato Tainui and Te Kaumatua Roopu O Waikeria. Consultation with these iwi groups occurred between December 2016 and March 2017.

Matters raised throughout the consultation process were recorded and articulated in the CIA. The assessment also took into account the findings from the archaeological and ecological reports which are attached as report 9 and 11 respectively in Volume 2A of the application. Iwi were provided with the opportunity to consider the findings of the CIA and were provided with further opportunity to provide feedback on the final assessment document. I am satisfied that the methodology undertaken to produce the CIA was thorough and provides a good overview of the actual and potential cultural effects.

The findings of the CIA are summarised as follows:

- The NoR will have a negligible effect on the relationship of tangata whenua with their ancestral land as no additional land is required. Therefore, tangata whenua will not be further alienated from this land as a result of the NoR.
- Wastewater from the existing facilities is currently being discharged to the Mangatutu Stream. Tangata Whenua have expressed a preference for wastewater to be reticulated to the municipal treatment plant in Te Awamutu. The Department has agreed to this and will reticulate wastewater to the treatment plant following the lapse of the existing discharge consent in 2022.
- The Waikeria Prison site sits upon land which was once a great forest but has subsequently been cleared for pastoral use over the centuries. As part of the NoR, the Department will undertake 1 of 2 ecological mitigation options which will result in a net gain in ecological values through the revegetation of areas around the Puniu Stream. This will result in improved habitat values for wildlife and will provide a buffering function for the Puniu Stream floodplain. This will have a positive effect on tangata whenua's relationship with the forests of the land and the historic land form of the site.
- No wahi tapu, archaeology, sites of significance or historical heritage are known to be located within the proposed building area. As a precautionary measure, however, accidental discovery protocols have been offered by the Minister as a condition of the NoR, thereby ensuring that any accidental archaeological discoveries during construction will be managed appropriately with Iwi input.
- Similarly, no taonga has been identified within the Waikeria Prison site though this too will be managed by the proposed accidental discovery protocols.
- Kaitiakitanga has been taken into account as part of the CIA.

Based on the assessment provided and the level of consultation undertaken with relevant iwi, I am satisfied that the overall cultural effects resulting from the NoR will be less than minor.

Submissions

Submissions by Harold Maniapoto, MKTR and Raukawa each raise the potential for adverse cultural effects. The submissions by Harold Maniapoto and MKTR identify Maori cultural effects are one of a number of issues which cause, or are likely to cause, 'significant adverse effects'. Neither the Maniapoto submission nor the MKTR submission provide detail as to the cause of the significant cultural effect, but they contend that ongoing engagement throughout the project is a means of avoiding or remedying such effects. For that reason, Harold Maniapoto and MKTR request that ongoing engagement is a condition of consent. A condition to this effect is included within Appendix 4.

Amongst other things, the Raukawa submission seeks that culturally significant sites and wahi tapu within the designation are protected and that accidental discovery protocols are in place during earthworks. As already noted, there are no known wahi tapu or significant sites within the proposed building area, although that does not discount the possibility of accidental discovery of sensitive sites. The ongoing protection of significant sites elsewhere within the designation is assured through the District Plan and / or the Historic Places Act.

Nonetheless I support Raukawa's request for accidental discovery protocols, and a consent condition to this effect is included within Appendix 4 of this report. I also support Raukawa's suggestion of a forum for the continued liaison with Raukawa and other Iwi, such as Maniapoto MKTR.

7.3 Landscape and Visual Effects

Landscape and visual effects are addressed in section 8.3 of the NoR AEE. The assessment is based upon a Landscape and Visual Assessment (LVA) by Boffa Miskell Limited, which has been peer reviewed by Mansergh Graham Landscape Architects (MGLA review). The following observations are based upon both the LVA and the MGLA review.

In the absence of a detailed design on which to base an assessment of landscape and visual effects, the LVA has adopted general development parameters and a maximum development envelope which is assumed to occupy the full extent of the proposed building zone. This general approach was referred to in the decision of the Board of Inquiry into the Mens prison at Wiri. The Board made the following observation at paragraph (111) which I consider directly relevant in the current context: "[111] [...] we see *nothing particularly wrong as a matter of general principle with the parameters approach. The question is whether the parameters provided are sufficient to enable us to consider the effects on the environment of allowing the requirement and if those effects are of concern, the question then becomes whether or not they can be avoided, remedied or mitigated satisfactorily.*" The Board went on to state in paragraph (112) that: "*in addition, it is important to note that the parameters approach is anticipated, to a large degree, by section 176 (A).*"

For assessment purposes, the building envelope is assumed to be 94ha in area and 12m in height with camera and lighting poles extending above that envelope to 20m in height. The LVA uses a desktop Zone of Theoretical Visibility (ZTV) analysis to determine the extent of visibility of the proposed building envelope. The ZTV then informed visual simulations which were used to illustrate the bulk and location of the building envelope as well as mitigation planting at various stages of development.

The LVA concludes that the proposed development will result in a significant change to the landscape character of the area and that change has the potential to result in 'high' adverse effects. Compared to the scale of the existing prison facility, the proposed new development is expected to become a more dominant element, impacting on the rural character of the area. The LVA recognises that landscape mitigation will be necessary to counter the impact of new development. However, it acknowledges that, in the absence of finalised design details for the new facility, it is difficult to determine the optimal extent and location of mitigation planting. The NoR therefore recommends that, once the designation is in place, and once the detailed design of the facility is known, finalised landscape mitigation can be agreed upon and implemented.

I have some concerns with the conclusions and approach recommended by the LVA and these concerns are echoed in the MGLA review. The intended procurement process means that there is still a high degree of uncertainty regarding the design and construction of the

new facility and, by necessity, the NoR has had to adopt a 'maximum building area approach' to define a worst case scenario. Although it is conceded that landscape mitigation will be necessary, the lack of detail regarding the general form and layout of the new facility means that there is also uncertainty regarding the extent of landscape and visual effects. Without more certainty regarding the severity of adverse effects, it follows that there will also be uncertainty regarding the extent of mitigation required to appropriately address those effects.

Notwithstanding that, I am in agreement with the LVA that the NoR will maintain a high ratio of open space to development across the site, because the proposed Building Zone represents only 7.3⁴ percent of the 1,276 hectare designation site area. In my opinion, the scale of the site should mean that there is ample opportunity for landscape mitigation, albeit that the nature and extent of that mitigation cannot be known with any certainty until such time as the detailed design is confirmed at the time an Outline Plan of Works is submitted to Council.

I am also in agreement with both the LVR and the MGLA review that the existing lower jail is relatively well integrated with the surrounding rural landscape. This is achieved largely by the nodal nature of the development with building units discretely located from one another, interspersed with trees and shelter belts. Recognising the significance of that mitigation, the MGLA review recommends that trees within the lower jail are retained until such times as other mitigation planting matures. I agree with that position and consider this should be a pre-requisite baseline for overall site mitigation, at least until such time as the detailed design is known, which will inform the final landscape mitigation.

In considering 'visual effects' (as opposed to 'landscape effects') the ZTV analysis confirms that the extent of visibility from areas surrounding the prison is generally from the east and west, due to intervening landforms both to the north and south. Thirty-five (35) properties are assessed as having views of the proposed development. The NoR anticipates that a combination of height restrictions, recessive colour schemes, retention of existing trees and additional mitigation planting will result in adverse visual effects being 'low' to 'very low' in most locations. Notwithstanding that, the LVA identifies three of the closest residential properties (VP01, VP03 and VP08) as being the most visually affected. Impacts upon these properties are predicted to reduce variously from 'high' to 'moderate-high' or 'moderate-low' over time, with mitigation.

I am guided by the MGLA assessment that the visual effects ratings identified in the LVA 'fall within a broadly appropriate range', although I share MGLA concerns that those effects cannot be accurately verified until such times as a more detailed level of information is provided. Despite the lack of certainty with respect to finalised design, I note that landscape and visual effects have not been identified by any submitters as a critical area of concern.

Based upon the MGLA review, I am satisfied that the LVA has 'followed an appropriate methodology and has analysed the effects of the proposed prison expansion on landscape and visual amenity within the within the context of the available design information'.

⁴ 94 hectares

However, in this case, the parameter approach has not been sufficiently refined to allow the development of an assessment envelope that allows specific effects to be identified or certainty that the proposed mitigation will be effective.

Making an overall judgement, I consider that the proposed new development will alter the characteristics of the rural landscape, and that mitigation will be required to ensure an adequate level of integration. Although I am satisfied that mitigation is feasible in principle, its effectiveness cannot be assured until such times as the finalised design of the new facility is known.

The MGLA assessment concludes that there is insufficient information to fully substantiate and confirm the conclusions contained in the AEE. The MGLA review also recommends some additional conditions to ensure that the time of the submission of the Landscape and Visual Mitigation and Management Plan (LVMMP), sufficient information about the earthworks, building platform, building design and location, carpark and internal road configuration, security fencing and walls, lighting tower design and retention of existing specimen trees will be provided. This will then ensure that the Council will have enough detail against which to assess the proposed Landscape and Visual Mitigation & Management Plan proposed in Appendix 4. This will assist in ensuring that final landscape mitigation is "fit for purpose" and achieves an appropriate level of mitigation.

7.4 Transportation Effects

Section 8.4 of the NoR AEE considers transportation effects. The transportation evaluation is based upon a Transportation Assessment by TDG Consultants Limited ('TDG'), a copy of which is attached as Report 7 in Volume 2 of the application.

The proposed increase in prison capacity will result in additional staff requirements with increased visitor and servicing numbers. Traffic modelling within the TDG assessment identifies that weekday prison-related traffic will increase in volume from 716 vpd to 2,800 vpd. Peak hour movements are also expected to increase from 100 vph to 470 vph.

The predicted scale of the increase means that mitigation is necessary to ensure the effects of the increase on the surrounding road network are reduced to an acceptable level. In summary, the TDG assessment recommends the following mitigation:

- Some immediate upgrade work to Waikeria Road, including but not limited to, posted speed reduction, improved intersection markings, widened seal at critical points and access upgrades;
- Address the tight bend on Waikeria Road which may need some mitigation to provide adequate use by construction traffic;
- Replace or widen the single lane Waikeria Road bridge to provide an appropriately designed two lane bridge;
- Upgrade the SH3/Waikeria Road Intersection; and
- Monitor and review the upgrade of SH3/Waikeria Road Intersection and implement additional mitigation measures if appropriate.

The draft and final versions of the TDG assessment were peer reviewed by Cameron Inder of Bloxam Burnett and Olliver (BBO). Mr Inder's assessment agrees that the right turn out of Waikeria Road is the critical movement with respect to intersection capacity constraints. He notes that the performance for this right turn out movement is predicted to decline from the current Level of Service (LoS) C to LoS F in the PM peak hour, with average delays increasing from 19s per vehicle to 104s per vehicle for this movement.

I agree with Mr Inder's concern that LoS F is a significant deterioration in the performance of the intersection in relation to the right turn out movement. This would also be accompanied by a significantly increased risk of serious crashes resulting from drivers exiting Waikeria Road becoming impatient and/or feeling pressure to accept a shorter gap in the opposing SH3 flows of traffic, than is needed to safely turn through. Further, the right turn out of Waikeria Road is particularly at risk of a fatal or serious injury crash due to the minimal protection available to occupants of vehicles turning from the side road if hit in the door by another vehicle travelling at rural road speeds.

Although the TDG Assessment acknowledges that LoS F is not acceptable and that remedial action at this intersection is needed, it effectively discounts that need on the basis that capacity issues only occur for a "short period" each day (e.g. for 30 minutes during shift change overs). I am guided by Mr Inder that, while 30 minutes is a short period (relatively speaking), the regularity of it occurring almost every day is not insignificant and in my view is not an acceptable level of effect.

To address the above, the TDG Assessment proposes an upgrade to the SH 3 / Waikeria Road intersection to mitigate the effects of increased traffic. The upgrade comprises the southerly relocation of the Waikeria Road centre line by 6m, improving sight lines to the north and widening the State Highway to include a right turn bay for traffic turning into Waikeria Road. This upgrade will improve the safety particularly for right turn in traffic. However, I share Mr Inder's concern that this upgrade does not address the capacity and performance issue for the critical right turn out traffic movement in the PM peak period. Although it addresses a sightline deficiency, it does not provide a full solution to the problem.

The TDG Assessment only considers SH3 traffic growth to 2022, effectively just after the opening of the facility. Mr Inder notes that, with the assessment for 2022 already showing LoS D-F, and with a growth rate of 2% on SH3, it is likely that the right turn out of Waikeria Road will experience even higher delays and queues 5 years and 10 years post-implementation.

Overall, I agree with the conclusions reached by Mr Inder that the capacity issue at the SH3 / Waikeria Road intersection has not been convincingly addressed to the point where traffic effects are acceptable. I further agree that a solution to address the capacity issue and the inherently related safety issue may be a roundabout or a grade separated interchange. No formal assessment on this option has been provided in the TDG report, nor an explanation as to why such an upgrade has not been considered. I acknowledge that land constraints and geometric issues at the SH3 / Waikeria Road intersection would make it challenging for

a roundabout to be built. However, if a roundabout is the correct solution from a capacity and safety point of view, then these challenges need to be addressed.

On the basis of Mr. Inder's findings and recommendations, I have proposed a number of conditions to avoid, remedy or mitigate adverse traffic effects, insofar as they are manageable at this stage. These conditions include provision for a Construction Traffic Management Plan with intersection performance monitoring throughout, an interim upgrade and then regular intersection monitoring against key performance thresholds. If any of those thresholds are triggered, then the requiring authority is required to implement an upgrade to address the capacity issue. It is recommended that the requiring authority undertake additional work with respect to this issue in conjunction with NZ Transport Agency and both local Councils to provide additional certainty over the long-term capacity improvements that are likely to be required at the intersection. In my opinion, these conditions would put in place provisional checks and balances to ensure that traffic effects can be appropriately managed such that the adverse effects are acceptable.

Submissions

Submissions by Harold Maniapoto and Maniapoto ki Te Raki (MKTR) raise concerns about the predicted increase of vehicle movements on Waikeria Road and associated impacts upon local residents. Anticipated effects include hold-ups and delays of up to 30 minutes during peak period shift changes. To mitigate those effects, Mr. Maniapoto and MKTR recommends the scheduling of shift changes to avoid local peak period clashes and the use of Wharepuhunga Road in conjunction with Waikeria Road to create a one way circuit to and from the prison.

I concur with Mr. Maniapoto and MKTR that increased traffic volumes will indeed be noticeable on Waikeria Road and, when operating at full capacity, it will impact upon levels of service at the critical SH3 / Waikeria Road intersection. Mr. Inder has raised concerns about the extent of improvement proposed on Waikeria Road and whether this is sufficient to mitigate effects. He has also raised concerns about levels of service for right turning vehicles onto SH3 when the prison is operating at full capacity. I share Mr Inder's concerns that capacity issues have not been fully addressed and that further mitigation should be considered for Waikaeria Road.

It is acknowledged that Wharepuhunga Road provides an alternative access to the prison and, because the prison has substantial frontage to that road, the increased traffic would potentially impact upon fewer neighbouring landowners. The TDG Assessment considered the merits of Wharepuhunga Road as an alternative site access but noted that the intersection had inadequate sight distances which could only be remedied by lowering the crest of SH3. TDG also noted that the Wharepuhunga Road intersection is an offset crossroads with SH3 and Te Kawa Road, which raises the potential for increased conflict between existing and proposed additional traffic.

Notwithstanding TDG's position, the peer review by Mr Inder does not discard Wharepuhunga Road as a feasible alternative access, especially if significant intervention

(such as a roundabout) proves to be the best means of addressing intersection Levels of Service (LoS) with SH3.

Mr Maniapoto raised the suggestion of shift changes to remedy peak period traffic and predicted delays for right turning vehicles onto SH3. Mr. Inder's review confirms that the LoS for right turning vehicles onto SH3 will indeed reduce from LoS 'C' to LoS 'F', which equates to an increase in delay for right turning movements from 19s to 104s.

Therefore, whilst I consider Mr Maniapoto's predicted delay of '30 minutes' to be exaggerated, I agree that Levels of Service will be adversely affected. I am guided by Mr Inder's peer review that, whilst the proposed SH3 / Waikaeria Road intersection upgrade will improve sightlines, the intervention does not adequately address the reduction in LoS, especially beyond the opening of the new facility in 2021 or thereabouts. Therefore, if the intersection upgrade proceeds as generally envisaged by the Department, consent conditions will be essential to monitor the efficiency of that intervention and to allow further remediation in the event that safety and / or efficiency effects remain more than minor.

I note that neither TDG nor Mr Inder's review recommend a change in staff shifts to mitigate traffic effects. In my opinion, that is an operational matter for the prison authority and a consent condition to that effect would be an inappropriate mechanism to address the safety issues.

The submission by the New Zealand Transport Agency (NZTA) is focussed on the sightline deficiencies of the SH3 / Waikeria Road intersection and the need for an intersection upgrade. NZTA notes that the existing safety concerns with the intersection are likely to be exacerbated with the increase in prison traffic. Consultation is understood to be ongoing between the Department and NZTA regarding alternative intersection design options, including the acquisition of additional land to further improve sightlines. The Department and NZTA have entered into a Memorandum of Understanding (MOU) which sets out the options for an intersection improvement, the process to be pursued and the implementation of the chosen option. In the meantime, conditions to the following effect are sought by NZTA:

1. The requiring authority shall upgrade the intersection of SH3 / Waikeria Road to accommodate the additional traffic generated as a result of the prison expansion; and
2. A traffic management plan shall be prepared by the requiring authority outlining temporary traffic management measures until such time as the upgrade of the SH3 / Waikeria Road intersection is completed.

In my opinion, conditions to this effect are appropriate if NZTA is satisfied that the SH3 / Waikeria road intersection is the most appropriate primary access.

The submission by Waipa District Council recognises that there will be additional traffic impacts on the Waipa network, but that these have been addressed with the Department of Corrections in conjunction with NZTA.

A submission by Colleen Lolesi anticipates increased traffic noise as a consequence of increased vehicle movements. The outcome sought by the submitter is road surface treatment to mitigate noise effects, particularly at the intersection of SH3 and Waikeria Road. I am aware that treatments such as 'open graded porous asphalt' are beneficial for noise reduction purposes, but that they are costly in comparison with typical rural road treatments. I am unable to speculate as to whether open graded porous asphalt is either feasible or necessary with respect to Waikaeria Road.

7.5 Lighting Effects

Section 8.5 of the Nor AEE considers lighting effects, based on an assessment by Opus International Consultants Ltd ('Opus'). A copy of the lighting assessment is included as Report 8 in Volume 2B of the NoR.

The methodology used for the lighting assessment comprised a review of the appropriate national and international standards, an assessment of requirements under the District Plan and an assessment of existing designation conditions. Additionally, consideration was had to existing on-site lighting and an assessment of potential lighting effects resulting from the NoR.

The Opus report notes that lighting is required to enable prison staff to complete their duties, provide security and assist in the detection of attempted intruders and escapees. It is therefore essential for the day-to-day operation of a prison and to provide public safety.

The Opus report concludes that the existing lighting at Waikeria prison currently complies with the Otorohanga District Plan and with the existing designation conditions. Despite that level of compliance, pre-lodgement consultation by Opus confirmed landowner concerns with respect to light pollution in general, resulting from the existing lower jail facility. The NoR acknowledges that the current lighting would not comply with AS 4282-1997.

The NoR undertakes to avoid, remedy or mitigate adverse effects relating to 'spill lighting', 'glare' and 'sky glow' by:

- Undertaking a detailed review and upgrade of the existing exterior lighting at the lower jail prior to the completion of the proposed new facility;
- Using full cut-off and/or asymmetric optics in all external lights as appropriate to technical design requirements;
- Mounting lights at an appropriate height to reduce number of poles and aiming towards the ground to controlling glare and spill light; and
- Adequate separation of new lights from the boundaries of the Waikeria Prison designation.

As a result of implementing the principles of AS 4282-1997 at both the existing lower jail and the new facility, the Opus assessment concludes that effects resulting from external lighting will be low.

Draft and final versions of the lighting assessment were peer reviewed by John McKensey of Lighting Design Partnership Ltd. (LDP). Based on the information provided and upon the Department's stated intent of complying with AS4282-1997 (Control of the obtrusive effects of outdoor lighting), the LDP review concludes that the effects of proposed operational lighting will be less than minor. If the Court is minded to approve the NoR, LDP recommends a suite of detailed conditions to address 'pre-construction', 'construction' and 'post construction' circumstances, and these are listed in full in Appendix 4 of this report. I consider the proposed conditions to be appropriate and provide a comprehensive set of standards for the control of lighting associated with the project.

Submissions

The submissions by Harold Maniapoto raise generic concerns with respect to potential lighting and glare effects and in relation to 107 Waikeria Road in particular. The LDP assessment notes that the prison site is not directly visible from 107 Waikeria Road and with the conditions proposed, potential effects (such as they are) can be suitably managed. It is acknowledged that Skyglow from the existing prison facility is currently significant due to the upward tilt of the existing floodlights. However, I am guided by the LDP assessment that Skyglow from the new facility will be significantly reduced, albeit that the effect will still be evident to varying degrees when fog or rain is present. In my opinion, the lighting and glare effects raised by the Maniapoto submissions will be adequately addressed by the recommended conditions which are attached as Appendix 4.

7.6 Archaeological Effects

Section 8.6 of the Nor AEE considers the archaeological effects of the proposed alteration to designation. The assessment is based upon the archaeological assessment prepared by Cloughs & Associates Ltd, a copy of which is attached as Report 9 in Volume 2A of the application.

The findings of the archaeological assessment are based on a review of the New Zealand Archaeological Association website, the Otorohonga District Plan and the Heritage New Zealand Heritage list to determine whether any archaeological sites were recorded within or near the Designation Area. A field survey of the proposed building zone and the Waikeria Road bridge was also undertaken to ensure that no archaeological remnants were present.

The findings of the archaeological assessment are summarised as follows:

- There are no recorded archaeological sites within the proposed building zone or in proximity to the Waikeria Road bridge which is likely to be upgraded.
- The field surveys did not detect any archaeology within the proposed building zone or in the vicinity of the bridge.
- Due to past prison operations and activities, any archaeological features that may have existed historically are unlikely to exist today. As such, the potential for subsurface archaeological features to be uncovered during construction is considered to be low.

- Accidental discovery protocols are recommended for construction works within the proposed building zone and the bridge area. The Minister anticipates and is prepared to accept NoR consent conditions to this effect.

The methodology undertaken by Cloughs and Associates to produce the archaeological assessment is considered to be thorough and provides a good overview of the actual and potential archaeological effects resulting from the NoR.

Based on the findings of the archaeological assessment, I agree that impacts upon known archaeology are likely to be negligible, given the separation between known sites and proposed construction areas. That does not discount the possibility of uncovering unrecorded archaeology, though I agree that the likelihood of this is diminished because of the extent of development works which have already taken place on site. In the unlikely event that any subsurface archaeological features are uncovered, I am satisfied that accidental discovery protocols would sufficiently mitigate any adverse effects.

Overall, I agree that any adverse archaeological effects resulting from the proposed alteration to designation will be less than minor.

7.7 Noise Effects

Section 8.7 of the Nor AEE considers the noise effects of the proposed alteration to designation. The assessment is based upon the noise assessment prepared by Marshall Day Acoustic Ltd, a copy of which is attached as Report 10 in Volume 2A of the application.

The assessment involved acoustic testing from the boundaries of a number of sites adjoining the designated area to determine the noise effects that the proposed construction and operations within the proposed building zone will have on the surrounding environment. The expected noise levels emitted from the proposed building zone were then compared to the noise standard provisions of the Rural Zone under the Otorohanga District Plan. The methodology undertaken provides a thorough understanding of the expected noise effects that the proposed alteration to designation will have on the surrounding environment.

The findings of the noise assessment are summarised as follows:

- Construction and operational noise emissions expected from the development of the new prison facilities and operations have been found to be below the noise standard provisions of the Otorohanga District Plan's Rural Zone when measured from the shared boundaries of adjacent sites.
- A number of residents living in sites adjacent to the designated area have mentioned that kapa haka performances and the public loud speaker could occasionally be heard from their respective sites. As a result, the Minister proposes to restrict any significant kapa haka and coordinated singing activities to day time hours only.
- All prisoners will be indoors during night hours and all prisoner cells will be insulated. This ensures that noise levels are kept to a minimum throughout the night.

Based on the findings of the noise assessment, the noise emissions produced as a result of the proposed alteration to designation will be at a low level when measured from the boundaries of the designated areas.

The expected noise emissions have been calculated and found to be below the noise performance standards of the Rural Zone when measured from the boundary of the closest sites adjoining the designated area. Furthermore, as the proposed building zone is located centrally within the designated area, it will be significantly setback from any adjacent sites. These factors in addition to the proposed restrictions on significant kapa haka and singing activities will ensure that noise emissions are at an appropriate level. As such, I agree that any adverse noise effects resulting from the proposed alteration to designation will be less than minor on the adjoining sites and the surrounding area.

7.8 Ecological Effects

Section 8.8 of the Nor AEE considers the ecological effects of the proposed alteration to designation. The ecological assessment is based upon an assessment by Boffa Miskell Limited, a copy of which is attached as Report 11 in Volume 2A of the application.

The methodology used for this assessment involved a desktop study to identify any known ecological values within the designated area, a number of ecological surveys within the proposed building zone and a survey of potential mitigation sites. The information gathered was used to determine that the ecological values within the proposed building zone did not meet the statutory criteria for significant indigenous biodiversity. Based on the information gathered, Boffa Miskell has provided a number of recommendations.

The findings of the ecological assessment are summarised as follows:

- Within the proposed building zone are two wetlands and two streams which have been found to have low ecological value. As no defined building plans have been provided it was assumed that both wetlands will be infilled as part of the works. However, based on the surveys undertaken they do not contain endangered plants or fish species and provide poor quality habitats for wetland birds species and lizards.
- The two wetlands identified within the proposed building zone do not meet the criteria for significant indigenous biodiversity under the Waikato Regional Policy Statement.
- The Minister proposes to undertake ecological mitigation works within the designated area to address the loss of ecological value caused by the proposed alteration to designation. The ecological assessment provides two mitigation options, both of which involve the revegetation of areas around the Puniu Stream resulting in improved habitat values for wildlife and providing a buffering function for the Puniu Stream floodplain. These mitigation options would result in a net gain of ecological value for the overall designation area.

Based on the ecological assessment provided, the proposed alteration to designation will have an impact on the ecological values on the site through the infilling of two wetlands and

two streams. Both the wetlands and streams to be infilled have been surveyed and found to contain low ecological value.

The Minister proposes ecological mitigation within the designated area in order to offset the ecological impacts that the proposed infilling will have, which will result in a net gain in ecological value within the Waikeria Prison site. As such, I conclude that any adverse ecological effects resulting from the proposed alteration to designation will be less than minor.

Submissions

The submission by Fish and Game New Zealand (Fish and Game) opposes the transfer of waste to the Te Awamutu treatment plant on the basis that treated discharge will have an adverse effect upon the Mangapiko Stream, which is already in a declining state. Fish and Game note that the regional discharge consent for the Waipa treatment plant expired in 2015, with the plant due for upgrading between '2017 and 2022'.

Given the alleged status of the Waipa consent, Fish and Game submit that the discharge of contaminants into the Mangapiko Stream is contrary to the National Policy Statement for Freshwater Management 2014, the Waikato Regional Policy Statement and Iwi Environmental Management Plans. The submission further contends that the NoR fails to address Part 2 of the RMA and is contrary to the purpose of the Act. It requests that the transfer of wastewater treatment is withdrawn and that public access to the Mangatutu Stream is improved.

From an environmental perspective, I consider the planned reticulation of waste to a municipal treatment plant to be a positive outcome, and an improvement to the status quo. Submissions by Raukawa and Maniapoto MKTR appear to support this position, and therefore I question the extent to which the proposal can be deemed contrary to their respective Environmental Management Plans. If the NoR is conditional upon wastewater being reticulated to an approved treatment facility, it is incumbent upon Waipa District Council (in conjunction with the Department) to satisfy itself that it can lawfully accept, treat and discharge that contaminant. In my opinion, it would be inappropriate to uphold Fish and Game concerns if their core issue relates to a Waipa District Council (third party) administrative matter, as opposed to something which is in the Department's control.

I have also made enquiries to Richard Bax (Waipa District Council – Acting Manager Infrastructure Development) regarding the status of the Te Awamutu treatment plant discharge consent. I am advised that an application to renew that discharge consent was made to the Waikato Regional Council (WRC) before expiry of Council's existing consent in October 2015. Therefore, wastewater operations continue to be authorised under the provisions of section 124(1) of the RMA, until such times as the new resource consent applications are determined. I am further advised that, contrary to Fish and Game's assertion, the plant is fully compliant with its current consent conditions.

The evidence presented by Fish and game does not change my opinion that the NoR is generally consistent with the purpose of the RMA.

Amongst other things, the submission by Raukawa seeks to ensure that wastewater discharges to the Waikeria Stream / Puniu River cease and that wastewater is reticulated to Te Awamutu. The NoR supports this position and consent conditions to this effect are recommended. Raukawa also seeks stream and wetland restoration, the remediation of contaminated sites and a riparian revegetation plan. I consider these requests to be appropriate and recommended consent conditions to this effect are included within Appendix 4.

7.9 Economic Effects

Section 8.9 of the NoR AEE considers the economic effects of the proposed alteration to designation. The economic evaluation is based upon an assessment by Market Economics Ltd (M.E.), a copy of which is attached as Report 12 in Volume 2B of the application.

The M.E. evaluation uses an Input-Output methodology which takes into account direct impacts⁵, indirect impacts⁶ and induced impacts⁷ of the development in order to determine total economic effects across economic sectors through time; the impacts can then be discounted to assess net present value.

The findings of the M.E. evaluation are summarised as follows:

- The total cost of the new facility is estimated to be approximately \$1.0bn.
- Approximately 930 prison workers will be required to operate the new 2,000 prisoner facility.
- Construction of the facility will create approximately 490 full time job equivalents on average.
- An estimated 7,720 full time equivalent job years will be created in the Waikato regional economy and an additional 4,870 FTE job years across the rest of New Zealand.
- The construction phase of the development will generate \$174 million in direct contribution to GDP in the Waikato Region.
- The direct and flow-on effects will contribute \$500 million to the GDP of the Waikato Region, most of which will be concentrated in the Waipa and Otorohanga Districts. The direct and flow on effects will also contribute \$390 million across the rest of New Zealand.
- At full occupancy, the new facility would cost an average of \$150 million per year to operate.

Construction of the facility by way of a PPP means that the exact distribution of economic impacts and effects along with costs and staffing levels cannot be known with certainty at

⁵ Direct impacts – anticipated cost and employment generated from construction and operation of the new facility.

⁶ Indirect impacts – flow on effects.

⁷ Induced impacts – relating to companies paying additional wages and salaries to new employees to cover the increased outputs required.

this stage. However, I agree with the assertion that a large portion of the resources required to build the new facility (labour, supplies and expertise) is likely to be sourced from the regional economy. I also agree that a significant number of prison staff are likely to reside in the Otorohanga and Waipa Districts, because this reflects the historic and current pattern. With a significant number of staff expected to reside locally, it is reasonable to conclude that wages are more likely to be spent locally, thereby sustaining local businesses and generating indirect benefits to the local economy.

I have no reason to dispute the core findings of the M.E. economic evaluation that, overall, the economic effect on the regional economy is expected to be strongly positive. I also note that there are no submissions in relation to economic effects.

7.10 Construction Effects

Section 8.10 of the NoR addresses the consideration of construction effects. The assessment is focussed in the three areas of 'construction related social effects', 'construction traffic' and 'construction noise'.

The construction workforce is anticipated to impact upon the availability of accommodation within the Waikeria catchment, particularly Te Awamutu, Kihikihi and Otorohanga. The SIA by Quigley and Watts (Report 4, Volume 2A) notes that the property market is rapidly inflating throughout the Waikato and this has put pressure on the rental market. The prison construction workforce will exacerbate that pressure, though it is not in itself the driver for housing change in the sub-region.

To mitigate impacts on the housing market, the SIA recommends that the recruitment process for the construction workforce is carefully promoted to maximise the number of people recruited from the Waikeria catchment. I agree that the recruitment of construction workers who are already living in the catchment would substantially mitigate potential impacts upon housing demand. In my opinion, however, the strategy will only be effective if it is integrated into the PPP process and actively promoted by the Department.

Construction of the new facility will inevitably give rise to construction traffic, which is additional to current daily volumes. The Traffic Impact Assessment by TDG Consultants (Report 7, Volume 2B) does not quantify the extent of construction traffic, but notes that a substantial number of truck and heavy machinery movements will be required along Waikeria Road and through the SH3 / Waikeria Road intersection.

In order to manage construction traffic effects, the TIA recommends that the Department prepare a Construction Traffic Management Plan (CTMP) in order to address the following issues:

- Staging, timing and duration of construction and associated predicted volume and type of construction vehicles required;
- Any roading upgrades/special measures to accommodate construction traffic;
- Traffic management measures to be employed at SH3/Waikeria intersection, Waikeria Road and Walker Road;

- Outcome of consultation on the CTMP with NZTA and Waipa District Council;
- A community engagement plan to keep potentially affected parties informed and to manage the construction related traffic effects. Parties to be engaged with include prison staff, construction workers, landowners/users of Waikeria Road;
- Whether all of the immediate upgrades outlined above have been given effect to;
- Whether any of the upgrades and mitigation work which is required before the prison is occupied should be brought forward as a result of the construction traffic; and
- Protocols (if required) for the movement of wide / oversize construction loads.

Accepting that detailed construction movements cannot be known until the outcome of the PPP and tender process is completed, I am satisfied that construction traffic effects can be appropriately managed providing the implementation of a CTMP is a condition of consent.

Construction activities will give rise to noise effects and this is addressed in the Acoustic Assessment by Marshall Day Consultants, a copy of which is included as Report 10, Volume 2A of the NoR's AEE.

The Otorohanga District Plan requires that construction noise is to be measured and assessed in accordance with NZS6803:1999 "*Acoustics – Construction Noise*". Table 18 within section 8.10.3 of the NoR identifies indicative construction noise levels based upon noise data from NZ Standard 6803P and upon information within the Marshall Day noise database. The typical sound power levels range from 105-115 dB L_{WA} .

Construction noise is predicted to comply with the day time construction noise limit at a distance of approximately 100 m from the construction activity. Any construction activity is therefore predicted to comply with the operational day time noise limit at all the nearest sensitive dwellings, and will therefore comply with the requirements of the District Plan. This is unsurprising given the generally isolated and centralised location of the building area relative to the nearest neighbouring residential properties. Given the ability of construction activities to comply with the relevant standards, I agree with the findings in the Acoustic Assessment that noise from construction activities will be negligible (i.e. less than minor).

The NoR anticipates that approximately 300,000m³ of bulk earthworks will be necessary for site preparation purposes, and this in turn has the potential to generate earthworks-related effects such as stormwater runoff and dust emissions. Although neither of these effects is considered in section 8.10 of the AEE, I note that preparatory earthworks are part of an early works programme whereby consent for that activity will be sought independently and ahead of the NoR approval. Preparatory earthworks will trigger consent requirements from both the Waikato Regional Council and the Otorohanga District Council. I am satisfied that the consideration of stormwater runoff and dust emissions will be addressed at that stage and need not be re-assessed here.

Construction activity also has the potential to disturb contaminated soil, which will trigger a consent requirement from Otorohanga District Council. The NoR is accompanied by a Detailed Site Investigation Report (DSI) by Opus Consultants, a copy of which is included as Report 3, Volume 2A of the NoR. The DSI acknowledges that a level of remediation will be

needed for isolated hotspots. However, consent requirements under NES Soil are to be addressed independently and ahead of the NoR approval, and therefore the environmental effects associated with that activity need not be considered in detail for the purposes of the NoR.

7.11 Effects Conclusion

Based upon the technical reports which accompanied the NoR AEE, I concur with the effects conclusion relating to social, cultural, lighting, archaeology, noise, ecology and economic effects. That is to say, I am satisfied that any actual or potential adverse effects can be managed to an acceptable level providing mitigation is adopted as per the recommendations of the specialist reports. With respect to social and economic effects in particular, I consider that potentially adverse effects will be outweighed by strongly positive outcomes.

I concur with the findings of the MGLA peer review that the conclusions reached with respect to landscape and visual assessment are limited by the level of detail of the parameters which are identified in relation to the building envelope. In the absence of further information such as Gross Floor Area or other parameters, the use of a 'building envelope' methodology to portray a seemingly worst-case scenario leads to an over-estimation of adverse effects. This prevents a clear and concise understanding of landscape and visual impacts.

I understand that the applicant's landscape advisor has used a degree of professional judgement in arriving at the final visual effects levels in his report. This is combined with the fact that there are no submissions on landscape or visual issues from surrounding landowners. Whilst I am satisfied that adverse landscape and visual effects *are* potentially manageable, the limitations imposed by the assessment methodology prevents any definitive conclusion. A set of recommended conditions have been proposed in Appendix 4 that require detailed design plans to be provided at the time of the submission of the Landscape and Visual Mitigation and Management Plan (LVMMP). This will then ensure that the mitigation measures contained in the proposed LVMMP can be measured against what is actually going to be developed rather than the worst-case envelope that is contained in the AEE.

Based on the Beca report by Amelia Linzey, I am satisfied that the potential social effects arising from the construction and operation of the project can be appropriately mitigated. However I support the recommendation of Ms Linzey with respect to an expanded Prison/Community Liaison Group for the duration of the construction and for a period of up to 5 years post commencement of operation. In my view these amended conditions will ensure that the requiring authority is well informed of the social effects arising from the construction and operation of the expanded prison and is able to efficiently share information with other stakeholders to assist in addressing some of those effects. The expanded scope of the Community Liaison Group responds to the key issues raised in the Social Impact Assessment prepared by the applicant. I acknowledge that many of the social effects arising from the project are beyond the ability of the requiring authority to directly

address, however I consider that the expanded Community Liaison Group will provide the best method of information sharing to assist the relevant organisations to respond in a timely manner.

The applicant has proposed a series of localised roading upgrade works on Waikeria Road to bring the road up to the required standard for both the construction and operational phases of the project. The upgrades to the existing Waikeria Stream bridge and Waikeria Road itself have been reviewed and considered generally appropriate. However, in relation to timing, I concur with Mr Inder that the required upgrades to Waikeria Road should occur prior to the commencement of construction. A set of draft conditions have been recommended to ensure that this occurs.

I share Mr Inder's concern that capacity and safety issues have not yet been adequately addressed for right turning vehicles onto SH3. As at the date of completing this report a final agreed upgrade solution for this intersection had not been developed. I remain concerned that this effect arising from the expansion of the prison facility remains unaddressed to date. While it is expected that the parties to this application will progress this matter over the coming months ahead of the hearing of this matter, I have included a set of conditions in Appendix 4 that provides a framework for both assessing and implementing the final intersection upgrade solution.

In my view, the other effects arising from the prison expansion including archaeological, cultural, noise, contamination, construction and ecological effects have been demonstrated to be either less than minor or acceptable. Appropriate conditions in relation to these effects have been recommended in Appendix 4.

8 SECTION 171 MATTERS

8.1 Consideration of Matters

As set out in earlier sections of this report above, section 171 of the RMA sets out the matters to be considered by the territorial authorities when considering the NoR. Section 171(1) embodies two levels of assessment whereby differing weight is to be accorded to different matters. These two levels of assessment are as follows:

1. First, when considering the proposed alternation to designation and any submissions received Council must consider the effects on the environment of allowing the requirement, *having particular regard* to section 171(1)(a) – (d). Section 7 of this report has considered the effects on the environment of allowing the alternations to designations and the submissions received. This section of the report examines sections 171(1)(a) – (d).
2. Secondly, the whole of 171(1) is *subject to Part 2* of the RMA. This means that Part 2 matters have primacy over the other considerations in the event of conflict and should therefore be accorded the greatest weight when making a recommendation

on the alterations to designations. Section 9 of this report examines the purpose and principles of Part 2 of the RMA.

8.2 National Policy Statements

Section 171(1)(a) of the RMA requires territorial authorities to have particular regard to *“any relevant provisions of (i) a national policy statement and (ii) a New Zealand coastal policy statement...”*

The designation and site works are not located within the coastal marine area, and therefore the New Zealand Coastal Policy Statement is not relevant to the consideration of this NoR.

The National Policy Statement for Freshwater Management (NPSFM) came into effect on 1 July 2011 as part of the Fresh Start for Freshwater package of reforms announced by the Government in May 2011. The NPSFM was amended in 2014.

The NoR notes that most of the policies in the NPSFM are directed at regional councils and for that reason is not directly relevant to the NoR. I agree with that statement. The Department recognises, however, that the NPSFM is important to the iwi groups with which the Department has consulted and that the Policy Statement has implications for landuse on the Waikeria Prison site. On the basis that the NPSFM has been incorporated into the Waikato Regional Policy Statement (discussed below) and that the NoR includes measures to improve the downstream water quality of tributaries, there are no aspects of the NoR which are considered to be in conflict with the NPSFM.

The Vision and Strategy for the Waikato River (Vision & Strategy) resulted from the Waikato and Waipa River Treaty of Waitangi settlement processes. The Waikato Raupatu Claims (Waikato River) Settlement Act 2010 and the Nga Wai o Maniapoto (Waipa River) Act 2012 establish the Vision & Strategy as the primary direction setting document for the Waikato and Waipa Rivers and activities within those catchments affecting the Rivers.

The Vision & Strategy has been incorporated into the WRPS, which was made operative on 20 May 2016. The objectives for the Vision and Strategy are listed in detail in section 9.1.2 of the NoR's AEE and therefore it is not considered necessary to repeat them here.

I agree that the Vision and Strategy is relevant to the NoR because the existing prison site is situated within the Punui River catchment, which is a tributary of the Waipa River. In my opinion, the NoR will contribute towards the objectives of the Vision and Strategy because it will result in the removal of a point-source discharge of wastewater from the Punui River, with downstream benefits to the health and wellbeing of the Waikato River. I note also that the NoR is proposing mitigatory planting in tributary streams which will also promote downstream health within the catchment, thereby presenting an element of betterment to the catchment which is proportional to the project. There are no aspects of the NoR which are considered to be in conflict with the Vision and Strategy.

8.3 National Environmental Standards

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('NES Soil') is relevant to this NoR insofar as the existing Waikeria site contains a number of contaminant areas which will require remediation in order to be used for human habitation purposes.

The Department has prepared a Detailed Site Investigation Report (DSI) which identifies the nature and extent of contamination. Although excavation of contaminant areas will trigger a consent requirement under NES Soil, those consents are being sought independently of the NoR and as part of the early works programme described in section 5.5 of this report. In the circumstances, no further discussion on NES Soil is considered necessary.

8.4 Regional Planning

8.4.1 Waikato Regional Policy Statement

The Waikato Regional Policy Statement ('WRPS') sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Waikato region in an integrated and co-ordinated manner. The sections of the WRPS considered most relevant to the NoR include Sections 4 (Integrated Management), Section 6 (Built Environment), Section 8 (Fresh Water Bodies), Section 10 (Heritage) and Section 12 (Landscape, Natural Character and Amenity).

An assessment of the NoR against relevant objectives and policies of the WRPS is provided in Section 9.3 of the NoR and in Table 1, Appendix 2 of the AEE. There are no aspects of that assessment that I disagree with and specifically note the following:

Objective 3.2 'Resource Use and Development' – Use and development of the prison site will enable people and communities to provide for their economic, social and cultural wellbeing.

Objective 3.9 'Relationship of Tangata Whenua with the Environment' – the relationship of tangata whenua with the environment is specifically recognised and provided for in the CIA, with tangata whenua playing a collaborative role in that assessment.

Objective 3.10 'Sustainable and Efficient Use of Resources' – the proposed capacity increase represents the efficient use of a land resource which is currently under-utilised. Planned upgrades to critical infrastructure (e.g. services and SH3 / Waikeria Road intersection) are designed with future proofing and sustainability in mind.

Objective 3.12 'Built Environment' – The NoR demonstrates effective collaboration with critical stakeholders such as Waipa District Council, Otorohanga District Council and NZTA for the provision or upgrading of critical infrastructure. The outcome is an integrated concept with positive environmental, social and economic outcomes.

Objective 3.18 'Historic and Cultural Heritage' – The proposed development is to be located within an area which is physically distanced from the nearest known historic or cultural heritage.

Objective 3.21 'Amenity' – Although there are no outstanding natural features or landscapes affected by the proposed NoR, construction of the new facility will adversely affect the visual amenity of a limited number of landowners. On the basis that mitigation planting is expected to mitigate those effects to acceptable levels of amenity, I agree that the NoR is generally consistent with Objective 3.21. In reaching that conclusion, I accept that one property will experience moderate to high residual adverse effects.

Objective 3.25 'Value of Soils' – I accept that development of the prison will be restricted to a Building Zone and, in so doing, will safeguard the life supporting capacity of the soil in the balance of the designation site. The balance of the site is significantly in excess of the existing and proposed prison facilities, thereby ensuring that soil resources are still available for a foreseeable range of uses.

8.4.2 Waikato Regional Plan

The Waikato Regional Plan (WRP) is intended to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. It gives effect to the WRPS and focuses on the Waikato Regional Council's direct functions under the RMA. The WRP is the only relevant regional plan that applies to Waikeria Prison.

An assessment of WRP objectives and policies is provided in Table 2, Appendix 2 of the NoR AEE. The sections of the WRP considered most relevant to this NoR are Section 2 (Matters of significance to Maori), Section 3 (Water), Section 4 (River and Lake beds) and Section 5 (Land and soil).

As outlined in section 5.5 of this report, a number of regional consents are being applied for concurrently with, but independently of the NoR. Those consents relate to an early works programme including preparatory earthworks, wetland modification and stream diversion. The WRC assessment of those applications will consider alignment with WRP provisions and therefore it is not considered necessary to provide a detailed assessment for the purpose of the NoR.

Subsequent to approval of the NoR, regional consents will also be sought for stormwater diversion and bridge replacement once the detailed design of the prison is known. At that stage, works will again be assessed against relevant WRP provisions, including policies and objectives.

Notwithstanding the separation between NoR and regional consent issues, I have nonetheless reviewed the assessment in Table 2, Appendix 2 of the NoR. I agree with the assessment in Table 2. I note that a small area of wetland will be lost as a result of the proposed expansion. However, mitigation is proposed in the form of restoration works to the extent that there will be a net improvement in the area and quality of wetlands in the vicinity of the Waikeria site.

Making an overall judgement, I consider there are no aspects of the prison expansion which are likely to be in conflict with the strategic intent of the WRP, either at the NoR or the regional consent stage of the development.

8.5 District Planning

Section 171(1)(a) of the RMA requires territorial authorities to have particular regard to any relevant provisions of a plan or proposed plan. The plan of relevance to this application is the Otorohanga District Plan (ODP) which was made operative in 2014.

An assessment of the NoR against relevant objectives and policies of the ODP is provided in Section 9.5 of the NoR and in Table 3, Appendix 2 of the AEE. I agree that the sections of the ODP most relevant to this application are those relating to 'natural landscapes', 'rural character', 'biodiversity', 'historic heritage', 'safety of roads users' and 'contaminated land'.

I consider that the Department has correctly identified the objectives and policies of the ODP that are of relevance to the NoR. Although I agree with the Department's policy assessment with respect to 'natural landscapes', 'biodiversity', 'historic heritage' and 'contaminated land', further commentary is considered necessary with respect to 'rural character' and 'road safety'.

Rural Character

Objective 3.2.1 - To retain the rural character and amenity values of an area through managing land use and development and controlling subdivision.

Objective 3.2.2 - To ensure that land use, subdivision and development activities in the Rural Effects Area avoid, remedy or mitigate any adverse effects including cumulative effects, upon the rural character of the area where they are located, or the amenity values which constitute this character

Policy 3.3.5 - To manage the scale and intensity of activities so they are compatible with the rural character of the area in which they are to be located.

Policy 3.3.7 In the Rural Effects Area, avoid, remedy or mitigate against the adverse effects, including cumulative effects, on rural character associated with:

(a) density / intensity of development;

(b)

(e) built form, building site and coverage, building setbacks, height and design;

(f) Deleted;

(g) traffic generation and insufficient roading capacity;

The proposed procurement process has resulted in the NoR having to adopt a 'building envelope approach' to outline a "worst case" development scenario within the site. The LVA which accompanies the NoR acknowledges that, without mitigation, the increase in built development, compared to the current sized facility, would potentially become a more dominant element reducing the rural character of the area. The LVA acknowledges that

mitigation will be necessary to avoid that outcome, including restrictions on building height, recessive colours and additional planting.

I agree that mitigation will assist in the integration of the development with the landscape, thereby contributing towards the maintenance of rural character. However, without knowing the precise detail of the development, it is not possible at this stage to determine (with any confidence) the extent of mitigation necessary to maintain character values.

Also, in the absence of further detail regarding built form, it is difficult to conclude that buildings will be "*of a scale and intensity compatible with the rural character of the area in which they are to be located*" (Policy 3.3.5). I nonetheless agree with the NoR that the distance between the building zone and surrounding viewing audiences provides opportunity for landscape mitigation and that, if implemented to an appropriate scale, it has the potential to maintain rural character and amenity values.

Safety of Road Users

Objectives 8.2.1 - To ensure that the volume of traffic generated by land use, development and subdivision activities does not adversely affect road safety or the efficient operation of the transport network.

Objective 8.2.2 - To ensure that the safety and function of the transport network is not adversely affected or compromised by:

(a) inappropriate location and inadequate design of road intersections and vehicle entranceways;

The TDG assessment referenced in section 7.4 of this report recognises that the NoR will result in increased traffic movements and that interventions will be necessary to mitigate effects upon the roading network. The TDG assessment and the peer review by Mr Inder acknowledge that levels of service for right turning vehicles at the SH3 / Waikeria Road intersection will be adversely affected. I am guided by the findings of the Inder peer review that the mitigation proposed by the Department does not adequately address the critical safety and capacity concerns of right turning vehicles onto SH3, other than to improve sightlines. Currently therefore, I do not consider the NoR to be wholly aligned with Objectives 8.2.1 and 8.2.2, though I consider that solutions are potentially available.

8.6 Adequate Consideration of Alternatives

Section 171(1)(b) of the RMA requires that, when considering a requirement and any submissions received, a territorial authority must consider the effects on the environment of allowing the requirement, having particular regard to:

- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*

(ii) *it is likely that the work will have a significant adverse effect on the environment*

The Minister of Corrections has an interest in the land sufficient for undertaking the proposed work, and therefore section 171(1)(b)(i) of the RMA is satisfied. In consideration of section 171(1)(b)(ii), the NoR's AEE concludes that proposed works will not have a significant adverse effect on the environment and therefore sub-clause (ii) is also satisfied. That being the case, the Department's position is that the consideration of alternatives is not strictly necessary, but has nonetheless been undertaken in the interests of best resource management practice.

Section 5 of the NoR's AEE outlines a 3-stage methodology used for the consideration of alternative sites and methods to address the Department's capacity problem. It is not considered necessary to repeat that methodology in full for the purposes of this report, though the critical stages can be summarised as follows:

- Stage 1: The use of multi criteria analysis was used for development of a Programme Business Case (PBC). The PBC considered the respective merits of multi-site capacity increase, single site greenfield development and single site brownfield development. Multi-site solutions were dismissed because of cost and reduced effectiveness⁸. Greenfield development was dismissed in favour of brownfield development due to the timeframes required to procure land. The PBC then focussed on the identification of three sites capable of supporting brownfield development including: Paremoremo Prison (Auckland), Spring Hill (Hampton Downs) and Waikeria Prison.
- Stage 2: Stage 2 comprised a high-level assessment of effects for different sized scenarios⁹ for each of the three shortlisted PBC sites. The assessment was based on July 2016 Ministry of Justice long term prisoner forecasts. The assessment concluded that landscape, visual and ecological effects associated with redevelopment of the Spring Hill site may be significant and unable to be avoided, remedied or mitigated. Further whilst a 1,000 prisoner facility was feasible at Auckland Prison, the site was unable to accommodate a 1,680 prisoner scenario. At the conclusion of stage 2, the Department chose the Waikeria site for construction of a 1,500 prisoner facility.
- Stage 3: The July 2016 Justice Sector Forecast that was used for stage 2 was outstripped by actual growth in prisoner population. In March 2017 an addendum to the alternative site assessment considered a third scenario being the development of a 2,000 place facility. Auckland Prison was unable to accommodate the scale of scenario three. On balance, and from an environmental perspective, Waikeria was the preferred site ahead of Spring Hill.

⁸ Reduced effectiveness at supporting rehabilitation and integration, and reduced asset management effectiveness.

⁹ A 1,000 prisoner place facility and a 1,680 prisoner place facility.

It is acknowledged that the Department has an interest in the land that is sufficient for undertaking the proposed works. Further, notwithstanding initially high adverse visual effects for three of Waikeria's closest residential properties, I am satisfied that on balance, adverse environmental effects are able to be avoided, remedied or mitigated such that they are no more than minor. In the circumstances, I agree with the Department's assertion that assessment of alternatives pursuant to section 171(b)(b) is not strictly necessary.

Despite the above, I consider that the assessment of alternatives provided with the NoR adds value to an understanding of context.

Submissions

The submission by James Parlane states that "the proposal is not the best solution to the problem". The submission seeks refusal of the application and replacement (of the prison) with "home units behind a fence". Rationale for this position appears to be founded on a personal view of the prison service, which questions the ability of the Department to adequately run the prison. I am unable to comment further on the submission by Mr Parlane but remain satisfied that alternative solutions have been considered.

8.7 Necessity for the Designation

Section 171(1)(c) of the RMA requires the consent authority when considering an alternative to an NoR to consider whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority.

The purpose of the correction system in New Zealand is set out in Section 5 of the Corrections Act 2004. That purpose is to improve public safety and contribute to the maintenance of a just society.

In operating the prison network, the Department has two main objectives being: public safety and reduced re-offending.

In order to achieve its objectives, the Department needs to maintain more prisoner places in the network than actual prisoners. This is to allow for variations in the number of prisoners to be managed, maintenance of facilities in the network and back up capacity to allow prisoners to be moved to alternative facilities in the event of a prison incident (such as a fire) or a natural disaster (such as a flood or earthquake). Importantly, the Department does not have control over the number of prisoners it receives. Rather, it relies upon the Justice Sector Forecast to plan for the facilities and accommodation it requires.

Sections 3.2 to 4.2 of the NoR's AEE address the issue of prisoner population growth and the necessity for capacity increase. The NoR identifies that prisoner population has steadily increased since 1986 to the extent that, at present, the Department is using all available capacity nationwide to accommodate the current prison muster. The NoR notes that the underlying drivers of serious crime show few signs of abating, and therefore it is likely that the growth in prisoner population will be ongoing for the foreseeable future.

As previously noted, the July 2016 Justice Sector Forecast has been outstripped by actual growth in the prison population. Despite the short and medium-term responses outlined in the NoR, the 2016 forecast indicates that there will still be a shortfall of 1,450 prisoner places by 2025¹⁰. The capacity shortfall would appear to be deepening, leading to risks associated with overcrowding and affecting the ability of the Department to deliver its statutory obligations and core objectives. To that extent, the territorial authority can be satisfied that the capacity increase at Waikeria is reasonably necessary for achieving the objectives of the Department and the purpose of the Corrections Act.

8.8 Any other Matters

Section 171(d) of the RMA requires territorial authorities to have particular regard to: *“(d) Any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.”*

Relevant ‘other matters’ are considered to be as follows:

1. Iwi Management Plans
2. Statutory purpose of the Corrections Act 2004

Iwi Management Plans

The relevant Iwi Management Plans are the ‘Waikato Tainui Environment Management Plan’, the ‘Raukawa Environmental Management Plan’ and the ‘Maniapoto Environmental Management Plan’. These Plans variously address environmental issues, the protection of habitats and waterways and the aspirations of individual tribes. I note that the cultural impact assessment prepared by Te Onewa includes a comprehensive assessment of these management plans and therefore it is not considered necessary to repeat those findings in full here. In my opinion, there are no aspects of the NoR which are in conflict with those management plans and in reaching that conclusion I specifically note the following:

- Proposed ecological mitigation will contribute to the vision and strategy for both the Waikato and the Waipa Rivers;
- Sites of significance have been shown to be located clear of the proposed building zone, and measures are proposed regarding the accidental discovery of taonga;
- The iwi responsible for the management plans have been actively engaged in the assessment of environmental and cultural values; and
- The reticulation of wastewater to Te Awamutu is a significant improvement to the current situation with benefits to the quality of waterways within the Waikeria catchment.

¹⁰ Single Stage business Case, Volume One Waikeria Prison Development – Department of Corrections, November 2016.

Statutory purpose of the Corrections Act 2004

As noted in section 8.7 above, the statutory purpose of the Corrections Act is to improve public safety and contribute to the maintenance of a just society. Public safety is reliant upon the separation of custodial inmates from the wider community, and upon ensuring that sentences imposed by the courts are administered in a safe, secure, humane and effective manner. I agree with the findings of the NoR that, without the capacity increase at Waikeria Prison, the Department will be unable to achieve its statutory purpose, at least with respect to the Upper North Island capacity needs. On the basis of the information contained within the AEE, the NoR would appear to be integral to the Department's ability to meet its statutory requirements.

9 Part 2 RMA Matters

9.1 Section 5 – Purpose of the Act

The overall purpose of the RMA is to promote the sustainable management of natural and physical resources. 'Sustainable management' is defined to mean managing the use, development and protection of such resources in a way that enables people and communities to provide for their social, economic and cultural well-being and their health and safety. At the same time they must:

- Sustain the potential of resources to meet the reasonable foreseeable needs of future generations.
- Safeguard the life-supporting capacity of air, water, soil and ecosystems.
- Avoid, remedy or mitigate adverse effects on the environment of the activity.

The key considerations of the NoRs that are relevant to section 5 of the RMA are as follows:

1. The existing prison and its surrounding land can be considered to be a 'physical resource' under the RMA. It is therefore required that the site is managed in a way that ensures consistency with Section 5.
2. In that regard, a key aspect of sustainable management is avoiding, remedying or mitigating adverse effects on the environment. The potential adverse effects caused by the NoR have been assessed in the preceding sections of this report and in the supporting technical reviews. The assessments conclude that potential adverse effects can generally be avoided or remedied through either designation or resource consent conditions such that resultant effects can be mitigated to an appropriate level.
3. The NoR states that the capacity increase at Waikeria Prison will allow people and communities to provide for their health and safety at both a local and a national level. Section 5 of the Corrections Act 2004 outlines the purpose of the New

Zealand correction system which is 'to improve public safety and contribute to the maintenance of a just society'. Public safety is maintained through the incarceration of convicted offenders and, in that respect, I agree that the expanded Waikeria facility allows people and communities to provide for their health and safety.

4. Enlargement of the Waikeria facility will enable the Department to meet the custodial needs of both current and future offenders. Insofar as the purpose of the facility is also to rehabilitate offenders to enable reintegration into the community, it also contributes towards the social wellbeing of inmates.
5. Enlargement of the Waikeria facility is specifically for the purpose of meeting the reasonably foreseeable needs of future generations, and is able to be done so in a manner that safeguards the life supporting capacity of air, water and soil ecosystems. I am satisfied that the specialist reports which accompany the NoR demonstrate that potentially adverse effects on the environment are generally able to be avoided, remedied or mitigated in the manner envisaged by section 5 of the RMA.
6. Therefore, making an overall judgement, it is my opinion that the proposal is consistent with the purpose of the RMA.

9.2 Section 6 – Matters of National Importance

In achieving the purpose of the RMA there are a number of matters that are considered to be of national importance that are required to be recognised and provided for. In this instance section 6(a), (c), (c), (e) and (f) are considered relevant and are commented on below.

Amongst other things, Section 6(a) relates to the preservation of the natural character of wetlands and rivers and their margins. In consideration of section 6(a), I agree with the NoR's assertion that the natural character of waterbodies on site has been substantially modified by historic vegetation clearance and pastoral farming activities.

Section 6(b) relates to the protection of outstanding natural features and landscapes. I note that no part of the Waikeria site is identified in the ODC or the Waikato Regional Plan as being an outstanding landscape or feature.

Section 6(cc) relates to the protection of significant indigenous vegetation and significant habitats of indigenous fauna. I am guided by the Assessment of Ecological Effects by BML Consultants (Report 11, Volume 2B that the site does not contain any habitats of ecological significance.

Section 6(e) relates to the relationship of Maori and their culture and traditions with ancestral lands, water, sites, waahi tapu and other taonga. The NoR is accompanied by a Cultural Impact Assessment (CIA) which was prepared in collaboration with local iwi and hapu and with reference to relevant iwi management plans. I am satisfied that recognition has been had to

the relevant matters in section 6(e). On the basis of pre-lodgement consultation undertaken by the Department to date, I am also satisfied that the NoR will have a neutral impact on any known customary activities (section 6(g)).

Section 6(f) relates to the protection of historic heritage. The AEE which accompanied the NoR demonstrates that there are no recorded archaeological sites within the proposed building area, though that does not discount the possibility of accidental discovery of heritage sites. The Department anticipates protocols for dealing with accidental discovery and on that basis. On the above basis, adequate regard has been had to section 6(f).

9.3 Section 7 – Other Matters

Section 7 sets out a number of ‘other matters’ to which persons exercising functions and powers under the RMA shall have particular regard to. Those considered most relevant to the NoR are as follows:

- “(a) *Kaitiakitanga*
- (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values*
- (d) *Intrinsic values of ecosystems*
- (f) *Maintenance and enhancement of the quality of the environment*
- (g) *Any finite characteristics of natural and physical resources*
- (h) *.....*
- (i) *The effects of climate change”*

In consideration of section 7(a) and (aa) reference is made to the CIA discussed in section 8.2 of this report above. Kaitiakitanga and the ethic of stewardship has been given regard as part of the Department’s pre-lodgement consultation and is encapsulated by the recommendations and findings of the CIA.

In consideration of section 7(b) and 7(g) I agree with the findings of the NoR that use of a site which is already designated for prison purposes, and which has adequate room for expansion, is an efficient use of natural and physical resources. Further, additional efficiencies are to be gained by locating the new facility in proximity to existing prison infrastructure, and in proximity to the workforce and support services which are domiciled in nearby communities.

With respect to sections 7(c) and (f) I am guided by the findings of the specialist reports that, with respect to ‘noise’ and ‘light’, development will have no more than minor effect on amenity values providing those effects are appropriately mitigated. In consideration of ‘landscape and visual effects’, however, the generic level of information presented means that only generic levels of effect can be determined and generic conclusions reached. The ‘building envelope’ approach adopted by the Department has meant that consideration must be had to a worst-case scenario, where some visual effects will initially be more than minor, reducing to minor as mitigation planting matures. Notwithstanding that, I am satisfied that BML’s Landscape and Visual Assessment Report and the peer review by Mansergh Graham

Landscape Architects demonstrates that 'regard has been had' to the issue of landscape and visual amenity.

In consideration of section 7(d) – the intrinsic value of ecosystems – I note that the ecological values of the site are currently poor, but will be enhanced by the mitigation proposed.

In terms of section 7(i) the NoR notes that the effects of climate change will be taken into consideration in the design of the proposed facility, including stormwater design. Regard has been had to section 7(i) to the extent possible at this stage of the development process.

9.4 Section 8 – Treaty of Waitangi

Section 8 requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi. As outlined above, all relevant iwi groups have been involved in consultation regarding the NoR, with the outcomes being incorporated into the CIA. On that basis, I am satisfied that the principles of 'partnership' and 'active protection' have been incorporated into the NoR process.

10 CONSULTATION, NOTIFICATION AND SUBMISSIONS

10.1 Consultation

The project has been in the public realm since October 2016 and, as such, a significant amount of consultation has been undertaken prior to lodging of the NoR. This consultation has occurred with a number of different stakeholders, statutory bodies and iwi groups and has included individual meetings and public open days. The detail of this consultation is contained within Appendices 3 and 4 of the NoR's AEE and is therefore not repeated here.

10.2 Notification and Submissions

The NoR was notified on the 27th April 2017. The closing date for the receipt of submissions was the 25th May 2017. A total of 9 submissions were received by Otorohanga District Council within the statutory timeframes.

A summary of the submissions received is contained in Appendix 2. A full copy of each submission is contained in Appendix 3

11 Recommendation


It is recommended that the Otorohanga District Council recommend to the Minister of Corrections that the notice of requirement to construct, operate and maintain a prison and associated activities to accommodate up to 3000 prisoners on land described as Section 2 SO 60097 and Sections 1 and 3 SO 455234 comprised in Computer Freehold Register 647680 (South Auckland Land Registration District) be confirmed subject to the imposition of appropriate conditions. The recommended wording of conditions is attached as **Appendix 4**:




Recommended:

Date: 30 June 2017

Chris Dawson (Consultant Planner)

Approved:  Date: 30 June 2017

Andrew Loe (Environmental Services Manager)

Approved:  Date: 30/6/2017.

Dave Clibbery (Chief Executive – Otorohanga District Council)

12 RECOMMENDED CONDITIONS AND REASONS

12.1 Recommended conditions

A schedule of recommended conditions is attached as Appendix 4. The final column

12.2 Reasons

If the Environment Court is minded to approve the NoR, and in consideration of Sections 171 to 181 of the Resource Management Act 1991, reasons for approval are suggested as follows:

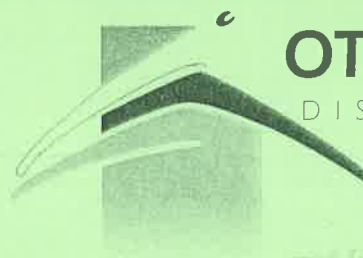
1. The notice of requirement for the alteration to designation has been assessed with consideration of the submissions received and the criteria stipulated in section 171 of the Resource Management Act 1991. It is considered that the proposal is consistent with Part 2 of the Resource Management Act.
2. It is considered that the requiring authority has given sufficient consideration to alternative methods for undertaking the work, and Otorohanga District Council is satisfied that the works and designation are reasonably necessary for achieving the objectives of the requiring authority.
3. The alteration to designation is generally consistent with the objectives and policies of the Otorohanga District Plan, and is not contrary to the relevant national and regional policy statements and plans.
4. The purpose of the Resource Management Act would be served by the alteration to designation being confirmed, subject to the recommended conditions appended to this report. The recommended conditions will ensure that the adverse environmental effects of the proposal are avoided, remedied, or mitigated as far as reasonably practicable.

APPENDIX 1

Existing designation conditions

Inquiries to: Andrew Loe

Our Reference: 090093



OTOROHANGA
DISTRICT COUNCIL

make the kiwi connection

23 April 2012

Minister of Corrections
C/- Opus International Consultants
Private Bag 3057
Waikato Mail Centre
HAMILTON 3240

Dear Sir

MINISTER OF CORRECTIONS – CONFIRMATION OF NOTICE OF REQUIREMENT

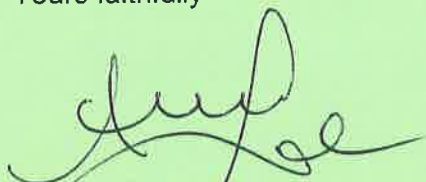
No submissions were received on your Notice of Requirement to roll over an existing designation in the Otorohanga District.

Your designation has been included in the Decisions version of the Proposed District Plan without modification. The Decisions version was approved by Council on 6 March 2012.

Council requests that you check the details of your designation to ensure that there are no publishing errors.

Please contact me if you have any queries.

Yours faithfully



Andrew Loe
ENVIRONMENTAL SERVICES MANAGER



Group: – Map M7 – Designations
147.2 (Department of Corrections): Include the legal descriptions for Waikeria Prison on the reverse of Planning Map M7 or in the schedule as follows: <i>"Sections 1 & 2 (SO 60097) Blks XI, XII, XV, and XVI Puniu SD"</i>
<u>Officer Recommendations</u>
Accept in Part: 147.2 (Department of Corrections)
<u>Reasons for Submission:</u>
Department of Corrections identify that Planning Map M7 does not identify Section 2 SO 60097 as forming part of Designation D55. They also request that: <ul style="list-style-type: none"> • Include Section 2 SO 60097 within the designation for Waikeria Prison in the schedule; and • Include legal descriptions for the Waikeria Prison on the reverse of Planning Map M7.
<u>Planner Discussion:</u>
Section 2 SO 60097 has been omitted from the land forming the Waikeria Prison designation (D55). It is recommended that Planning Map M7 be amended to include this. It is also recommended that legal descriptions for designations be included in Appendix 18, but not on the back of the Planning Maps.
<u>Recommendation:</u>
1. That submission 147.2 (Department of Corrections) be accepted in part.
2. That Planning Map M7 is amended by including Section 2 SO 60097 as part of Designation D55.

SCANNED

8 July 2011

Attn: Gillian Oakley
Hearing Administration
Otorohanga District Council
PO Box 11
OTOROHANGA 3940



Dear Gillian,

RE: PROPOSED OTOROHANGA DISTRICT PLAN – Planner's Reports: Chapter 23: Planning Maps, and Chapter 24: Appendices.

I act for the Department of Corrections (Corrections) in relation to the above.

In reviewing the Planner's Report for Chapter 23: Planning Maps, and Chapter 24: Appendices, I have noticed a number of administrative errors which require correction. These are in relation to:

- The name of the requiring authority
- The legal description of Waikeria Prison

These are further outlined and discussed below.

Chapter 23: Planning Maps (Waikeria Prison Designation D55)

I confirm that Corrections are satisfied with the recommendations made by Council in the Planner's Report for Chapter 23: Planning Maps with respect to submission point 147.2 (Officer Report point 23.29). Specifically, Corrections supports the following recommendations:

- That Planning Map M7 is amended by including Section 2 SO 60097 as part of designation D55 (Waikeria Prison); and
- That the legal description for designation D55 (Waikeria Prison) be included in Appendix 18.

While the submission that the legal description for Waikeria Prison be included on the reverse of Planning Map M7 has been rejected, Corrections is satisfied provided the legal description of the Waikeria Prison designation is included in Appendix 18 of the Proposed District Plan (Designations) as recommended by the Planner.

Chapter 24: Appendices (Designation Schedule – D55 Waikeria Prison)

In relation to the recommendations in the Planner's Report for Chapter 24: Appendices with respect to Corrections' submission point 147.1, I note the following:

- The Planner's Report incorrectly refers to Telecom New Zealand Limited as the requiring authority for Designation D55. Corrections requests that Council amend this to refer to the Department of Corrections as the requiring authority in the designation schedule for D55 (Waikeria Prison).

- The Planner's Report recommends that Corrections' submission point 147.1 be accepted. However, the revised designation schedule does not correctly describe Designation D55 (Waikeria) in the 'Description' column of the designation schedule (Appendix 18). Page 11(12) of Chapter 24 of the Planner's Report currently reads as follows:

D55	Department of Corrections	Waikeria (including SO 600097)	Prison Operation of Prison and associated activities (subject to conditions)	M7
-----	---------------------------	--------------------------------	--	----

The table omits the word 'Prison', which was included in the Proposed District Plan as notified, and which Corrections have not asked to be removed.

Furthermore, it appears that Corrections' submission with regard to the inclusion of SO 60097 has been misunderstood. This part of the designated site had not been included on the Planning Maps, however Corrections seeks inclusion of the legal description for the *whole* designated site to be included in the table (as recommended in the Planner's Report for Chapter 23 (Officer report point 23.29).

The changes sought are shown below (additions underline, deletions ~~strikethrough~~):

D55	Department of Corrections	Waikeria <u>Prison</u> (including SO 600097) <u>Sections 1 & 2</u> <u>(SO 60097)</u> <u>Blks XI, XII, XV</u> <u>and XVI Puniu</u> <u>SD.</u>	Prison Operation of Prison and associated activities (subject to conditions)	M7
-----	---------------------------	--	--	----

- In relation to the submission point regarding inclusion of the legal description in the designation schedule, I note that there is an inconsistency in the Planner's Recommendation. Chapter 23 of the Planner's Report (Officer Report point 23.29) recommends that legal descriptions for designations be included in Appendix 18 - Designations. However, the Planner's Recommendation in Chapter 24 of the Planner's Report page 7(12) states that 'it is not considered absolutely necessary to include legal descriptions...' Corrections strongly supports the inclusion of legal descriptions in the designation table.

Corrections requests that the administrative errors noted above be corrected. However, Corrections does not wish to be heard at the hearing.

Yours sincerely,



Rachel MacMurray
Resource Management Planner

DISTRICT PLAN REVIEW – ROLL OVER OF DESIGNATIONS UNDER
SCHEDULE 1 RESOURCE MANAGEMENT ACT 1991
CORRECTIONS



1. NAME AND CONTACT DETAILS

To: Aimee Bishop
Otorohanga District Council
PO Box 11
Otorohanga

SCANNED

Request: Roll over of Department of Corrections designations in the
Otorohanga District Plan.

Name: Department of Corrections

Address: PO BOX 1206
WELLINGTON
(Note different address for service)

2. THE DEPARTMENT OF CORRECTIONS (CORRECTIONS) ADVISES THAT:

The following designation for Waikeria Prison is still current and is to be rolled over in conjunction with the Otorohanga District Plan review.

Please note that there are some modifications to be made in accordance with Clause four sub-clause three of the First Schedule of the Resource Management Act 1991 (RMA). These modifications are shown below with deletions shown by strike through and additions shown by underline.

2.1 DESIGNATION MINOR ADMINISTRATIVE CHANGES AND MODIFICATIONS

Department of Corrections

Map/ Designation Reference	Requiring Authority	Location	Legal Description	Description	Designation Purpose
5/3	Department of Corrections	Wharepuhunga Road	Sections 1 & 2 (SO 60097) Blks XI, XII, XV & XVI Puniu SD	Waikeria Prison	Operation of prison and associated activities subject to conditions.
Conditions					
1. Prison buildings and facilities on the site designed for the overnight containment of inmates shall be limited to a maximum inmate capacity of 1,250.					
2. All buildings on the site (existing and new) which are designed to hold inmates overnight shall be contained within perimeter security fencing with the exception of Hillary, Meads and Kowhai Units.					

~~Any medium security unit shall have a perimeter security fence, except that construction of a new perimeter fence around the existing medium security unit shall be commenced before 1 July 1999 and the Department shall use its best endeavours to have the fence completed in as short a time frame as practicable.~~

3. No additional vehicle entrances or road intersections with Waikeria Road or Wharepunga Road shall be permitted without the Otorohanga District Council's consent as road controlling authority for the location, design and construction of the vehicle entrances or road intersections.
4. Light levels from fixed lighting at the prison site measured at a height of 1.5 metres above ground level at or beyond the boundary of the designated site shall not exceed 10 lux.
5. Except for emergency and security incident lighting, all new exterior lighting installations shall be designed and constructed to the following obtrusive light limitations.

Sky Glow	Light	Glare Source	Building
UWLR	Spillage	Intensity I	Luminance
(Max %)	Ev (Lux)	(kcd)	L(cd/m ²)
5	5	50	5

Note: UWLR (Upward Waste Light Ratio) = Maximum permitted percentage of luminaire flux that goes directly into the sky.

I = Light intensity in Candelas

L = Luminance in Candelas per square metre

Source Intensity – This applies to each source in the potentially obtrusive direction, outside of the area lit. The figures given are for general guidance only and for some medium to large sports lighting applications with limited mounting heights, may be difficult to achieve. However, if the aforementioned recommendations are followed then it should be possible to lower these figures to under 10kcd (kilocandela).

Building Luminance – This should be limited to avoid overlighting, relate to the general district brightness.

6.

- (i) The requiring authority shall consult on a continuing basis with a Prison/Community Liaison Group. At a minimum one representative from each of the Otorohanga District Council, Waipa District Council, local iwi, and two representatives from the local community shall be invited to become members of the Prison Community Liaison Group. The requiring authority and the Otorohanga District Council shall agree on the selection of local iwi and local community representatives. Additional members may be appointed with the agreement of the requiring authority and the Otorohanga District Council.
- (ii) Meetings of the Prison/Community Liaison Group shall be held at least once every six months and additional meetings may be held at any other time as agreed between the requiring authority and the Otorohanga District Council.
- (iii) The Prison Manager of his/her designated representative shall personally attend the meetings with the Prison/Community Liaison Group.
- (iv) The Prison Manager shall promote and facilitate the following objectives of the meetings with the Prison/Community Liaison Group namely:
 - a) Attaining a positive relationship between the prison on the surrounding community.
 - b) Monitoring the effect of the prison on the surrounding community.
 - c) Monitoring the effectiveness of any measures adopted to mitigate adverse effects on the surrounding community of the prison facility.
 - d) Monitoring and reviewing the effectiveness of notification procedures during significant security events at the facility.
 - e) Reviewing any changes to prison management, practices and procedures insofar as they

may affect the surrounding community.

- f) Responding to any concerns raised by the surrounding community or the Prison/Community Liaison Group.
- (v) The requiring authority shall not be in breach of paragraphs of conditions 6 if any one or more of the named groups do not wish to be members of the Prison/Community Liaison Group or to attend any meetings.
- 7. The Prison Manager shall be responsible for ensuring that the following minimum security event performance standards are met:
 - (i) Notification of those persons included on the notification list shall commence within 15 minutes of the control room being notified of a significant security event.
 - (ii) 24 hour Prison hotline provided for the community to ask questions during incidents, report concerns and/or provide information to the prison.

The Prison/Community Liaison Group will provide the prison with a list of those persons to be included on the notification list and those persons to be provided with the prison hotline number.
- 8. In the event that the Otorohanga District Council or any member of the Prison/Community Liaison Group considers that the group is not operating effectively then this issue may be addressed to the Department's Chief Executive or delegated authority. The requiring authority will act to reinstate the Group in the event that the Department has not met the obligations to run a Prison/Community Liaison Group as set out herein
- 9. No building or group of buildings larger than 120 square metres floor area and capable of accommodating inmates overnight shall be located within 200 metres of a residential dwelling (outside the subject site) existing as at 26 November 1998 without consent of the dwelling's owner.

3. EXPLANATION OF DESIGNATION MODIFICATIONS

- 3.1 Upon reviewing the above designation it became apparent that Condition 2 above needs to be amended. The fence around the existing medium security unit, referred to under Condition 2, has been completed. Therefore it is no longer necessary to include reference to this work under Condition 2. It is therefore requested that this reference be deleted as indicated in the above table.
- 4. Corrections requests that the Council makes the modifications depicted in the above table and that the relevant mapped areas indicated on Map 5 be carried over to the Proposed District Plan. Pursuant to Clause Four of the First Schedule of the Resource Management Act 1991, Corrections requests that the designation for Waikeria Prison be included.



Barry Matthews
Chief Executive

(Acting under delegated authority from the Minister of Corrections)



(Date)

Address for Service:

Opus International Consultants Ltd
Private Bag 3057
HAMILTON
Attention: Laura Van Veen

Telephone: (07) 834 1822
Fax: (07) 838 9324

APPENDIX 2

Summary of submissions

Waikeria Prison Expansion

Submission summary – 25 May 2017

No	Submitters Name	Postal	S/O/N	Heard YN	Joint YN	Summary of Submission
1	Harold Maniapoto	PO Box 516	N	Y	Y	<p>In Opposition</p> <ul style="list-style-type: none"> • Considers himself, his whanau and hapu to be an effected party to this application. • Mr Maniapoto submits that a condition be included requiring the Minister to formally engage with the submitters at every stage of the proposal in relation to the effects that it poses. If this condition is included Mr Maniapoto agrees to support the application. • Mr Maniapoto believes that the MOU established with Maniapoto Ki Te Raki mana whenua group, of which he is affilitated, did not provide appropriate consultation for himself or his whanau as affected parties. • Concerns around the traffic impacts that the expansion will have on the local roading network. • Recommendations provided to mitigate traffic effects including consultation, change in prison staff shift change times, use of Wharepuhunga Road and constructing a traffic island at the Waikeria Intersection.
2	Allan Duncan	37 Mandalay Terrace, Khandallah, Wellington 6035	O	Y	Y	<p>In Opposition</p> <ul style="list-style-type: none"> • Maori prisoners should have been consulted and their whanau should have been consulted as part of this proposal under S171(1) of the RMA. People form part of the environment. • The effects on prisoners has not been adequately assessed as part of the proposal

						<ul style="list-style-type: none"> Mr Duncan recommends that the application be either; withdrawn; or conditions be imposed which improve adverse effects on Maori prisoners. Sending Maori prisoners from Auckland or other distanced location will have huge impact on the inmate and his/her whanau. Those without cars will be excluded from visiting inmates. Prisons do not offer adequate rehabilitation programmes leading to the majority of Maori prisoners reoffending within five years of being released. The above leads to adverse effects which are more than minor on Maori prisoners and theirs Whanau.
3	Waipa District Council – Richard Bax	Private Bag 2402, Te Awamutu 3840	S	N	N	In Support
4	The New Zealand Transport Agency	PO Box 973, Waikato Mail Centre, Hamilton 3240	S	N	N	In Support <ul style="list-style-type: none"> NZTA proposes two conditions to be included in the final decision.
5	Fish and Game New Zealand	156 Brymer Road, RD 9, Hamilton 3289	O	Y	N	In Opposition <ul style="list-style-type: none"> Concern that the municipal wastewater treatment plant in Te Awamutu does not have capacity to cope with additional discharge from Waikaria. This may cause additional adverse impacts on the quality of the Mangapiko Stream. Concerns around access to Mangatutu River for hunters and fisherman.
6	Raukawa Charitable Trust	Private Bag 8 Tokoroa 3444	N	N	N	Neutral <ul style="list-style-type: none"> Raukawa recommends a number of conditions to be included relating to ongoing involvement in the project. These include: <ul style="list-style-type: none"> (a) Protocols for tikanga and kawa (b) Forum for iwi involvement (c) Stream restoration (d) Accidental discovery protocol (e) Sort out contamination (f) Riparian enhancement (g) Statutory acknowledgement

7	Colleen Lolesi	251-257 Otorohanga Road, RD 4, Te Awamutu	O	Y	N	<p>In Opposition</p> <ul style="list-style-type: none"> • Mrs Lolesi is concerned around increases in traffic movements and the associated noise. • Mrs Lolesi would like the road to be sealed with noise control consideration at the intersection of Sh/3 and Waikeria Road
8	James C.M Parlane	PO Box 456 Te Awamutu	O	Y	N	<p>In Opposition</p>
9	Maniapoto ki Te Raki	PO Box 516	O	Y	Y	<p>In Opposition</p> <ul style="list-style-type: none"> • Mr Maniapoto submits that a condition be included requiring the Minister to formally engage with the submitters at every stage of the proposal in relation to the effects that it poses. If this condition is included Mr Maniapoto agrees to support the application. • Consultation undertaken with MKTR was inadequate to appropriately address the issues associated with the project. • Concerns around the traffic impacts that the expansion will have on the local roading network. • Recommendations provided to mitigate traffic effect including consultation, change in prison staff shift change times, use of Wharepuhunga Road and constructing a traffic island at the Waikeria Intersection.

APPENDIX 3

Detailed submissions

Waikeria Prison Notice of Requirement
Full Submissions

Submission 1
Harold Maniapoto



Submission on Publicly Notified Notice of Requirement
Minister of Corrections – Waikeria Prison Expansion Project
Section 96 of the Resource Management Act 1991

To (hard copy or post):

Otorohanga District Council

c/- Rice Resources Limited, PO Box 431, Waikato Mail Centre. Hamilton 3240 Attn: Steve Rice

Or email this submission to Council at: info@riceres.co.nz

Or fax this submission to Council at: (07) 846 5269

RECEIVED ON

25 MAY 2017

Submissions close at 5pm on 25 May 2017

Name of submitter: HAROLD MANIAPOTO

Select one:

I am/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
XX

Select one:

~~I am~~/am not direct affected by an effect of the subject matter of the submission that-

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

My submission is:

Support parts or all of*** ☐ **Oppose** parts or all of** ☐ **are neutral** parts or all of ☐

Include – ****SUPPORT SUBJECT TO CONDITIONS, OTHERWISE OPPOSE****

- Reasons for my submission are:

SEE ATTACHED SUBMISSION



I seek the following recommendation from the Council on the Notice of Requirement: *(give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought)*

SEE ATTACHED SUBMISSION

Have you attached additional pages? YES / NO (circle correct response)

If Yes (above) how many pages _____

Hearing:

YES ☒ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)

YES ☒ If others make a similar submission I will consider presenting a joint case with them at the hearing.

☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

YES ☐ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

Signature:

Signature of submitter:  Date 25 May 2017
(or the person authorised to sign on behalf of submitter)

Notes to submitter:

- You must serve a copy of your submission on the Minister of Corrections as soon as reasonably practicable after you have served your submission on the consent authority. The address for service is **Boffa Miskell Ltd, P O Box 91250, Auckland 1142 – Attention: Sharon Dines (Email: Sharon.dines@boffamiskell.co.nz)**
- If you make your submission by electronic means, a signature is not required.
- For more information on making a submission please refer to the website: www.mfe.govt.nz
- Note that your submission is public information and will be subject to release under the Local Government Official Information and Meetings Act 1987.

Privacy information

The above information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public register and held by the Councils, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and the Councils will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the relevant Council.

Please ensure following submitter details are completed.

Submitter details required for administrative purposes *(this page must be completed)*:

Name of submitter: HAROLD MANIAPOTO

Postal address for service: P.O. BOX 516

Phone:..... Mobile:.....

Email:..... h.maniapoto@teraki.nz

Contact person:..... Harold Maniapoto

BEFORE THE

Otorohanga District Council and Waipa District
Councils

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a resource consent application for a "Notice of
Requirement" by the Minister of Corrections for
the Waikeria Prison Expansion Project

**SUBMISSION BY HAROLD MANIAPOTO ON BEHALF OF HIMSELF AND THE
ENTITLED OWNER OF SEC 28, BLK XI PUNIUI SD AT 107 WAIKERIA ROAD
CONCERNING THE "NOTICE OF REQUIREMENT" FOR THE WAIKERIA PRISON
EXPANSION**

25 MAY 2017

ADDRESS FOR SERVICE:

H.Maniapoto

Maniapoto ki Te Raki (MKTR)

P.O. Box 516

TE AWAMUTU 3480

Email: h.maniapoto@teraki.nz

1.0 INTRODUCTION

- 1.1 My name is Harold Maniapoto and I make this submission concerning a publicly notified Notice of Requirement by the Minister of Corrections for the Waikeria Expansion Project (the Project) on behalf of myself, my whanau whanui and other entitled owners of the properties at 107 Waikeria Road, and
- 1.2 I live on our ancestral customary whanau and hapu lands at 107 Waikeria Road, Te Awamutu. I was born and lived at this address for some fifty years of my life having spent a period pursuing a career with Telecoms in Design Engineering (Telecommunications) in Taranaki and Wairarapa. I have lived at this address for the last twenty nine years.
- 1.3 All our whanau were born here and raised on the lands and I am resident kaitiaki of those lands some 70 years later in keeping with the customary and cultural principles guaranteed by Te Tiriti o Waitangi.
- 1.4 My siblings and I retain undivided interests in the properties described as SEC 28, BLK XI PUNIU SD, and the surrounding farmlands, and are kaitiaki "ahi kaa" of the original ancestral owners of these lands. We are also beneficially entitled descendants owners of the Tokanui Block lands taken under the Public Works Act for a Mental Hospital and Reformatory farm purpose in 1910, of which the Waikeria prison is part.
- 1.5 The property falls within the Waipa District Council section of the application and Waikeria Road.
- 1.6 When I returned to our family homestead at 107 Waikeria Road in 1988, Waikeria was a small sized borstal come minimum security men and women's facility with little likelihood of serious expansion. However, the last decade and half has seen some quite dramatic changes occur with the closure of the women's faculty and the lifting of security risk status to the prison overall from a mere boys borstal to a high security facility to cater for some 4000 plus inmates, staff, and support personnel.
- 1.7 I and our whanau have a number of concerns with the expansion of Waikeria to a 3,000 inmate capacity facility under the Notice of Requirement application lodged by the Minister for Corrections for "the Project" and make this submission on behalf of our hapu, whanau, tamariki, and mokopuna who are, or will be, the successor generation owners of these lands forever in the future.

2.0 AFFECTED PARTY STATUS

- 2.1 Due to the location of our property at 107 Waikeria Road, and the direct adverse affects associated with its location on Waikeria Road we submit that we and our whanau and hapu are an affected party to this application.
- 2.2 We wish these adverse effects to be remedied, mitigated or removed if the application for requirement is approved.

3.0 CONCERNS AND ISSUES

- 3.1 Notification documentation has provided a number of complex technical reports identifying and assessing environment issues likely to have detrimental effect on the natural environment.
- 3.2 "Prison Alternative Site Assessment". Sect. 5.1.1. (p8) Effects: states as follows.....
The potential environmental effects that are considered relevant when assessing the potential alternative sites are:
- 1) Social effects
 - 2) Maori cultural effects
 - 3) Heritage/archaeological effects
 - 4) Ecological effects
 - 5) Landscape and Visual effects
 - 6) Economic effects
 - 7) Lighting and glare effect
 - 8) Traffic effects
 - 9) Noise effects
 - 10) Water and wastewater effects
- 3.4 Further to these the following were further concerns that were raised by our whanau community...
- 11) Consultation
 - 12) Local Authority cross-boundary clarity
 - 13) Design considerations
- 3.5 We allege that these, and other concerns identified by our whanau whanui, will, or will likely to, have or cause, significant adverse and detrimental effect on our current residence and lifestyle on Waikeria road as a result of this application.

REMEDY, MITIGATION AND REMOVAL OF CONERNS AND ISSUES FROM ADVERSE EFFECTS

- 3.6 This submission submits that a condition of the Requirement be included to require the applicant to formally engage with the submitter/submitters at every stage of "the Project" to agree remedy, mitigate or removal actions/outcomes for the adverse effects of the application including but not restricted to the following matters;
- 3.6.1 Social effects
 - 3.6.2 Maori cultural effects
 - 3.6.2 Heritage/archaeological effects
 - 3.6.2 Ecological effects
 - 3.6.7 Traffic effects Consultation

3.6.8 Design considerations

- 3.7 Subject only to the inclusion of the above conditions will the submitters agree to support the application.

4.0 CONSULTATION

- 4.1 Waikeria has engaged with the Maniapoto ki Te Raki, Ngati Maniapoto "ahi kaa" Mana Whenua for the region under a best faith MOU agreement to discuss mana whenua concerns, and where possible, agree remedy, mitigation, or removal of adverse environment effects of the Waikeria expansion project.
- 4.2 I am a party to that agreement as an official of the Maniapoto KI Te Raki mana whenua group.
- 4.3 However, the Memorandum of Understanding between the parties does not extend to myself or my whanau as individual affected parties to the expansion of the prison.
- 4.4 Of particular concern is the level of consultation with local residents such as ourselves. The consequence being that, due to the sheer magnitude and complexity of the project, the consultation period did not provide for individuals such as myself, or whanau groups such as ours, to be able to adequately identify, address, or be adequately consulted on resolution for all the concerns and issues caused, or likely to be caused, by the expansion of the Waikeria Prison,
- 4.5 Consequently, any subsequent submission will not be able to provide full particulars and details of concerns and issues, let alone provide appropriate or robust, remedy, mitigation, or relief for those effects.
- 4.6 A further concern was the apparent lack of clarity between cross-boundary authority responsibilities and engagement with affected parties before notification and closure of submissions. For example, in the case of this submission I was only able to arrange to talk with a local body about the application only two days before submissions closed, and that meeting could not take place until a day after closure.

5.0 PARTICULAR CONCERNS – WAIKERIA ROAD TRAFIC

- 5.1 Of particular concern to myself and my whanau is the significant adverse effects of the traffic density increases on Waikeria Road.
- 5.2 this is borne out by a statement from the Economic Report. Sect 4.2.2, p11.headed ... **Recruitment – Permanent Prison Staff/Workforce**
- "The prison expansion will require the employment of approximately 595 custodial staff, 335 prison support staff for a total of 930 workers both permanent and temporary to provide for the Waikeria expansion alone"
- 5.3 This means that as the project builds to full compliment by 2021, the influx of workforce individuals and their families into the immediate and surrounding area will place considerable stress on the existing community services in the surrounding areas including, traffic volumes, accommodation, housing, health and disability/mental health services, social and community services.

- 5.4 Me and my whanau have experienced steadily increasing traffic volume and build-up over the last 29 year period but despite the material impact being considered tolerable at best , have tolerated it in silent and inevitable inconvenience.
- 5.5 However, the Notice of requirement has proposed an increase of inmate beds to accommodate some 3,000 beds, plus a further 900-1,000 staff and support service personnel. This will have significant impact of traffic volumes and density at least three peak shift-changes times per 24 hour day. The impact of Traffic volumes on Waikeria road will become unbearable to the both short and long term resident communities living and earning a living on or along the Waikeria Road.
- 5.6 The Traffic Report recommends that the Waikeria Road be the main traffic access and egress route for the Waikeria prison. This means that Waikeria will be subject to constant two-way traffic every day and night
- 5.7 The particular section of Waikeria Road that is the subject of this section of the submission falls within the Waipa District.
- 5.8 Waikeria Road is a typical rural road with no special passing capability or other better traffic management facilities along its entire length, with farms and some 20-30 homes along its length from State Highway 3 to the Waikeria Stream bridge where it enters Waikeria Prison property.
- 5.9 Current prison and rural traffic has turned this rural road into a very busy transit road with some 1600 prison vehicle/days traffic density plus normal residential and agricultural traffic.
- 5.10 We contend that the current traffic volume is in a "tolerable state" at this level and any major increase to current volumes will push it beyond that tolerable state comfort zone into a "stressed state" non-comfort zone.
- 5.11 With the increase in inmate numbers from the current approx 600 inmates to 3,000 inmates it is expected that permanent and service staff will increase from the current 2-300 to approx 1,300 inside the next three years. Accordingly the traffic on Waikeria Road would also increase some two to three-fold, to around 3,000 prison vehicle/days,
- 5.12 The consequence of this will be congestion and traffic build-ups where there were none before and serious traffic congestion and increased risk and danger to rural activities and residents living on Waikeria Road.
- 5.13 This will be most significant at the State Highway intersection where we envisage serious traffic build-up and hold-up, possibly exceeding up to 30 minutes, at regular shift-change times of the day.
- 5.14 The next most significant effect will be the affect of speed and visibility of traffic for locals trying to enter into the traffic stream from their residents during those peak traffic times, especially so if the traffic is two-way traffic at those times.

- 5.15 Current experience with build-up of emerging traffic at the State Highway intersection at shift-change times currently is generally around four to five vehicles which clears in a reasonably quick time.
- 5.16 Proposals suggested by the Traffic Report are insufficient to remedy, mitigate, or alleviate the environment effects of this increase on local residents of Waikeria Road.
- 5.17 Further, greater traffic build-up creates impatience and risk-taking which would bring even greater risk to greater road users on the Main Highway.

6.0 OPTIONS FOR REMEDY, MITIGATION, OR REMOVAL OF TRAFFIC EFFECTS

- 6.1 We see a number of options for remedy, mitigation or removal of the effects caused by Traffic effects to the natural environment of residents on the Waikeria Road and submits that a condition of the Requirement shall be included to require the applicant to formally engage at every stage of "the Project" with the submitter/submitters to agree remedy, mitigate or removal actions/outcomes for the adverse effects of the application including but not restricted to the following recommendations;
 - 6.1.1 Schedule shift-change times to occur at non-peak local traffic periods, e.g. 10pm, 6am, 2pm, and/or,
 - 6.1.2 Use the Wharepuhunga Road access as its primary access road and entry to the prison, and
 - 6.1.3 Create a one-way circuit route for prison traffic with entry through Wharepuhunga road and exit through Waikeria Road, and
 - 6.1.4 Install a traffic island at the Waikeria intersection with State Highway3 , or,
 - 6.1.5 Any alternative, combination, or enhancement of the above acceptable and agreed by the submitters.
- 6.2 The Waikeria prison property more or less runs along the northern boundary of the Wharepuhunga Road for a majority extent of the southern prison property boundary. It is by and large the only resident property on that side of the road that will be effected by its expansion. As such all access to Waikeria should be directed through that Road instead of Waikeria Road.

Waikeria has none of its property adjacent to or running alongside the Waikeria Road.
- 6.3 Subject only to the inclusion of the above conditions will the submitters agree to support the application.


HAROLD MANIAPOTO

25 May 2017

Steve Rice

From: H.Maniapoto [h.maniapoto@teraki.nz]
Sent: Thursday, May 25, 2017 11:57 AM
To: info@riceres.co.nz; Sharon Dines; Rawiri; mahu; Jock Roa
Subject: SUBMISSION TO WAIKERIA NOR
Attachments: HM Submission Form for WEP.pdf; HM submission for WEP.pdf

Tena koutou ODC and BoffaMiscall,

Please find herein a submission for the Waikeria Expansion Project... A further submission follows....

--

No reira noho ora mai;
Naku na...

H. Maniapoto
Chair-Director
Maniapoto ki Te Raki (MKTR)
P.O. Box 516
TE AWAMUTU
PH 021 949 280

Submission 2

Allan Duncan

Submission on Publicly Notified Notice of Requirement
Minister of Corrections – Waikeria Prison Expansion Project
Section 96 of the Resource Management Act 1991

To (hard copy or post):

Otorohanga District Council

c/- Rice Resources Limited, PO Box 431, Waikato Mail Centre. Hamilton 3240 Attn: Steve Rice

Or email this submission to Council at: info@riceres.co.nz

Or fax this submission to Council at: (07) 846 5269

RECEIVED ON
25 MAY 2017

Submissions close at 5pm on 25 May 2017

Name of submitter: Duncan Allan

Select one:

I ~~am~~/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Select one:

I ~~am~~/am not direct affected by an effect of the subject matter of the submission that-

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

My submission is:

Support parts or all of ⑦ **Oppose** parts or all of ☒ **are neutral** parts or all of ⑦

Include –

③ **Reasons for my submission are:**

Please see attached document for submissions

I seek the following recommendation from the Council on the Notice of Requirement: *(give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought)*

I seek that the Territorial Authority recommend to the Applicant that the notice be withdrawn. Alternatively I seek that the Territorial Authority recommend conditions be imposed that provide for significant increases in rehabilitation and reintegration programmes, training programmes, access to healthcare, access to whanau, and other improvements that ensure the adverse effects of imprisonment on all Māori prisoners are adequately avoided, remedied, or mitigated.

The reasons for this recommendation are set out in my submissions attached.

Have you attached additional pages? YES NO (circle correct response)
If Yes (above) how many pages 21

Hearing:

- ☒ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)
- ☒ If others make a similar submission I will consider presenting a joint case with them at the hearing.
- ☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

- ☒ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

Signature:

Signature of submitter:  Date 25/05/17
(or the person authorised to s

Notes to submitter:

- You must serve a copy of your submission on the Minister of Corrections as soon as reasonably practicable after you have served your submission on the consent authority. The address for service is Boffa Miskell Ltd, P O Box 91250, Auckland 1142 – Attention: Sharon Dines (Email: Sharon.dines@boffamiskell.co.nz)
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Please ensure following submitter details are completed.

Submitter details required for administrative purposes *(this page must be completed):*

Name of submitter: Duncan Allan

Postal address for service: 37 Mandalay Terrace, Khandallah, Wellington 6035

Phone: Mobile: 0220432394

Email: duncanallan2@gmail.com

Contact person: Duncan Allan

25 May 2017

Otorohanga District Council

C/- Rice Resources Limited

Email: info@riceres.co.nz

Submitted by email

**Submission on Publicly Notified Notice of Requirement
Minister of Corrections – Waikeria Prison Expansion Project**

1. My name is Duncan Allan. I have been active in the criminal justice sector for the past 6 years and have an interest in prison reform including:
 - (a) Previously running the Restorative Justice Services Wellington Trust for two and a half years (now merged with Community Law Wellington and Hutt Valley).
 - (b) Previously employed by Community Law Wellington and Hutt Valley on a fixed-term contract to write “Lag Law”, a legal guide for prisoners.
 - (c) Previously assisting Te Runanganui o Taranaki Whanui to set up and run an Iwi Justice Panel for first offenders given pre-charge warnings.
2. I oppose all of the Application.

Summary of position

3. The purpose of the Resource Management Act 1991 (RMA) is the sustainable management of natural and physical resources. The use and development of these resources must be done in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety, while avoiding, remedying, or mitigating any adverse effects of activities on the environment.¹
4. The definition of environment includes ecosystems and their constituent parts, including people and communities, as well as the social, economic, aesthetic, and cultural conditions which affect people and communities.²

¹ Section 5.

² Section 2.

5. Māori prisoners and their whanau are disproportionately affected by imprisonment.
6. Māori prisoners and their whanau are a part of the environment under the RMA definition. This is supported by a holistic Māori worldview and by ss 6-8 of the RMA, which provide for the relationship of Māori and their culture and traditions and other taonga,³ kaitiakitanga,⁴ and the principles of the Treaty of Waitangi.⁵
7. The Department of Corrections (Corrections) has failed to give adequate consideration under s 171(1)(b) of the RMA by failing to consult with prisoners and their whanau and by not giving adequate weighting to the effects on prisoners and their whanau.
8. The designation is not reasonably necessary under s 171(1)(c) for achieving objectives 4, 6 and 7 of Corrections specific objectives for the Waikeria Prison expansion.
9. Considerations under s 171(1) are subject to Part 2 of the RMA. Overall, a notice of requirement must meet the purpose of promoting the sustainable management of natural and physical resources.⁶ A prison constructed under a 'business as usual' approach cannot meet the sustainable management requirements under Part 2 of the RMA, due to the adverse effects on Māori prisoners and their whanau.
10. I oppose the Application and seek that the Territorial Authority recommend to the requiring authority that the Application be:
 - (a) Withdrawn; or
 - (b) If the Territorial Authority is not prepared to recommend withdrawal, recommend conditions be imposed that provide for significant increases in rehabilitation and reintegration programmes, training programmes, access to healthcare, access to whanau, and other improvements that ensure the adverse effects on all Māori prisoners are sufficiently mitigated.

³ Section 6.

⁴ Section 7.

⁵ Section 8.

⁶ *Final Report and Decision of the Board of Inquiry into the Proposed Men's Correctional Facility at Wiri* EPA 0056, September 2011, at [19].

Māori as a part of the environment

11. The definition of environment in the RMA⁷ includes “ecosystems and their constituent parts, including people and communities” and “the social, economic, aesthetic, and cultural conditions which affect” people and communities.
12. Section 5 of the Interpretation Act 1999 provides that the meaning of an enactment must be ascertained from its text and in light of its purpose.
13. The text of s 2 of the RMA clearly states that people are part of the definition of environment, but isn’t particularly helpful in defining to what degree the effect on people should be taken into account as a part of the environment.
14. The purpose of the RMA is to promote the sustainable management of natural and physical resources.⁸ While natural and physical resources do not specifically include people, the issue is whether those natural and physical resources can be managed in a way that avoids, remedy’s or mitigate’s adverse effects on the *environment*.
15. This implies that the use and development of resources must enable people and communities to provide for their social, economic and cultural wellbeing, *while also* avoiding, remedying, or mitigating adverse effects on people and communities.
16. In *Zdrahal v Wellington City Council*,⁹ the High Court held that people must be taken into account when assessing adverse effects on the environment. The Court stated:¹⁰

The environment in this sense is more than the physical surroundings, the objects and substances which are in the vicinity. With its emphasis on people and communities, which must be the people in the communities, the resource management legislation intends that the environment includes the people, and must give them in this particular context predominant significance. Environment, in its definition in the Act, includes people and the social, economic, aesthetic and cultural conditions which affect people.

⁷ Section 2.

⁸ Section 5.

⁹ *Zdrahal v Wellington City Council* [1994] HC, 2 HRNZ 196.

¹⁰ At 206.

17. *Zdrahal* was dealing with a section 17 application and gave a wide definition of when section 17 might apply.¹¹ While further case law has narrowed the application of section 17 to matters contained in Part 2 of the RMA, the definition of environment is not affected by that narrowing and remains unchallenged.

18. *Cook Island Community Centre v Hastings District Council*¹² concerned an application to establish a funeral home close to a Cook Islands community centre and the effect it would have on the deeply held beliefs of the Cook Island community regarding reverence for the dead. The Planning Tribunal discussed the definition of ‘effect’ and ‘people and communities’. Regarding the ‘effect’, the Tribunal held:¹³

We have no difficulty in holding that there is an effect within the meaning of the Act. It is not an effect caused by hypersensitivity on the part of the Cook Islands community but is one which can be readily understood in relation to any culture which holds reverence for the dead.

19. The Tribunal then stated that there was clearly an effect on the ‘environment’:¹⁴

We find however that the word “*ecosystem*” which is inclusive of peoples and communities by definition is intended to encompass activities such as those carried on by the Cook Island communities. The definition of environment then goes on in subs.(d) to include within the broader eco-system definition the social, economic, aesthetic and cultural conditions ...

... We thus hold that the effect of the funeral parlour upon the activities of the Cook Island community is an effect upon an environment as contemplated by the provisions of the Act.

20. The Māori worldview is consistent with the idea that people are a part of, and not separate from, the environment. When looking at the Act through a Māori viewpoint, there is nothing in the light of the text and purpose of the Act that goes against the notion that a new prison (the physical resource) must be built in a way that avoids, remedy’s or mitigates the adverse effect on prisoners.

21. The notion of seeing people as distinct from the environment is a predominantly Pākehā, or ‘western’ view. People can have positive and negative effects on the environment, but are not a part of the environment themselves.

¹¹ At 205.

¹² *Cook Islands Community Centre Inc v Hastings District Council* [1994] NZPT 19/94.

¹³ At 5.

¹⁴ At 6.

22. For Māori, however, Papatuanuku (Earth mother) is a living organism which links the physical world through a symbiotic relationship. All life is interwoven and each species contributes to the welfare of each other, in turn sustaining Papatuanuku.¹⁵ People have a kaitiaki role with their environment, but this is more than just being 'caretakers'. Instead, Māori identify as part of the environment itself.¹⁶ Carwyn Jones explains the implications of this worldview:¹⁷

Within such a framework it is the basic balance in the spiritual, emotional, physical or social well-being of the individual or whanau that needs to be maintained, with reference to fundamental values such as whanaungatanga, mana, utu, tapu and noa. Tikanga directs that the way to maintain this balance is through acknowledging the links between all forces and all conduct in a community.

23. Under a Māori worldview, people clearly form part of the environment as defined in the RMA. The Act and subsequent case law, recognise that a Māori worldview can be taken into account. The importance of acknowledging a Māori worldview is directly addressed under sections 6 to 8 of the RMA. It has been noted by the Courts that "these are strong directions, to be borne in mind at every stage of the planning process."¹⁸
24. Under section 6(e) the use, development, and protection of natural and physical resources must recognise and provide for "the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga." 'Other taonga' has been held to include matters that have spiritual or intrinsic value beyond their physical properties.¹⁹
25. Under section 7, particular regard must be given to kaitiakitanga, which is defined as "the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship". Kaitiakitanga is far broader than mere stewardship. It is an obligation carried out according to tikanga, which itself arises out of the accumulated knowledge of

¹⁵ Nin Thomas "Māori Concepts of Rangatiratanga, Kaitiakitanga, the Environment, and Property Rights" in D Grinlinton and P Taylor (eds.) *Property rights and sustainability: the evolution of property rights to meet ecological challenges* (Martinus Nijhoff Publishers, Boston, 2011) at 224.

¹⁶ Carwyn Jones "Tino rangatiratanga and sustainable development: principles for developing a just and effective system of environmental law in Aotearoa" 6 VUWLRP 7/2016 at 62.

¹⁷ At 62.

¹⁸ *McGuire v Hastings District Council* [2001] PC 43/2000 at [21].

¹⁹ *Beadle v Minister of Corrections* NZEnvC A074/2002, 8 April 2002, at [665].

generations of Māori.²⁰ The background of tikanga includes the religious beliefs of Māori as well as their world view and includes the history of the people and knowledge of the environment.²¹ The concepts of whanaungatanga, manaakitanga, mana, tapu and noa are all components of the values associated with tikanga.

26. In *Tautari v Northland Regional Council*²² evidence described 'kaitiakitanga' as "to care for something of great value and substance for the survival of the tribe."²³ In defining kaitiakitanga, Jones notes that:²⁴

Kaitiakitanga is not simply about identifying ourselves as having close connections with the natural environment, but identifying as part of the natural environment. Decisions about environmental matters are therefore decisions about the entire community. Consequences of environmental decisions are consequences that directly affect the community (the people and all other parts of the natural world).

According to Māori, the natural and spiritual worlds are both inherently connected to the world of humankind and to each other. At the very centre of Māori identity is the concept of the relationship to the land and the Earth-mother, Papatuanuku.

27. Section 8 states that the principles of the Treaty of Waitangi shall be taken into account. The Supreme Court held in *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd*²⁵ that section 8 is a "different type of provision" than sections 6 and 7.²⁶ Treaty principles may have an additional relevance to decision-makers and the wider scope of section 8 reflects the importance of the matters discussed in sections 6(e) and 7(a).²⁷

28. *Bleakley v Environmental Risk Management Authority*²⁸ discussed the Treaty principle of active protection. The Court noted that Waitangi Tribunal reports are not binding on the Court, but are highly persuasive.²⁹ The Court also held that references to 'taonga' include intangible cultural and spiritual aspects³⁰ and that in the context of the RMA, to ignore

²⁰ Hirini Moko Mead *Tikanga Māori: Living by Māori Values* (Huia Publishers, Wellington, 2003), at 13.

²¹ At 18.

²² *Tautari v Northland Regional Council* [1996] NZPT A 55/96.

²³ At 18-19

²⁴ Jones, above n 16, at 62.

²⁵ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 167.

²⁶ At [27].

²⁷ At [27].

²⁸ *Bleakley v Environmental Risk Management Authority* [2001] 3 NZLR 213.

²⁹ At [58].

³⁰ At [59].

relationships with intangible taonga would be inconsistent with the Treaty.³¹ It was also accepted that taonga incorporated whakapapa and mauri, that these required active protection and that the most sacred taonga is “man”.³²

29. If the RMA is to be applied in line with its purpose and principles, then it must be recognised that people are part of the environment and the adverse effects on Māori must be taken into account in promoting the sustainable management of natural and physical resources.

Waikeria Prison and the Sustainability Requirements of the RMA

30. The Application is opposed on three grounds:

- (a) Corrections has failed to give adequate consideration under s 171(1)(b) of the RMA by failing to consult with prisoners and their whanau and by not giving adequate weighting to the effects on prisoners and their whanau.
- (b) The designation is not reasonably necessary for achieving objectives 4, 6 and 7 of Corrections specific objectives for the Waikeria Prison expansion.
- (c) Considerations under s 171(1) are subject to Part 2 of the RMA. A prison constructed under a ‘business as usual’ approach cannot meet the sustainable management requirements of the RMA due to the adverse effects on Māori prisoners and their whanau.

(a) Inadequate consideration under s 171(1)(b)

31. At no stage in the assessment process has Corrections consulted with prisoners and their whanau, even though they will be the most adversely affected group from the proposed prison expansion. Māori prisoners in particular, due to their disproportionate imprisonment, suffer greater adverse effects than any other group.
32. The effect of imprisonment on Māori, and the lack of measures to mitigate those effects, is discussed in detail under section (c) (paragraphs 59-96).
33. From the initial stage of the alternative site assessment, Corrections considered the development of a 1,000 prisoner place facility and the

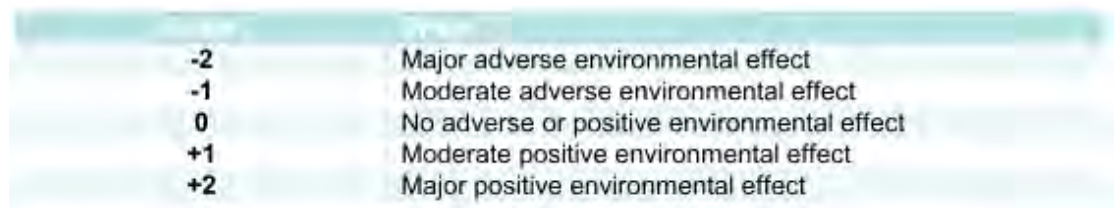
³¹ At [63].

³² At [26], [27], [58], [70], [76],

development of a 1,680 prisoner place facility, but did not consider alternatives to the current model of imprisonment.³³ The current model of imprisonment does not adequately avoid, remedy, or mitigate adverse effects on prisoners.

34. In March 2017 a new assessment was undertaken for the development of a 2,000 prisoner place facility at Waikeria. No alternatives to the current model of imprisonment were undertaken and no prisoner's or their whanau were consulted.³⁴
35. A scale from -2 to +2 was used to assess anticipated effects of the proposed development at each site. The scale is shown in Figure 1 below.

Figure 1³⁵



-2	Major adverse environmental effect
-1	Moderate adverse environmental effect
0	No adverse or positive environmental effect
+1	Moderate positive environmental effect
+2	Major positive environmental effect

36. The initial Social Effects Assessment did not consider the adverse effects of the prison on prisoners and their whanau. Even without that analysis, Waikeria prison had the worst adverse social effects score of three proposed prisons, scoring -1 (moderate adverse environmental effect).³⁶
37. The later detailed Social Effects Assessment did not identify prisoners and their whanau as a potentially effected group.³⁷ No consultation with prisoners and their whanau was undertaken.³⁸
38. Corrections did not undertake any consultation with mana whenua in its initial Cultural Effects Assessment, dues to the project being confidential.³⁹ There was also no consultation with Māori prisoners and their whanau.

³³ Boffa Miskell Limited 2017 *Waikeria Prison Capacity Increase: Notice of Requirement and Assessment of Environmental Effects*. Report prepared by Boffa Miskell Limited for Minister of Corrections, at 5.2.1.

³⁴ At 5.3.

³⁵ Boffa Miskell Limited 2016 *Prison Alternative Site Assessment*. Report prepared by Boffa Miskell Limited for Department of Corrections, at 5.1.2.

³⁶ At 5.4.1.

³⁷ Quigley and Watts Ltd 2017 *Assessment of Social Effects of the Proposed Waikeria Prison Expansion*, Report prepared by Quigley and Watts Ltd for Department of Corrections, at 2.4.

³⁸ At 2.5.

³⁹ At 5.4.2.

Because of the lack of consultation, the anticipated effects were given a neutral score of zero (no adverse or positive environmental effects).⁴⁰

39. The later detailed Cultural Impact Assessment had very little analysis of rehabilitation and reintegration other than two short paragraphs explaining that programmes and training facilities have yet to be developed, that Corrections is committed to providing a range of programmes and will provide physical spaces to meet rehabilitation needs.⁴¹
40. No consultation with Māori prisoners and their whanau was undertaken. The assessment did not identify Māori as taonga⁴² and there was no mention of active protection under the Treaty of Waitangi.⁴³
41. The decision to undertake a prison expansion at Waikeria and, therefore, rule out other alternatives, without consulting with directly affected Māori, is a breach of the principles of the Treaty of Waitangi which require consultation.
42. The weighting system used by Corrections places greater weight on social, cultural, heritage, ecological and landscape effects. See Figure 2 below.

Figure 2.⁴⁴



Social effects	3
Māori cultural effects	3
Ecological effects	3
Landscape and visual effects	3
Economic effects	3
Heritage/archaeological effects	1
Lighting and glare effects	1
Traffic effects	1
Noise effects	1
Water and wastewater effects	1

⁴⁰ At 5.4.2.

⁴¹ Antoine Coffin *Cultural Impact Assessment of the Proposed Waikeria Prison Expansion* (2016), at 5.7

⁴² At 6.4.

⁴³ At 6.7.

⁴⁴ At 5.6.

43. This weighting moved Waikeria's Social Effects Assessment to -3, twice the adverse effect of the other two proposed prisons.⁴⁵
44. If Corrections had undertaken an analysis of the adverse effect on Māori prisoners and had consulted with Māori prisoners and their whanau, the weighted scores for the Social Effects Assessment and Cultural Effects Assessment would have both been in the highest range (-6 major adverse effects). Instead, Corrections concluded that the anticipated adverse effects for Waikeria prison were moderate.⁴⁶

(b) Not reasonably necessary for achieving objectives 4, 6 and 7

45. The specific objectives for the Waikeria Prison expansion are:⁴⁷
1. The long term (up to ten years) demand requirement is met by 2025;
 2. The required prisoner places are delivered at the lowest whole of life cost;
 3. Operational efficiencies are achieved;
 4. An optimal fit for purpose solution is provided to rehabilitate and reintegrate prisoners whereby prisoner places are provided close to prisoner demand and therefore close to prisoner's family and friends;
 5. The prison facility is located sufficiently close to communities large enough to attract and sustain sufficient staff to support a safe and secure custodial operation;
 6. The prison facility is located sufficiently close to communities large enough to attract and sustain service providers to rehabilitate and reintegrate prisoners; and
 7. Significant adverse environmental effects of the development are appropriately avoided, remedied, or mitigated.

46. In respect of objectives 4 and 6, Corrections states that:⁴⁸

It is important that the development occurs in the area of highest demand and close to sufficiently large communities to support the Department's objectives regarding rehabilitating and reintegrating prisoners. Rehabilitation and reintegration has the highest chance of success when prisoners are located 'close to home' and the Department is able to provide programmes and interventions, or source sufficient community support services to support the rehabilitation and reintegration of prisoners. Waikeria prison is located in the

⁴⁵ At 5.7.

⁴⁶ At 5.8.1.

⁴⁷ Boffa Miskell limited, above n 33, at 4.2.

⁴⁸ Boffa Miskell limited, above n 33, at 4.2.

upper north island where the greatest demand for prisoner places is generated.

47. While Waikeria prison is situated in the upper north island, it is geographically isolated. The proposed prison is situated 170km from Auckland, the largest city and where the majority of the nation's prisoners come from.
48. The effects of dislocation are greater for Māori, for whom whanau is of primary importance. The Māori worldview is looked at holistically, with primary importance being placed on whakapapa, through acknowledgment of spiritual ancestors, whanau and whenua. Taonga incorporates whakapapa and mauri and these concepts require active protection.
49. The importance of whanau and ties to the land cannot be overstated. Removal of offenders from the community, to a prison hundreds of kilometres away, is emotionally destructive for Māori.
50. This was recognised as far back as 1844, when the Native Exemption Act restricted the situations where Māori could be imprisoned, instead demanding a fine in place of imprisonment.⁴⁹
51. Considering the primary importance for Māori in staying connected with whanau, this removal to an isolated location will have a significantly adverse effect. One of the key findings in *Wiri* was that locating that prison in South Auckland would facilitate access to whanau and community.⁵⁰ The Board noted that it was Corrections aspiration that:⁵¹
- all prisoners should be held within a reasonable distance of their home and family in order to maximise the benefits of family contact and because keeping prisoners closer to home can assist in reducing reoffending.
52. The does not apply to Waikeria prison. The prison is not in an easily accessible area of the country and there is no direct public transport route that goes anywhere near the prison. The closest stop is Te Awamutu and the bus journey from Auckland takes nearly three hours.⁵² Not only will whanau have to travel 170km to visit prisoners, but visitation will be restricted mostly to whanau who have cars. The Prisoners Aid and Rehabilitation Service (PARS) runs a free bus service for visitors, but its

⁴⁹ Native Exemption Act 1844 (7 Victoriae 1844 No 18), section 9.

⁵⁰ *Wiri*, above n 6, at [208].

⁵¹ At [351].

⁵² Intercity timetable IC6407 Auckland to Palmerston North <intercity.co.nz>.

availability is limited. Corrections own assessment notes the difficulty for whanau in visiting Waikeria:⁵³

This was believed to exacerbate the loss of connection with the prisoner's family/whanau, who are valued for their rehabilitation influence and role in reintegration following prisoner release.

53. Corrections also notes the pressure on service providers in the area:⁵⁴

All provider interviewees described how the increase in prisoner numbers arising from the proposed expansion needed a commensurate increase in resources to run the prisoner programmes and courses. Simply, with the expansion of Waikeria Prison leading to an uplift of an additional 2000 prisoner places – this number would overwhelm existing programmes, both the budgets and staffing.

54. Providers noted that Waikeria prison had a poor Case Management system (where prisoner's needs are identified and plans put in place for rehabilitation) with staff not having the assessment, reintegration/rehabilitation understanding and/or plan development writing skills.⁵⁵

55. The Waikato DHB notes that:

- (a) There is currently greater demand for services within Waikeria prison than can be serviced by the DHB.⁵⁶
- (b) There is a lack of support for prisoners leaving prison and many prisoners miss out on a continuation of treatment services.⁵⁷
- (c) Demand for acute beds at the forensic psychiatric facility outstrip supply, 60% of the beds are used by prisoners and there is a waitlist.⁵⁸

56. Corrections is seeking an increase in funding, but this is only for its four most successful programmes and it is unclear whether the increase in funding will be approved.⁵⁹

⁵³ Quigley and Watts Ltd, above n 37, at 9.3.

⁵⁴ At 8.3.

⁵⁵ Quigley and Watts Ltd, above n 37, at 8.3.

⁵⁶ At 11.1.3.

⁵⁷ At 11.1.4.

⁵⁸ At 11.1.5.

⁵⁹ At 8.3. Note: The increase in funding is part of a budget bid. The budget is being released on 25 May 2017, the day these submissions are due.

57. This increase in funding is necessary to simply keep the current level of programmes running, which is woefully inadequate and does not come close to meeting the needs of the majority of prisoners. The lack of programmes currently available to prisoners is discussed in detail below (paragraphs 82-92).
58. Currently Waikeria prison does not meet objectives 4 and 6. The expansion of the prison will also fail to meet these objectives.
59. In respect of objective 7, Corrections states that “the environmental effects assessments undertaken for this NoR indicate that objective 7 can be achieved.”⁶⁰
60. Corrections did not undertake an assessment of the adverse effects on Māori prisoners as a part of the environment. This assessment shows that objective 7 cannot be met under the current proposal.
61. The analysis of adverse effects on Māori prisoners is discussed below in the assessment of Part 2 of the RMA (paragraphs 62-99)

(c) Considerations subject to Part 2

62. Section 171(1) of the RMA is subject to Part 2. An analysis of the environment as it applies to Māori prisoners requires assessment of sections 5-8 of the RMA. As the concepts of the environment under a Māori worldview, including taonga (s 6) and kaitiakitanga (s 7), are interrelated, I have taken a holistic approach to the analysis,⁶¹ rather than analysing the concepts under sections 5-8 separately. This also avoids the repetition of recurring and overlapping arguments that are applicable to all the concepts outlined in those sections.
63. The first part of the analysis is to look at whether the use and development will be managed in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety. The second step is to see if the sustainable management of the new prison can be achieved while avoiding, remedying, or mitigating any adverse effects on the environment (Māori prisoners and their whanau).

⁶⁰ Boffa Miskell Ltd, above n 33, at 4.2.

⁶¹ It has been recognised that Māori have a holistic view of the environment, see for example *Friends and Community of Ngawha Inc v Minister of Corrections* [2002] HC [2002] NZRMA 401, at [58]-[60] and *Beadle*, above n 19, at [487].

64. Under the Corrections Act, prisons have a primary purpose of improving public safety.⁶² This is achieved by ensuring that sentences are administered in a safe, secure, humane, and effective manner and that assistance will be given to the rehabilitation and reintegration of prisoners. The government has stated that if a new facility is not built it will create “unacceptable safety risks for staff, prisoners and the public, and be less effective at rehabilitating prisoners.”⁶³
65. It is accepted that the general public is safer from an individual offender while that offender is in prison. In the *Wiri* decision it was accepted that the benefits of the proposed prison included meeting society’s demands for security, justice, and the reduction in numbers of high end offenders on the streets.⁶⁴
66. This, however, doesn’t take into account that nearly 90% of prisoners serve sentences of less than two years and 52% of released prisoners will be convicted of a new offence and re-imprisoned within 5 years, with the majority reoffending in the first 12 months of release.⁶⁵ Additionally, 36% of prisoners have been imprisoned for a non-violent offence, meaning that it is less likely that they are a danger to the public.⁶⁶
67. The economic effects of imprisonment are hard to quantify. While there have been studies showing that rehabilitation programmes and education are at least cost neutral in terms of future social costs, there is little evidence regarding the cost of imprisonment compared with the social cost if offenders were not imprisoned. What is clear though, is that imprisonment is by far the most expensive sentencing option and the prison system is a large financial burden on the state, with nearly \$97,000 being spent on average, per prisoner annually.⁶⁷ Comparatively, the cost of home detention, per prisoner annually, is approximately \$21,000. The building costs for the governments Prison Capacity Programme is \$1 billion,⁶⁸ with most of that cost going to the Waikeria prison build. This is a substantial economic burden on the general community.
68. Without adequate rehabilitation and reintegration programmes, which reduce recidivism, it is difficult to say that public safety is achieved by

⁶² Section 5.

⁶³ “Government approves plans for increased prison capacity” <beehive.govt.nz>.

⁶⁴ *Wiri*, above n 6, at [403].

⁶⁵ JustSpeak “Unlocking Prisons: How we can improve New Zealand’s Prison System” (2014), at 55.

⁶⁶ At 52.

⁶⁷ At 7.

⁶⁸ “Government Approves Plans for Increased Prison Capacity” <beehive.govt.nz>.

imprisonment or that prisons are used in a way that provide for the social, economic and cultural well-being of the community.

69. The evidence is that there are currently not enough rehabilitation and training programmes to be considered effective. However, based on the *Wiri* decision, it may be that a Court would find that the use and development of the prison is being managed in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.
70. In *Wiri*, despite the evidence of the lack of rehabilitation programmes, the Board was content that current programmes, though limited, demonstrated “some degree of success” and the proposed prison would afford “some reasonable degree of access to the services and resources” necessary for rehabilitation. Ultimately, the Board held that the benefit of meeting society’s demands for security, justice, and the reduction in numbers of high end offenders on the streets, outweighed the negative social impacts, which could be mitigated through conditions imposed on the designation.
71. A critical analysis should be applied to the outcome of the *Wiri* decision, particularly the low threshold set for Corrections rehabilitation programmes and the acceptance of Corrections evidence, which appeared to receive no critical examination. However, for the purposes of this submission I will assume that a Court would hold that the positive effects on communities outweigh the adverse effects. The next step is to see if the sustainable management of the new prison can be achieved while avoiding, remedying, or mitigating any adverse effects on the environment (Māori prisoners and their whanau).
72. The effect of imprisonment on Māori prisoners is stark. Only 37% of prisoners are able to complete everyday literacy tasks.⁶⁹ 80% of all offending occurred while under the influence of drugs or alcohol and 70% of prisoners with addictions also have mental health problems.⁷⁰ The suicide rate amongst prisoners is eleven times higher than that of the general public.⁷¹

⁶⁹ Stuff “Two-thirds of prisoners can't do everyday literacy tasks” <stuff.co.nz>.

⁷⁰ *Wiri*, above n 6, at [204].

⁷¹ JustSpeak, above n 65, at 64.

73. The rate of incarceration of Māori has increased significantly throughout the twentieth century. In 1930 Māori comprised 10% of prisoners. By 1950 Māori comprised 23% of prisoners and the rate is now 50%.⁷²
74. Māori are four to five times more likely to be apprehended, prosecuted and convicted than non-Māori and seven and a half times more likely to be given a custodial sentence.⁷³ Māori are eleven times more likely to be remanded in custody awaiting trial.
75. Many prisoners are unable to gain employment upon leaving prison and the reconviction rate for Māori is the highest of all ethnicities, at 77% within 5 years of release (58% reimprisoned).⁷⁴
76. Māori face greater economic and social disadvantage⁷⁵ than non-Māori and imprisonment only enhances this disadvantage.
77. The effects of dislocation are also greater for Māori, for whom whanau is of primary importance. The Māori worldview is looked at holistically, with primary importance being placed on whakapapa, through acknowledgment of spiritual ancestors, whanau and whenua. Taonga incorporates whakapapa and mauri and these concepts require active protection.
78. The importance of whanau and ties to the land cannot be overstated. Removal of offenders from the community, to a prison hundreds of kilometres away, is emotionally destructive for Māori.
79. This was recognised as far back as 1844, when the Native Exemption Act restricted the situations where Māori could be imprisoned, instead demanding a fine in place of imprisonment.⁷⁶
80. Through the process of imprisonment it is not only Māori prisoners themselves who are adversely affected. Imprisonment can lead to debt issues if the prisoner was the primary earner. Children of prisoners are stigmatised and many exhibit symptoms of post traumatic stress disorder, attention deficit disorder and attachment disorders.⁷⁷

⁷² Robert Webb "Incarceration" in T McIntosh and M Mulholland (eds.) *Māori and Social Issues* (Huia Publishers, Wellington, 2011), at 249.

⁷³ At 251.

⁷⁴ JustSpeak, above n 65, at 55.

⁷⁵ Department of Corrections "Over-representation of Maori in the criminal justice system" <corrections.govt.nz> at 4.0.

⁷⁶ Native Exemption Act 1844 (7 Victoriae 1844 No 18), section 9.

⁷⁷ Liz Gordon "Invisible Children: First year research report 'a study of the children of prisoners'" (2009), at 45.

81. If we accept that Māori themselves are the most sacred taonga, as the Court appears to have done in *Bleakley*,⁷⁸ then it is difficult to see how imprisonment is anything but harmful to Māori.
82. These adverse effects are not being adequately avoided, remedied, or mitigated. Over-representation of Māori in the criminal justice system was studied extensively in 2007 by Corrections, with a published report⁷⁹ stating many of the statistics quoted above. Very little has been implemented since 2007 to improve the situation for Māori prisoners.
83. Expert evidence given in *Wiri*, by opponents of the proposed prison, stated that Corrections was not able to provide proper rehabilitation programmes for inmates and has had little success in reducing reoffending.⁸⁰
84. In 2012 an Ombudsman's investigation found a number of issues with prison healthcare, including that mental healthcare is inadequate.⁸¹
85. A 2008 Auditor-General report found that 17% of prisoners have to wait more than 100 days before receiving mental health treatment and limited service receptiveness to Māori.⁸²
86. A 2010 National Health Committee report found that imprisonment contributes significantly to poor health outcomes and that the more time a person spends in prison, the poorer those outcomes will be.⁸³
87. The report found that prisoner's disproportionately experienced poor health and their health needs are not adequately addressed in prison. It also noted alternatives to the current system:⁸⁴

A custodial approach that prioritises behavioural risk management over clinical need is an ineffective response to prisoners' health problems. The experiences of other countries show that it is possible to protect and promote prisoners' health without compromising public safety.

⁷⁸ *Bleakley*, above n 28, at 27.

⁷⁹ Department of Corrections, above n 75.

⁸⁰ *Wiri*, above n 6, at [200] and [202].

⁸¹ JustSpeak, above n 65, at 65.

⁸² At 65-66.

⁸³ National Health Committee. 2010. *Health in Justice: Kia Piki te Ora, Kia Tika! – Improving the health of prisoners and their families and whānau: He whakapiki i te ora ngā mauhere me ō rātou whānau*. Wellington: Ministry of Health, at 1.

⁸⁴ At 2.

88. Corrections operate only five 60-bed Māori Focus Units⁸⁵ across the entire national prison network of nearly 10,000 prisoners (approximately 5,000 of whom are Māori).
89. Corrections Drug Treatment Units only cater for 940 prisoners nationally,⁸⁶ despite there being a far higher need: 89% of prisoner's have a lifetime prevalence of substance abuse.⁸⁷ There is a waiting list to get in to treatment programmes, with some treatment centres having a waiting time of more than 12 months.⁸⁸ Meanwhile the 2012 Ombudsman report found that training courses for nurses administering methadone treatment had been cancelled.⁸⁹ This is despite studies showing that the average cost of a prisoner who undertakes methadone treatment is lower than the general cost per prisoner.⁹⁰
90. Corrections Social Effects Assessment lays out the lack of access to programmes. It is clear from Corrections own analysis, that the current provision of programmes cannot come close to being able to avoid, remedy, or mitigate the adverse effects on the majority of prisoners, if the majority of prisoners are not able to access the limited programmes, keeping in mind that the Waikeria prison population could expand to 3,000 prisoners and that half of those prisoners will be Māori. The Assessment states:⁹¹
- (a) The tikanga programme is delivered up to seven times a year for up to 20 prisoners at a time.
 - (b) The Skills for Life programme has 15 prisoners per programme and is run on a needs/cost basis.
 - (c) The Māori Focus Unit has 60 prisoners and runs programmes four times a year with ten prisoners per programme.
 - (d) The Drug Treatment Unit has only 33 beds.
 - (e) The Release to Work programme has declined nationally from 250 prisoners to 70 prisoners and there is limited opportunity at Waikeria due to it's isolated rural setting.

⁸⁵ Human Rights Commission "Māori Focus Units" <hrc.co.nz>.

⁸⁶ JustSpeak "Drug Treatment Units in New Zealand Prisons: Are they Enough?" <justspeak.org.nz>.

⁸⁷ National Health Committee, above n 78, at 3.

⁸⁸ JustSpeak "Drug Treatment Units in New Zealand Prisons: Are they Enough?" <justspeak.org.nz>.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Quigley and Watts Ltd, above n 37, at 8.2.1 and 8.2.2.

91. Corrections also claim that they provide work and training programmes to prisoners which lead to employment outside prison. However, that training is limited. For example, the current site at Waikeria prison has the capacity to hold 1,250 prisoners, yet only has the capacity to provide training or employment to 269 prisoners.⁹² Nationally, only 52% of prisoners who undertake employment are gaining qualifications while they are employed and there is no requirement for prisoners to achieve qualifications while undertaking employment.⁹³
92. The decision in *Wiri* placed weight on Corrections contention that limited education and work are addressed through training opportunities and employment.⁹⁴ However, this does not appear to be at an adequate level to remedy the fact that 52% of prisoners have no formal qualifications and only 45% were in paid work before going to prison.⁹⁵
93. The proposed prison is situated 170km from Auckland. Considering the primary importance for Māori in staying connected with whanau, this removal to an isolated location will have a significantly adverse effect. One of the key findings in *Wiri* was that locating that prison in South Auckland would facilitate access to whanau and community.⁹⁶ The Board noted that it was Corrections aspiration that:⁹⁷
- all prisoners should be held within a reasonable distance of their home and family in order to maximise the benefits of family contact and because keeping prisoners closer to home can assist in reducing reoffending.
94. The does not apply to Waikeria prison. The prison is not in an easily accessible area of the country and there is no direct public transport route that goes anywhere near the prison. The closest stop is Te Awamutu and the bus journey from Auckland takes nearly three hours.⁹⁸ Not only will whanau have to travel 170km to visit prisoners, but visitation will be restricted mostly to whanau who have cars. PARS run a free bus service for visitors, but its availability is limited. Corrections own assessment notes the difficulty for whanau in visiting Waikeria:⁹⁹

⁹² Department of Corrections “Waikeria Prison” <corrections.govt.nz>.

⁹³ Department of Corrections, Letter in response to Official Information Act request, dated 16 September 2016, on file with the author.

⁹⁴ *Wiri*, above n 6, at [204]-[205].

⁹⁵ At [204].

⁹⁶ At [208].

⁹⁷ At [351].

⁹⁸ Intercity timetable IC6407 Auckland to Palmerston North <intercity.co.nz>.

⁹⁹ Quigley and Watts Ltd, above n 37, at 9.3.

This was believed to exacerbate the loss of connection with the prisoner's family/whanau, who are valued for their rehabilitation influence and role in reintegration following prisoner release.

95. The lack of reintegration and rehabilitation programmes, poor healthcare, and lack of training provided to Māori prisoners as well as the limited capacity of Māori Focus Units, means that the proposed prison is unlikely to meet the Treaty principle of active protection.
96. In *Friends and Community of Ngawha v Minister of Corrections*,¹⁰⁰ Ngawha prison was opposed by local iwi. The High Court (later affirmed by the Court of Appeal) citing the Privy Council in *McGuire*, held that while the RMA does not require absolute protection, if there was a reasonably acceptable alternative that did not significantly impact Māori, that alternative should be preferred.¹⁰¹
97. There are many alternatives available to Corrections rather than building the proposed prison in the usual manner. Some alternatives include: smaller local prisons and open prisons; full access for every prisoner to Māori Focus Units, Drug Treatment Units and other rehabilitative measures. Corrections merely explored an expansion of three current prisons, to be run in the same way, without additional mitigation and without giving consideration to the adverse effects on prisoners. A 'business as usual prison' cannot meet the requirements of sustainable development under the RMA and therefore Corrections must find alternatives.
98. The RMA contains strong directions that sustainable development should take account of the Māori concepts of kaitiakitanga, taonga and Māori culture and traditions. The principles of the Treaty of Waitangi, including active protection, must also be taken into account. The emphasis on these concepts aligns with the definition of environment as including people and communities and the social, economic and cultural conditions which affect those communities and supports the Māori worldview that people are a part of the environment.
99. The use and development of a new prison must be done in a way which avoids, remedies, or mitigates any adverse effect on the environment. It would appear that Corrections is not doing enough to avoid, remedy, or mitigate the adverse effects on Māori prisoners and their whanau. Where steps are taken, the resources are limited and cannot meet the needs of

¹⁰⁰ *Friends of Ngawha*, above n 60.

¹⁰¹ At [55].

most prisoners. This means that there is no situation under a 'business as usual' prison, where the majority of prisoners will even have the adverse effects of their imprisonment mitigated. Corrections needs to provide substantive changes to the 'business as usual' model of imprisonment if it is to meet the purpose of the RMA.

Submission 3
Waipa District Council



Section 96 of the Resource Management Act 1991

To (hard copy or post):

Otorohanga District Council

c/- Rice Resources Limited, PO Box 431, Waikato Mail Centre. Hamilton 3240 Attn: Steve Rice

Or email this submission to Council at: info@riceres.co.nz

Or fax this submission to Council at: (07) 846 5269

RECEIVED ON

25 MAY 2017

Submissions close at 5pm on 25 May 2017

Name of submitter: **Waipa District Council to The Notice of Requirement for the Waikeria Prison Expansion**

Select one:

I am/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Select one:

I am/am not directly affected by an effect of the subject matter of the submission that-

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

My submission is:

Support parts or all of ☒ **Oppose** parts or all of ☐ **are neutral** parts or all of ☐

Include –

- **Reasons for my submission are:**

The Waipa District Council (Council) supports the proposal as submitted and notes:

1. The Council and the Department of Corrections and its consultants have engaged in useful and productive discussions with regards to the proposal.
2. The Council understands the impact and the opportunities for the community that the proposal creates for residential development and businesses.
3. The Council has agreed to accept wastewater from the site into its wastewater network for treatment and discharge.
4. The impact of additional traffic on the Waipa district transportation network has been addressed with the Department of Corrections in conjunction with NZTA.



I seek the following recommendation from the Council on the Notice of Requirement: (give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought)

That the requirement is supported.

Have you attached additional pages? YES / NO (circle correct response)

If Yes (above) how many pages _____

Hearing:

☒ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)

☒ If others make a similar submission I will consider presenting a joint case with them at the hearing.

☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

☒ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

Signature:

Signature of submitter: _____ Date: 25 May 2017

(or the person authorised to sign on behalf of submitter)

Garry Dyet
Chief Executive
Waipa District Council

Notes to submitter:

- You must serve a copy of your submission on the Minister of Corrections as soon as reasonably practicable after you have served your submission on the consent authority. The address for service is Boffa Miskell Ltd, P O Box 91250, Auckland 1142—Attention: Sharon Dines (Email: Sharon.dines@boffamiskell.co.nz)
- If you make your submission by electronic means, a signature is not required.
- For more information on making a submission please refer to the website: www.mfe.govt.nz
- Note that your submission is public information and will be subject to release under the Local Government Official Information and Meetings Act 1987.

Privacy Information

The above information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public register and held by the Councils, and may also be made available to the public on the Council's website. In addition, any ongoing communications between you and the Councils will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the relevant Council.

Please ensure following submitter details are completed.

Submitter details required for administrative purposes *(this page must be completed)*:

Name of submitter: Waipa District Council

Postal address for service: Private Bag 2402, Te Awamutu 3840

Phone: 0800 924 723

Email: info@waipadc.govt.nz

Contact person: Richard Bax

Submission 4
NZ Transport Agency

**NZ TRANSPORT AGENCY SUBMISSION ON THE NOTICE OF REQUIREMENT BY THE MINISTER OF
CORRECTIONS FOR THE PROPOSED WAIKERIA PRISON CAPACITY INCREASE**

In accordance with Section 96 of the Resource Management Act 1991

TO: Otorohanga District Council
PO Box 11
ŌTOROHANGA 3940

RECEIVED ON

15 MAY 2017

ATTENTION: Steve Rice

SUBMITTER: NZ Transport Agency
PO BOX 973
Waikato Mail Centre
HAMILTON 3240

ATTENTION: Lana Gooderham

Introduction

This submission relates to the Notice of Requirement (NoR) for the alteration of Designation D55 in the Otorohanga District Plan for the purpose of authorising the construction, operation and maintenance of prison facilities and prison infrastructure to provide for up to 3,000 prisoners at Waikeria Prison, located at the end of Waikeria Road. The current designation allows for a maximum of 1,250 prisoners.

The NZ Transport Agency's Role

The NZ Transport Agency (the Transport Agency) is a Crown entity with the sole powers of control for all purposes of all state highways. The Transport Agency is also a significant investor in the local road network. The Transport Agency's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003 (LTMA), and the Government Roading Powers Act 1989 (GRPA). The statutory objective of the Transport Agency is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest¹.

¹ LTMA Section 94

The Transport Agency has an interest in the application as the road controlling authority for State Highway 3 (SH3), and as co-investor in the local road network with Waipa and Otorohanga District Councils. The proposed expansion of Waikeria Prison will result in significant additional traffic on the transport network, including SH3.

The Transport Agency's Submission

The Minister of Corrections has given notice to the Otorohanga District Council pursuant to Section 181 of the Resource Management Act 1991 (RMA) to alter Designation D55 in the Otorohanga District Plan which relates to Waikeria Prison. This alteration will provide for the construction, maintenance and operation of prison facilities for up to 3,000 prisoners. The existing prison is located at the end of Waikeria Road, approximately 16km south of Te Awamutu (in Otorohanga District). Waikeria Road connects with SH3 at an existing intersection approximately 3km south of Kihikihi (in Waipa District).

Traffic Increase

As part of the NoR process, a Transportation Assessment was commissioned by the Department of Corrections (the Department) to consider the effects of the prison expansion on the local roading network and the state highway. It is anticipated that prison-related traffic will increase from 716 vehicles per day (vpd) to 2,800 vpd. Peak hour traffic will increase from 100 vehicles per hour (vph) to 470 vph. To mitigate the effect of the additional traffic, the Transportation Assessment recommended mitigation measures which include upgrades and works on the local roading network, as well as an upgrade to the SH3 / Waikeria Road intersection and implementation of a monitoring condition. The Department has been in discussions with the Transport Agency and Waipa District Council (WDC) in relation to the upgrade of the SH3 / Waikeria Road intersection.

SH3 / Waikeria Road Intersection

The SH3 / Waikeria Road intersection is an existing 'Give Way' intersection, located approximately 3km south of Kihikihi. A key concern for the Transport Agency is the existing sightlines at the intersection. The Transportation Assessment measured sightlines from the intersection northwards at 180m, which is below the 262m requirement in accordance with Austroads (the accepted design guide for intersections in New Zealand). The sightline for right turns from SH3 was measured at 220m, a deficiency of 42m. The existing safety concerns with the intersection are likely to be exacerbated with the increase in prison traffic, particularly as it is anticipated that a significant portion of the traffic will be turning right out from Waikeria

Road onto SH3 when exiting the site. The Transport Agency has emphasised the critical importance of improving sight distances at the intersection throughout the consultation process.

Proposed Intersection Design

To mitigate the potential adverse effect on safety, the Transportation Assessment included a proposed design for the intersection, measures to improve sight distances, and a proposed monitoring condition. The Transport Agency identified concerns with the proposed design, including ongoing deficiencies in sight distances.

As a result of further discussions between the Department and the Transport Agency, it was agreed that the Department would undertake further investigation into alternative options. It was identified that a superior outcome could be achieved by acquiring additional land to the south of the intersection and/or opposite the intersection. This additional land would allow for alternative designs that would enable a safer intersection layout and would address deficient sightlines.

The Transport Agency understands that the Department has commenced negotiation/investigation into acquiring the additional land (currently in the ownership of AgResearch). The Transport Agency has similarly commenced internal discussions regarding the potential vesting of any additional land with the Crown for roading purposes and any steps required to facilitate/enable this.

The Transport Agency has acknowledged that due to the proposed land acquisition, the required upgrade to the intersection may take longer than originally anticipated; and that this shouldn't delay the overall project. It is considered that temporary traffic management measures could be put into place to allow for the safe entry and exit of traffic until such time that the intersection improvements are complete.

Memorandum of Understanding

At the time of writing this submission, investigations into alternative intersection designs as preferred by the Transport Agency are ongoing. The Department has indicated its commitment to achieving an appropriately safe outcome. The Department and the Transport Agency have agreed to enter into a Memorandum of Understanding (MoU) recording the ongoing commitment of both parties to working together to this end. The purpose of this MoU is to clearly set out the options for the intersection improvement, the processes through which the chosen option will be pursued, and the implementation of the chosen option.

Decision Sought

The Transport Agency seeks that the Otorohanga District Council **confirms** the alteration to Designation D55 as sought, and **includes** the following conditions (or conditions to similar effect):

- 1. The requiring authority shall upgrade the intersection of SH3/Waikeria Road to accommodate the additional traffic generated as a result of the prison expansion, including specifically improving sightlines towards meeting relevant Austroads standards. Detailed design, including comments from the NZ Transport Agency as road controlling authority, shall be submitted to Otorohanga District Council for approval prior to construction.*
- 2. A traffic management plan shall be prepared by the requiring authority and approved by Otorohanga District Council, in consultation with Waipa District Council and the NZ Transport Agency, prior to construction commencing, outlining temporary traffic management measures to be employed during construction and until such time as the upgrade of the SH3/Waikeria Road intersection in Condition 1 is completed.*


The Transport Agency **does** wish to be heard in support of this submission.

The Transport Agency **does not** wish to present joint evidence.

A copy of this submission has been served on the applicant.



Signed by Jenni Fitzgerald
Under delegated authority for
The NZ Transport Agency



Date

Submission 5

Fish & Game New Zealand



RECEIVED ON

25 MAY 2017

To: Otorohanga District Council

Submitter: Fish and Game New Zealand, Auckland/Waikato Region.

Submission on: Waikeria Prison Expansion Project

Notice of Requirement authority: Minister of Corrections

Our submission is that;

1. Fish and Game is a statutory body established under the Conservation Act (1987): to manage, maintain and enhance the sports fish and game bird habitat resource in the recreational interests of anglers and hunters (s26Q(1)); to assess and monitor the conditions and trend of ecosystems as habitats for sports fish and game (s26Q(1)(a)); and to represent the interests and aspirations of anglers and hunters in the statutory planning process (s26Q(1)(e)).
2. The Otorohanga and Waipa Districts (the upper reaches of the Waipa River) offer a mosaic of streams, rivers and farm dams that provide habitat for waterfowl. Rivers are common throughout both districts offering abundant rainbow trout populations in generally clear water and providing locally and regionally important recreational fisheries. The headwaters of the Waipa River contain numerous excellent fisheries including the Upper Waipa River, Puniu River and Mangatutu Stream. Many of the tributaries of the Waipa River, including the Mangapiko Stream, provide significant trout spawning and juvenile trout rearing habitat for the Waipa and lower Waikato Rivers.
3. Decreasing contaminant and nutrient loadings to these water bodies should be a priority to ensure that the life supporting capacity, biodiversity and recreational values of these areas are safeguarded.



4. The Notice of Requirement ("NoR") for the alteration to the designation fails to adequately assess the adverse effects on the environment, including cumulative effects. The NoR states that the Department of Corrections has entered into an agreement with Waipa District Council to transfer the domestic wastewater from the existing and proposed facilities on the site to the municipal wastewater treatment plant at Te Awamutu. Of concern to Fish and Game is that the treatment plant at Te Awamutu, which discharges into the Mangapiko Stream, is in a declining state. We are concerned that the treatment plant has not been shown to have capacity to deal with the increased wastewater coming from the prison. There is a reasonable risk that this will result in increased pressure on the Mangapiko Stream through the discharge from the Te Awamutu plant. There is no assurance in the NoR on how the treatment plant will cope with this increase in wastewater.
5. According to the Waipa District Council's 'Wastewater Treatment and Disposal Management Plan' the treatment plant's resource consent for the discharge into the Mangapiko Stream expired in 2015 and from our understanding is yet to be renewed. It further states that the plant was last upgraded in 2004 and is set to be upgraded again but is not specific about when; only sometime "between 2017 and 2022".
6. Under s 15 of the Resource Management Act no person shall discharge a contaminant into water unless expressly allowed by a resource consent. We consider that the Department of Corrections has no authority to transfer the wastewater from the prison to the treatment plant to be discharged into the Mangapiko Stream, when the resource consent for that discharge has expired.
7. The position in the NoR, in assuming the Te Awamutu treatment plant can cope with the increased wastewater from the prison even though it's resource consent for discharge has expired and the plant itself is due for an upgrade, fails to adequately address cumulative effects. If this stance were accepted for every entity proposing to transfer their wastewater to a treatment plant that cannot cope with it, it is difficult to see how any water quality improvements would ever be realised within the catchment.



8. The increase in the discharge of contaminants into the Mangapiko Stream, from a treatment plant that is not designed or legally able to cope with processing them, would be contrary to the National Policy Statement for Freshwater Management 2014, the Waikato Regional Plan, the Waikato Regional Policy Statement and the Maniapoto Iwi Environmental Management Plan. A universal theme throughout all of these policies and plans is an improvement in water quality from current state, with particular emphasis on catchments that are over allocated in both quality and quantity.
9. We consider that the NoR fails to adequately apply Part 2 of the RMA by addressing how the life supporting capacity of air, water, soil and ecosystems will be safeguarded and how any adverse effects on the environment will be avoided, remedied or mitigated. The NoR fails to adequately address matters of National Importance (s6.a) and other matters including the protection of habitat of trout (s7.h) of the Resource Management Act.
10. It is our view that the NoR in its current form is contrary to the purpose of the Resource Management Act and is not capable of passing the test in section 171 of that Act which requires the territorial authority, when considering a requirement, to consider the effects on the environment subject to Part 2 of the Act. The unaddressed adverse environmental effects including cumulative effects of the proposed transfer of discharge to the Mangapiko Stream are contrary to provisions of the Regional Policy Statement, Regional Plan, and the National Policy Statement for Freshwater.
11. Finally Fish and Game are concerned about a lack of public access to the Mangatutu Stream. Public can currently drive through the prison to the Mangatutu River but it is technically off limits for hunters and anglers. The maintenance and enhancement of public access to and along rivers is a matter of National Importance under s6 of the Resource Management Act. Further under the s17 of the Wildlife Act designated hunting areas include all that area contained within a distance of 100 metres from the margin of



any waters together with the area covered by those waters. Hunters and anglers should be able to access the Mangatutu River as a hunting area.

12. We request that the proposal to have the wastewater from the prison transferred to the Te Awamutu wastewater treatment plant be withdrawn. Any subsequent proposal must show how increased contaminant discharge into the Mangapiko from the Te Awamutu waste water treatment plant will be addressed. We further request that public access, including for hunters and anglers, to the Mangatutu Stream that runs through prison ground but outside the proposed current secure area, be provided for in the designation.

We wish to be heard in support of our submission

Dated at Auckland, this 25th day of May, 2017.

Mischa Davis

Environmental Officer

Auckland/Waikato Fish and Game Council

Submission 6

Raukawa Charitable Trust

25 May 2017

Otorohanga District Council
c/- Rice Resources
PO Box 431
Waikato Mail Centre
Hamilton 3240

RECEIVED ON

25 MAY 2017

Tēnā koutou,

NOTICE OF REQUIREMENT – MINISTER OF CORRECTIONS – WAIKERIA PRISON EXPANSION PROJECT

1. INTRODUCTION

- 1.1 The Raukawa Charitable Trust (the **Trust**) has received a copy of the notice of requirement from the Minister of Corrections to Otorohanga District Council (the **Council**) for an alteration to designation D55 in the Otorohanga District Plan for the construction operation and maintenance of facilities and infrastructure to accommodate up to 3000 prisoners at Waikeria Prison. The assessment and conclusions below are the Trust's submission on the notice of requirement.
- 1.2 The Trust's comments are based on the implications of the proposal as it relates to the Raukawa takiwā, the health and wellbeing of the Waikato River, as well as the environmental, social, and cultural interests and aspirations described in relevant statutory documentation. The Trust seeks to have its views recognised and provided for as part of the decision making process.

2. RAUKAWA

- 2.1 Raukawa is a large iwi associated with significant areas of interest and association in the central north island that is rich in natural and cultural heritage. The Raukawa takiwā is represented by four traditional rohe: Te Pae O Raukawa, Wharepūhanga, Maungatautari and Te Kaokaoroa O Pātetere. These four areas include Mōkai, Atiamuri, Whakamaru, Mangakino, Tokoroa, Putāruru, Tirau, Tapapa, Matamata, Kēmureti, Kihikihi and Te Awamutu.
- 2.2 The Raukawa Settlement Trust (RST) represents 16 marae and was formed in 2009. RST is the post settlement governance entity which received and manages settlement assets. The Trust represents Raukawa as the iwi authority for resource management purposes. RST has delegated responsibility for the management of environmental and resource management activities to the Trust.
- 2.3 The Crown has acknowledged the relationship between Raukawa and the Waikato and Waipā Rivers through the signing of the Deed in Relation to a Co-Management Framework for the Waikato River in December 2009, the enactment of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, the signing of the Raukawa Deed of Settlement of Historic Claims in June 2012, the

signing of the Supplementary Deed to the Raukawa Deed of Settlement in June 2013, and the enactment of the Raukawa Claims Settlement Act 2014.

3. WHAREPŪHUNGA ROHE

- 3.1 Waikeria Prison is located in the Wharepūhunga rohe. Raukawa have a long association with the whenua and awa of Wharepūhunga. It is of particular significance as it is one of the pou whenua that signify the ancestral lands of the iwi. As a child Raukawa was raised in the area and his subsequent descendants maintained their ahikaroa to the rohe.
- 3.2 The Wharepūhunga block has a number of water-ways that are important to Raukawa including the Pūniu River and its tributaries, over which Raukawa have a statutory acknowledgement. Settlements active in the mid to late nineteenth century included Wharepapa, found to the east of the bush-covered peak Taurangakohu, near the Mangatutu Stream.
- 3.3 There are four Raukawa Marae located within the Wharepūhunga rohe: Whakamārama, Pārāwera, Rāwhitiroa/Owairaka, and Aotearoa. Whakamārama, Pārāwera, and Rāwhitiroa/Owairaka are located within 6km of the prison. Part of the land the prison occupies was Raukawa land, which was confiscated under the Public Works Act 1981 for a reformatory farm in the early 20th Century. A number of sites of cultural significance are located within the designation boundary.

4. RAUKAWA POSITION

- 4.1 The Trust has engaged and continues to engage with the Minister and Department of Corrections on the regulatory and policy environment which has resulted in increases in the prison population and high rates of Māori imprisonment. In addition, the Trust has engaged and continues to engage with the Department of Corrections specifically on the Waikeria Prison Expansion Project.
- 4.2 While the Trust does not support an increasing prison population, the Trust recognises that current imprisonment levels necessitate the Waikeria Prison Expansion Project. However, the Trust considers that the designation should only be confirmed subject to conditions that address the adverse cultural and environmental effects of the designation.
- 4.3 In particular the Trust seeks that:
- Wastewater discharges to the Waikeria Stream/Pūniu River cease and wastewater is reticulated to the Te Awamutu wastewater treatment plant;
 - Culturally significant sites and wahi tapu within the designation are protected;
 - Māori design principals are incorporated into the prison expansion design;
 - A protocol is established recognising the Raukawa relationship with the whenua through the expression of tikanga and kawa at milestones of the project;
 - A forum is established for continued liaison with Raukawa and other iwi;
 - Raukawa are involved in any renaming of the site;
 - Stream and wetland restoration, including pest control, is undertaken;
 - An accidental discovery protocol is in place during all earthworks;
 - Contaminated sites within the building platform are remediated;
 - A riparian revegetation plan, including pest control, be prepared and then implemented as part of the prison farm operations;

- 4.4 The Trust looks forward to continued engagement with the Department of Corrections on the project and to discussing with the Department and Council how to best address these matters. This submission is made to ensure the Trust's views are recognised in the statutory notice of requirement process. It does not detract from the ongoing relationship of the Trust with the Minister and Department of Correction.

5. STATUTORY CONSIDERATIONS

TE TURE WHAIMANA O TE AWA O WAIKATO – VISION AND STRATEGY FOR THE WAIKATO AND WAIPĀ RIVERS

- 5.1 Te Ture Whaimana o te Awa o Waikato (Te Ture Whaimana) is the primary direction setting document for the Waikato and Waipā Rivers and activities within the catchment affecting the rivers. The area that Te Ture Whaimana applies to is the Waikato River from Huka Falls to Te Puuaha o Waikato and the length of the Waipā River to its junction with the Waikato River.
- 5.2 Te Ture Whaimana has the status of a national policy statement and prevails over any inconsistent provision in any other national policy statement, national environmental standard, or water conservation order developed under the RMA. It is a matter that Council must have particular regard to under section 171(1) of the Resource Management Act 1991 (the RMA) when considering the notice of requirement.
- 5.3 Te Ture Whaimana sets out a suite of objectives and strategies for the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers for current and future generations. Of particular relevance are the following objectives:
- *“Objective A - The restoration and protection of the health and wellbeing of the Waikato River.*
 - *Objective C - The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.*
 - *Objective E - The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.*
 - *Objective H - The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.*
 - *Objective K - The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.”*

TE RAUTAKI TAIAO A RAUKAWA – RAUKAWA ENVIRONMENTAL MANAGEMENT PLAN

- 5.4 Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan (**Te Rautaki Taiao**) is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. It has been prepared by the Trust on behalf of ngā uri o Raukawa.
- 5.5 The overall purpose of Te Rautaki Taiao is two-fold. Firstly, it provides a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of our environment. Secondly, it is a living and practical document that will assist Raukawa to proactively and effectively engage in and shape current and future policy, planning processes, and resource management decisions.

- 5.6 The sections of Te Rautaki Taiao considered to be most relevant to this application are Section 2.1 Water - Wai, Section 2.2 Land – Whenua and Section 2.5 Cultural Landscapes and Taonga - Ngā Wāhi Tūturu me ngā Taonga Tuku Iho. Some of the relevant provisions and objectives and methods from these sections are set out below. The Trust seeks that Te Rautaki Taiao and the specific provisions above be considered and addressed as part of this application as a relevant matter under section 171(1)(d) of the RMA.
- 5.7 Section 2.1 emphasises that Raukawa consider that water is not separate from people, is not separate from its surrounds. It cannot be separated, or assessed in isolation, from the environment as a total entity.
- 5.8 Raukawa regard all water as a connected and living entity, including: constituent parts (i.e. surface, banks, bed, flood plains etc), intrinsic values, and meta-physical being. Freshwater is essential to the physical, social, cultural, environmental, and economic wellbeing of Raukawa. The Raukawa rivers, groundwater, lakes, and wetlands have provided our people with food, spiritual nourishment, cleansing, modes of transport, and communication as well as medicinal, building, and weaving materials.
- 5.9 Water is a sensitive and complex taonga that Raukawa has a duty to respect, protect, and restore. Raukawa mana whakahaere is balanced by the inherent responsibilities that come as guardians of waterbodies. This places the expectation that each generation will leave the waterbodies in a healthy and balanced state for future generations.
- 5.10 The objectives of Section 2.1 are that:
- *The mana and mauri of water is safeguarded for present and future generations.*
 - *The Raukawa kaitiaki relationship with our waters is respected, enhanced, and supported.*
 - *The health and wellbeing of the Waikato, Te Waihou, and the Upper Waipā River and their catchments are restored and protected.*
- 5.11 Section 2.2 of Te Rautaki Taiao addresses Land – Whenua. The objectives for land are that:
- *The whenua across our takiwā is healthy and resilient.*
 - *Our relationship with Papa-tū-ā-nuku is reflected both in her health and ours.*
 - *Land use activities align with land use capability to protect long term soil health.*
 - *Sustainable farming reduces environmental footprint whilst optimising profit.*

STATUTORY ACKNOWLEDGEMENT - PŪNIU RIVER AND TRIBUTARIES

- 5.12 Raukawa have a special relationship with the Pūniu Awa and its tributaries, particularly that part of the awa located in the Wharepūhunga Block. This includes the source of the Pūniu and tributaries such as the Mangatutu. This relationship has been recognised by the Crown by means of a Statutory Acknowledgment in the Raukawa Claims Settlement Act 2014.
- 5.13 For over 600 years, Raukawa have held that the mauri of the Pūniu Awa and the mauri of Raukawa are inextricably linked. The Pūniu Awa is a taonga to Raukawa. It is a whole and indivisible entity that flows from the punawai (source) of the Pūniu to Te Puaha o Pūniu (the mouth) and includes its water, banks, beds (and all minerals under them), and its streams, waterbodies, tributaries, lakes, aquatic life,

vegetation, flood plains, wetlands, islands, springs, water column, geothermal aspects, airspace and substratum as well as its metaphysical elements.

- 5.14 As tangata whenua within a region that the awa flows, the relationship Raukawa have with the awa is paramount. It includes the enhancement of tribal mana but also gives rise to the responsibilities to protect the awa, its mana and mauri. These responsibilities are woven within the customary assertion of mana whakahaere, which is encompassed within long established kawa and tikanga.
- 5.15 Raukawa continue to exercise customary rights and the responsibilities of kaitiakitanga in relation to the Pūniu Awa within the Raukawa rohe. The awa has provided a source of spiritual, cultural, social, and physical sustenance for the Raukawa people, and in turn, the role of kaitiaki embraces respect and an inter-generational responsibility.
- 5.16 In accordance with the principles of ahikāroa, many Raukawa marae and hapū are still located near the Pūniu Awa, including the Ngāti Puehutore marae of Whakamārama, the Ngāti Takihiu marae of Rāwhitiroa which sits at the confluence of the Ōwairaka stream and Pūniu Awa, the Ngāti Kiriupokoiti marae of Aotearoa and the Ngāti Werakoko marae of Pārāwera.
- 5.17 The Trust seeks that this statutory acknowledgement is considered and addressed as a relevant matter under section 171(1)(d) of the RMA.

6. ASSESSMENT OF PROPOSAL

- 6.1 The proposal is to amend the existing Waikeria Prison designation in the Otorohanga District Plan, which limits prisoner numbers to 1250, to provide for the construction, operation and maintenance of facilities to accommodate up to 3000 prisoners at Waikeria Prison.
- 6.2 Current facilities at the prison can accommodate approximately 650 prisoners. The Department of Corrections proposes the construction of a new facility for 2000 male prisoners with a commensurate upgrade in supporting infrastructure and facilities. It is proposed to leave a reserve capacity for 350 prisoners should that be required. The new facility will be designed, built and maintained by the private sector.
- 6.3 The Department of Corrections has issued a set of design parameters for the prison. It is considered that a number of these design parameters form key matters for inclusion as conditions of the designation.
- 6.4 The disposal of wastewater is one of these key matters. The current wastewater system discharges to the Mangatutu Stream after treatment. The Department of Corrections proposes that discharge to the Mangatutu Stream cease and that all wastewater from the site be piped to the Te Awamutu municipal system for treatment.
- 6.5 The Trust supports this solution as means of assisting in the achievement of the objectives of Te Ture Whaimana and Te Rautaki Taiao to restore and protect the health and wellbeing of the Waikato and Waipa Awa. The Trust seeks that the treatment of all wastewater from the Waikeria Prison facility by Te Awamutu Wastewater Treatment Plant be ensured as condition of the designation.
- 6.6 The cultural impact statement for the notice of requirement acknowledges Raukawa have mana whenua status in regard to the site. It identifies that part of the site was taken from Raukawa under

the Public Works Act, that four sites of cultural significance are known to exist within the designation area, and that there may be other culturally significant sites on the property. It also identifies that adverse effects arose from the original confiscation of the land but states that no further adverse effects arise from this as no further confiscation is proposed.

- 6.7 The Trust considers that the ongoing use of the confiscated land for a prison and the intensification and expansion of that use does give rise to ongoing adverse effects. The assessment of environmental effects and supporting documents identifies that the original ecology of the land and waterbodies has been degraded and largely lost although some remnant vegetation, habits and wetlands remain. This degradation and loss has adversely effected the Raukawa relationship with these taonga.
- 6.8 In order to address the Raukawa relationship with the lands, waters and taonga of the sites and the adverse effect of the proposal on that relationship the notice of requirement proposes a number of mitigating actions including that:
- Culturally significant sites and wahi tapu within the designation be protected. This includes the ongoing investigation of sites not yet identified to Corrections and Council. This includes the ongoing implementation of the Wahi Tapu Protocol with Te Kaumātua Rōpū O Waikeria.
 - Māori design principals be incorporated into the design parameters for the prison expansion.
 - A protocol be established recognising the Raukawa relationship with the whenua through the expression of tikanga and kawa at milestones of the project such as; turning the first sod, start of works, completion of buildings, occupation of the buildings.
 - An appropriate forum be established for continued liaison with Raukawa and other iwi.
 - Raukawa be involved in any renaming of the site.
 - Stream and wetland restoration, including pest control, be undertaken in mitigation for the loss of wetlands/streams in the building zone.
 - An accidental discovery protocol be in place during all earthworks.
 - Contaminated sites within the building platform be remediated.
- 6.9 The Trust supports the above measures and seeks that these measures form part of the conditions for the designation. In regards to a forum for continued liaison with Raukawa and other iwi the Trust acknowledges the work and value of Te Kaumātua Rōpū O Waikeria. The Trust seeks that in the establishment of a forum for liaison with iwi the respective role of that forum and the rōpū be acknowledged.
- 6.10 However, the Trust considers that additional mitigation is required to further assist in mitigation of adverse effects and the restoration and protection of the health of the awa and whenua. The Trust seeks that a riparian revegetation programme, including pest control, be developed for the site and undertaken as part of the prison operations. The Trust understands that this consist with Department of Corrections plans to establish a native plant nursery on the site.

7. CONCLUSIONS

- 7.1 Based on the assessment above the Trust considers that the notice of requirement only be confirmed subject to conditions that ensure:
- Wastewater discharges to the Waikeria Stream/Pūniu River cease and wastewater is reticulated to the Te Awamutu treatment plant;
 - Culturally significant sites and wahi tapu within the designation are protected. This includes the ongoing investigation of sites not yet identified to Corrections and Council as well as the ongoing implementation of the Wahi Tapu Protocol with Te Kaumātua Rōpū O Waikeria;

- Māori design principals are incorporated into the design parameters for the prison expansion;
- A protocol is established recognising the Raukawa relationship with the whenua through the expression of tikanga and kawa at milestones of the project such as; turning the first sod, start of works, completion of buildings, occupation of the buildings;
- An appropriate forum is established for continued liaison with Raukawa and other iwi;
- Raukawa are involved in any renaming of the site;
- Stream and wetland restoration, including pest control, is undertaken in mitigation for the loss of wetlands/streams in the building zone;
- An accidental discovery protocol is in place during all earthworks;
- Contaminated sites within the building platform are remediated;
- A riparian revegetation plan, including pest control, is prepared and then implemented as part of the prison farm operations.

7.2 The Trust looks forward to working with Department of Corrections and Council to resolve the Trust's concerns.

If you have any questions or queries concerning this submission, please contact Dave Marshall, Senior Planner, Pūtake Taiao at dave.marshall@raukawa.org.nz.

Nāku noa, na



Vanessa Eparaima
Chair
Raukawa Settlement Trust

cc. Minister of Corrections
C/- Boffa Miskell Ltd
PO Box 91250
Auckland 1142

Submission 7
Colleen Lolesi



Submission on Publicly Notified Notice of Requirement
Minister of Corrections – Waikeria Prison Expansion Project
Section 96 of the Resource Management Act 1991

To (hard copy or post):

Otorohanga District Council

c/- Rice Resources Limited, PO Box 431, Waikato Mail Centre. Hamilton 3240 Attn: Steve Rice

Or email this submission to Council at: info@riceres.co.nz

Or fax this submission to Council at: (07) 846 5269

RECEIVED ON

2 MAY 2017

Submissions close at 5pm on 25 May 2017

Name of submitter: Colleen Lolesi

Select one:

I am/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Select one if you are a trade competitor:

I am/am not direct affected by an effect of the subject matter of the submission that-

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

My submission is:

Support parts or all of ☐ **Oppose** parts or all of ☐ **are neutral** parts or all of ☐

Include –

- **Reasons for my submission are:**

I am aware any increase in traffic
will increase the traffic noise

Traffic flow is predicted to go from 716 vehicles
per day to 2800 vehicles per day

To reduce adverse impacts I would like the road to be
sealed with noise control consideration at the
intersection of SH 3 and Waikeria Rd.



I seek the following recommendation from the Council on the Notice of Requirement: *(give precise details including the parts of the application you wish to have amended and the general nature of any conditions sought)*

Have you attached additional pages? YES / NO (circle correct response)
If Yes (above) how many pages _____

Hearing:

- ☐ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)
- ☐ If others make a similar submission I will consider presenting a joint case with them at the hearing.
- ☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

- ☒ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

Signature:

Signature of submitter: L. M. Lolesi Date 8. 5. 17
(or the person authorised to sign on behalf of submitter)

Notes to submitter:

- You must serve a copy of your submission on the Minister of Corrections as soon as reasonably practicable after you have served your submission on the consent authority. The address for service is **Boffa Miskell Ltd, P O Box 91250, Auckland 1142 – Attention: Sharon Dines (Email: Sharon.dines@boffamiskell.co.nz)**
- If you make your submission by electronic means, a signature is not required.
- For more information on making a submission please refer to the website: www.mfe.govt.nz
- Note that your submission is public information and will be subject to release under the Local Government Official Information and Meetings Act 1987.

Privacy information

The above information you have provided on this form is required so that your submission can be processed under the Resource Management Act 1991. The information will be stored on a public register and held by the Councils, and may also be made available to the public on the Council's website. In addition, any on-going communications between you and the Councils will be held at Council's offices and may also be accessed upon request by a third party. Access to this information is administered in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. If you have any concerns about this, please discuss with a Council Planner prior to lodging your submission. If you would like to request access to, or correction of your details, please contact the relevant Council.

Please ensure following submitter details are completed.

Submitter details required for administrative purposes *(this page must be completed):*

Name of submitter: Colleen Lolesi

Postal address for service: 251 - 257 Otorohanga Rd. R.D. 4 Te Awamutu

Phone: 078717993 Mobile: 0221829033

Email: colleenlolesi@yahoo.com

Contact person: Colleen Lolesi

Steve Rice

From: Steve Rice [steve@riceres.co.nz]
Sent: Monday, May 8, 2017 5:51 PM
To: 'colleenlolesi@yahoo.com'
Subject: Waikeria Prison Expansion project- submission

Hi Colleen,
I note that we have received your submission.

It would be helpful if you could indicate:

Whether you support / are Neutral to/ or Oppose the proposed expansion, and
If you wish to appear/ or not at any hearings.

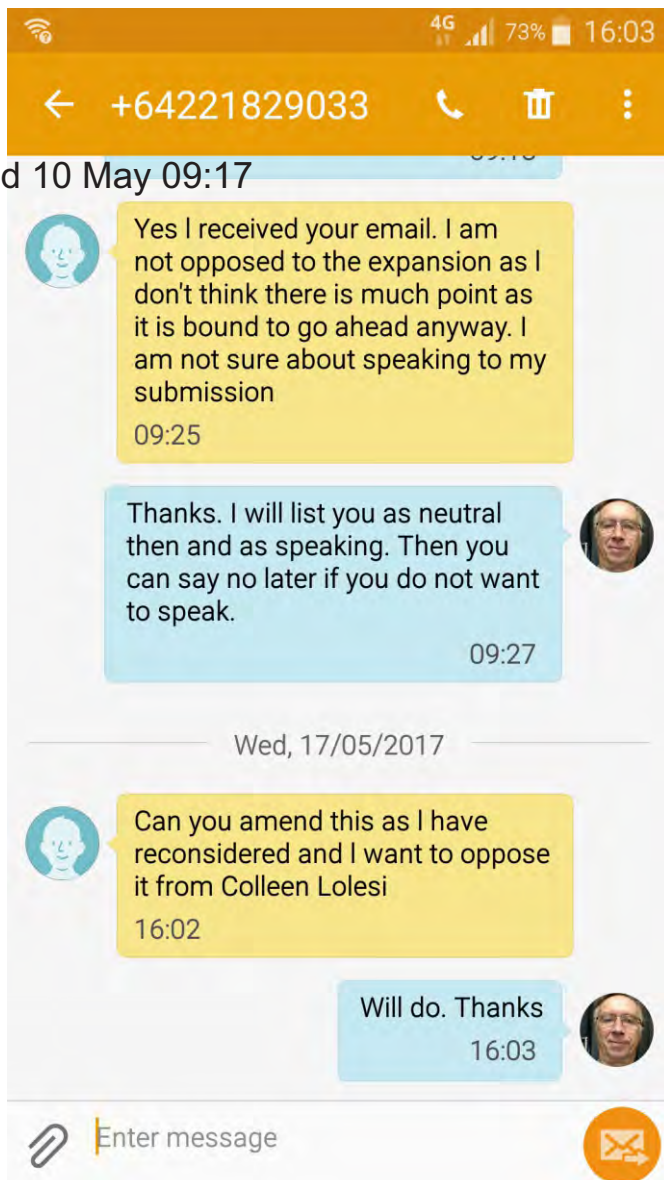
Many thanks for your assistance.

Kind Regards

Steve Rice (Rice Resources Ltd)

Mob: 0211912346. Office: 07 8465267. Fax 078465269
steve@riceres.co.nz (15MB Mail Box) www.riceres.co.nz
Courier: 2 Ayshire Drive, Grandview Heights, HAMILTON 3200 (New Zealand)
Mail: PO Box 431, Waikato Mail Centre, HAMILTON 3240 (New Zealand)

This communication is CONFIDENTIAL INFORMATION and is intended only for the persons named above. If this communication is not addressed to you, you must not use, read, distribute or copy this document. If you have received this document by mistake, please call us immediately (collect to the person and number above) and destroy this original message. Thank you.



Submission 8
James CM Parlane



Submission on Publicly Notified Notice of Requirement
Minister of Corrections – Waikeria Prison Expansion Project
Section 96 of the Resource Management Act 1991

To (hard copy or post):

Otorohanga District Council

c/- Rice Resources Limited, PO Box 431, Waikato Mail Centre. Hamilton 3240 Attn: Steve Rice

Or email this submission to Council at: info@riceres.co.nz

Or fax this submission to Council at: (07) 846 5269

Submissions close at 5pm on 25 May 2017

Name of submitter:

James C. M. Parlone

Select one:

I am/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Select one if you are a trade competitor:

I am/am not direct affected by an effect of the subject matter of the submission that-

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

My submission is:

Support parts or all of ☐ Oppose parts or all of ☒ are neutral parts or all of ☐

Include –

Reasons for my submission are:

This applicant is clueless and cannot be trusted to operate a prison. It tells lies, abuses its prisoners, fails to train its staff or offer remedial training to its prisoners. Its attitude lets it down and for many years it has failed to contain its prisoners who frequently escape.



Any Prison cannot expand as per these Plans without adversely affecting the environment. Even the various Ministers of the Crown

referred to the application as
replaced with "Have units" behind a line

I seek the following recommendation from the Council on the Notice of Requirement: (give precise details including the parts of the application you wish to have amended and the general nature of any conditions sought)

ent tub have been responsible for the ad other things
have been totally incompetent and have refused to
take more responsibility.
The proposal is not the best solution to the problem
at hand

Have you attached additional pages? YES / NO (circle correct response)

If Yes (above) how many pages

not yet

Hearing:



I do wish to be heard in support of my submission
(this means that you will speak at the hearing)



If others make a similar submission I will consider presenting a joint case with them at the hearing. No



I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.



I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

Signature:

Signature of submitter:

[Handwritten Signature]

Date

16/5/17

(or the person authorised to sign on behalf of submitter)

Notes to submitter:

- You must serve a copy of your submission on the Minister of Corrections as soon as reasonably practicable after you have served your submission on the consent authority. The address for service is **Boffa Miskell Ltd, P O Box 91250, Auckland 1142 – Attention: Sharon Dines (Email: Sharon.dines@boffamiskell.co.nz)**
- If you make your submission by electronic means, a signature is not required.
- For more information on making a submission please refer to the website: www.mfe.govt.nz
- Note that your submission is public information and will be subject to release under the Local Government Official Information and Meetings Act 1987.



Privacy information

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Please ensure following submitter details are completed.

Submitter details required for administrative purposes (this page must be completed):

Name of submitter: James Jules Morris Parlone

Postal address for service: PO Box 456 Te Hānau

Phone: 0273909233 Mobile: _____

Email: parlanej@xtra.co.nz

Contact person: Jim Parlone

Submission 9
Maniapoto ki Te Raki



Submission on Publicly Notified Notice of Requirement
Minister of Corrections – Waikeria Prison Expansion Project
Section 96 of the Resource Management Act 1991

To (hard copy or post):

Otorohanga District Council

c/- Rice Resources Limited, PO Box 431, Waikato Mail Centre. Hamilton 3240 Attn: Steve Rice

Or email this submission to Council at: info@riceres.co.nz

Or fax this submission to Council at: (07) 846 5269

RECEIVED ON

25 MAY 2017

Submissions close at 5pm on 25 May 2017

Name of submitter: HAROLD MANIAPOTO (FOR MKTR)

Select one:

~~I am~~ **XX** I am/am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Select one:

~~I am~~ I am not direct affected by an effect of the subject matter of the submission that-

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

My submission is:

Support parts or all of*** ☐ **Oppose** parts or all of** ☐ **are neutral** parts or all of ☐

Include – ****SOPPORT SUBJECT TO CONDITIONS, OTHERWISE OPPOSE****

- Reasons for my submission are:

SEE ATTACHED SUBMISSION



I seek the following recommendation from the Council on the Notice of Requirement: (give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought)

SEE ATTACHED SUBMISSION

Have you attached additional pages? YES / ~~NO~~ (circle correct response)

If Yes (above) how many pages _____

Hearing:

YES ☒ I do wish to be heard in support of my submission
(this means that you will speak at the hearing)

YES ☒ If others make a similar submission I will consider presenting a joint case with them at the hearing.

☐ I do not wish to be heard in support of my submission
(this means that you will not be advised of the date of the hearing and will not speak at the hearing)

You must tick one of the boxes above, otherwise it will be deemed that you do not wish to be heard and we will not advise you of the date of the hearing.

YES ☐ I have served a copy of my submission on the applicant.
(this is required by section 96(6) (b) of the Resource Management Act 1991)

Signature:

Signature of submitter:  Date 25 May 2017
(or the person authorised to sign on behalf of submitter)

Notes to submitter:

- You must serve a copy of your submission on the Minister of Corrections as soon as reasonably practicable after you have served your submission on the consent authority. The address for service is **Boffa Miskell Ltd, P O Box 91250, Auckland 1142 – Attention: Sharon Dines (Email: Sharon.dines@boffamiskell.co.nz)**
- If you make your submission by electronic means, a signature is not required.
- For more information on making a submission please refer to the website: www.mfe.govt.nz
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Please ensure following submitter details are completed.

Submitter details required for administrative purposes *(this page must be completed):*

Name of submitter: HAROLD MANIAPOTO (FOR MKTR)

Postal address for service: P.O. BOX 516

Phone: Mobile: 021 949 281 (Administrator - Valerie Ingley... v.ingley@teraki.nz

Email: h.maniapoto@teraki.nz

Contact person: Valerie Ingley - 021 949 281 - v.ingley@teraki.nz
..... Harold Maniapoto

BEFORE THE

Otorohanga District Council and Waipa District
Councils

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of a resource consent application for a "Notice of
Requirement" by the Minister of Corrections for
the Waikeria Prison Expansion Project

**SUBMISSION BY HAROLD MANIAPOTO ON BEHALF OF MANIAPOTO ki TE RAKI
REGIONAL HAPU CLAIMS FORUM CONCERNING THE "NOTICE OF
REQUIREMENT" FOR THE WAIKERIA PRISON EXPANSION PROJECT**

25 MAY 2017

ADDRESS FOR SERVICE:

V.Ingley; Administration

Maniapoto ki Te Raki (MKTR)

P.O. Box 516

TE AWAMUTU 3480

Email: h.maniapoto@teraki.nz

1.0 INTRODUCTION

- 1.1 My name is Harold Maniapoto, and I am Chairperson of the Maniapoto ki Te Raki Regional hapu claims Forum (MKTR) and I make this submission concerning a publicly notified Notice of Requirement by the Minister of Corrections for the Waikeria Prison Expansion Project (the Project) on behalf of myself, and the Maniapoto ki Te Raki Regional Hapu claims Forum (MKTR) representing the beneficially entitled descendant owners of the Waikeria lands exercising ahi kaa, Mana whenua and kaitiaki status over those interests, and
- 1.2 I reside at our ancestral customary whanau and hapu "Papakainga" at 107 Waikeria Road, Te Awamutu. All our whanau were born here and raised on the lands and I am resident kaitiaki of those lands some 70 years later in keeping with the customary and cultural principles guaranteed by Te Tiriti o Waitangi.
- 1.3 MKTR represents the customary and traditional interests of the beneficially entitled descendants owners of the Tokanui Block lands taken under the Public Works Act for a Mental Hospital and Reformatory farm purpose in 1910, of which the Waikeria prison is part.
- 1.4 MKTR is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
- 1.5 MKTR is the body established in 2007 to represent the various Maniapoto Treaty of Waitangi hapu and claimant communities, within the northern region of the Ngati Maniapoto Tribal District based in the Waipa and Otorohanga Districts.
- 1.6 MKTR, along with other hapū communities exercise Hapu ahi kaa Mana Whenua authority over the Waikeria Prison site.
- 1.7 MKTR has been engaged in consultation with the Department of Corrections since 9 December 2016 regarding the proposed expansion of Waikeria Prison. The parties have had five meetings and expect further engagement regarding the development to continue until construction of the new facility is fully completed.
- 1.8 In May 2017 MKTR entered into a Memorandum of Understanding with the Department to confirm the manner in which this engagement would occur. The engagement process includes fortnightly meetings to continue to discuss matters of concern to MKTR.
- 1.9 MKTR has observed since 1988, when Waikeria was a small sized borstal come minimum security men and women's facility with little likelihood of serious expansion. However, the last decade and half has seen some quite dramatic changes occur with the closure of the women's faculty and the lifting of security risk status to the prison overall from a mere boys borstal to a high security facility to cater for some 4000 plus inmates, staff, and support personnel.
- 1.10 MKTR have a number of serious concerns with the expansion of Waikeria to a 3,000 inmate capacity facility under the Notice of Requirement application lodged by the Minister for Corrections for "the Project" and make this submission on behalf

of our hapu, whanau, tamariki, and mokopuna who are, or will be, the successor generation owners of these lands forever in the future.

2.0 AFFECTED PARTY STATUS

- 2.1 Due to the direct customary and traditional interests of MKTR member whanau and hapu in the Waikeria lands, and the direct adverse effects associated with it to their customary and traditional Treaty of Waitangi ahi kaa rights, we submit that MKTR and related whanau and hapu are an affected party to this application.
- 2.2 We wish these adverse effects to be remedied, mitigated or removed as a condition of the application for requirement approval.

3.0 CONCERNS AND ISSUES

- 3.1 Notification documentation has provided a number of complex technical reports identifying and assessing environment issues likely to have detrimental effect on the natural environment "Prison Alternative Site Assessment". Sect. 5.1.1. (p8)
Effects: states as follows.....

The potential environmental effects that are considered relevant when assessing the potential alternative sites are:
- 3.2 The issues of concern to MKTR include:
 - 1) . Social effects: The potential social impacts of the proposal including the influx of families into the region over the next three years, competition for accommodation, impact on social and health services and educational services.
 - 2) Maori cultural effects:
 - including the protection of wāhi tapu, archaeological sites and other sites of significance
 - Protocols to be implemented to enable the expression of tikanga and kawa
 - 3) Heritage/archaeological effects
 - 4) Ecological effects:
 - Potential ecological effects and mitigation
 - 5) Landscape and Visual effects
 - Potential landscape and visual effects
 - 6) Economic effects Economic effects including opportunities for employment
 - 7) Lighting and glare effect
 - 8) Traffic effects
 - 9) Noise effects
 - 10) Water and wastewater effects:

- Protection of the Puniu River and potential sediment and erosion effects
 - Avoiding the direct discharge of treated wastewater to the Puniu River catchment
 - Potential positive and negative effects of water supply and wastewater treatment options
 - Preparation of a cultural impact assessment for the wastewater pipeline
- 3.3 Further to these, the following were additional concerns that were raised by the MKTR community...
- 11) Consultation
 - 12) Local Authority cross-boundary clarity
 - 13) Design considerations:
 - Inclusion of Maori design principles in the design of the prison facilities
 - Inclusion of drug addiction and mental health care and treatment facilities
- 3.4 MKTR submits that these, and other concerns identified by MKTR will, or will likely to, have or cause, significant adverse and detrimental effect on their rights and interests as a result of this application.

REMEDY, MITIGATION AND REMOVAL OF CONCERNS AND ISSUES FROM ADVERSE EFFECTS

- 3.6 MKTR submits that a condition of the Requirement be included to require the applicant to formally engage with the submitter/submitters at every stage of "the Project" to agree remedy, mitigate or removal actions/outcomes for the adverse effects of the application including but not restricted to all the matters identified by Para 3 above.
- 3.7 Subject only to the inclusion of the above conditions will the submitters agree to support the application.

4.0 CONSULTATION

- 4.1 Of particular concern is the time it took for consultation with mana whenua groups such as ourselves to be established. The consequence being that, due to the sheer magnitude and complexity of the project, the consultation period did not provide for individuals or groups such as MKTR, to be able to adequately identify, address, or be adequately consulted on resolution for all the concerns and issues caused, or likely to be caused, by the expansion of the Waikeria Prison,
- 4.5 Consequently, submissions could not be provide full particulars and details of concerns and issues, let alone provide appropriate or robust, remedy, mitigation, or relief for those effects.
- 4.6 A further concern was the apparent lack of clarity between cross-boundary authority responsibilities and engagement with affected parties before notification and closure of submissions. For example, in the case of this submission I was only able to

arrange to talk with a local body about the application only two days before submissions closed, and that meeting could not take place until a day after closure.

5.0 PARTICULAR CONCERNS – WAIKERIA ROAD TRAFIC

- 5.1 MKTR supports the particular concerns of the Harold Maniapoto Whanau submission concerning the significant adverse effects of the traffic density increases on Waikeria Road, and borne out by a statement from the Economic Report. Sect 4.2.2, p11.headed ... **Recruitment – Permanent Prison Staff/Workforce**

"The prison expansion will require the employment of approximately 595 custodial staff, 335 prison support staff for a total of 930 workers both permanent and temporary to provide for the Waikeria expansion alone"

- 5.3 MKTR supports that submissions synopsis of the obvious outcome of that increase where he states, "this means that as the project builds to full compliment by 2021, the influx of workforce individuals and their families into the immediate and surrounding area will place considerable stress on the existing community services in the surrounding areas including, traffic volumes, accommodation, housing, health and disability/mental health services, social and community services."
- 5.4 His whanau have experienced steadily increasing traffic volume and build-up over the last 29 year period but despite the material impact being considered tolerable at best, have tolerated it in silent and inevitable inconvenience.
- 5.5 However, the Notice of requirement has proposed an increase of inmate beds to accommodate some 3,000 beds, plus a further 900-1,000 staff and support service personnel. This will have significant impact of traffic volumes and density for at least three peak shift-change times per 24 hour day. The impact of Traffic volumes on Waikeria road will become unbearable to the both short and long term resident communities living and earning a living on or along the Waikeria Road.
- 5.6 The Traffic Report recommends that the Waikeria Road be the main traffic access and egress route for the Waikeria prison. This means that Waikeria will be subject to constant two-way traffic every day and night
- 5.7 The particular section of Waikeria Road that is the subject of this section of the submission falls within the Waipa District.
- 5.8 Waikeria Road is a typical rural road with no special passing capability or other better traffic management facilities along its entire length, with farms and some 20-30 homes along its length from State Highway 3 to the Waikeria Stream bridge where it enters Waikeria Prison property.
- 5.9 Current prison and rural traffic has turned this rural road into a very busy transit road with some 1600 prison vehicle/days traffic density plus normal residential and agricultural traffic.
- 5.10 They submit that the current traffic volume is in a "tolerable state" at this level and any major increase to current volumes will push it beyond that tolerable state comfort zone into a "stressed state" non-comfort zone.

- 5.11 With the increase in inmate numbers from the current approx 600 inmates to 3,000 inmates it is expected that permanent and service staff will increase from the current 2-300 to approx 1,300 inside the next three years. Accordingly the traffic on Waikeria Road would also increase some two to three-fold, to around 3,000 prison vehicle/days,
- 5.12 The consequence of this will be congestion and traffic build-ups where there were none before and serious traffic congestion and increased risk and danger to rural activities and residents living on Waikeria Road.
- 5.13 This will be most significant at the State Highway intersection where we envisage serious traffic build-up and hold-up, possibly exceeding up to 30 minutes, at regular shift-change times of the day.
- 5.14 The next most significant effect will be the affect of speed and visibility of traffic for locals trying to enter into the traffic stream from their residences during those peak traffic times, especially so if the traffic is two-way traffic at those times.
- 5.15 Current experience with build-up of emerging traffic at the State Highway intersection at shift-change times currently is generally around four to five vehicles which clears in a reasonably quick time.
- 5.16 Proposals suggested by the Traffic Report are insufficient to remedy, mitigate, or alleviate the environment effects of this increase on local residents of Waikeria Road.
- 5.17 Further, greater traffic build-up creates greater impatience and risk-taking which would bring even greater risk to greater road users on the Main Highway.

6.0 OPTIONS FOR REMEDY, MITIGATION, OR REMOVAL OF TRAFFIC EFFECTS

- 6.1 MKTR concurs with the recommendations of the H.Maniapoto Submission concerning remedy, mitigation or removal of the effects caused by Traffic effects to the natural environment of residents on the Waikeria Road and submits that a condition of the Requirement shall be included to require the applicant to formally engage at every stage of "the Project" with the submitter/submitters to agree remedy, mitigate or removal actions/outcomes for the adverse effects of the application including but not restricted to the following recommendations;
 - 6.1.1 Schedule shift-change times to occur at non-peak local traffic periods, e.g. 10pm, 6am, 2pm, and/or,
 - 6.1.2 Use the Wharepuhunga Road access as its primary access road and entry to the prison, and
 - 6.1.3 Create a one-way circuit route for prison traffic with entry through Wharepuhunga road and exit through Waikeria Road, and
 - 6.1.4 Install a traffic island at the Waikeria intersection with State Highway3 , or,
 - 6.1.5 Any alternative, combination, or enhancement of the above acceptable and agreed by the submitters.

6.2 The Waikeria prison property more or less runs along the northern boundary of the Wharepuhunga Road for a majority extent of the southern prison property boundary. It is by and large the only resident property on that side of the road that will be effected by its expansion. As such all access to Waikeria should be directed through that Road instead of Waikeria Road.

Waikeria has none of its property adjacent to or running alongside the Waikeria Road.

6.3 Subject only to the inclusion of the above conditions will the MKTR submitters agree to support the application FOR Requirement lodged by the Minister for Corrections..


HAROLD MANIAPOTO

CHAIR: Maniapoto ki Te Raki (MKTR)

25 May 2017

APPENDIX 4

Schedule of Recommended conditions

**Department of Corrections
Waikeria Prison – Alteration to Designation**

Draft Conditions – Working Document

**Base version as at 1 June 2017
Current date: 30 June 2017, 3:38 p.m.**

Purpose

The purpose of this document is to keep a record of the set of conditions for the amended designation as they develop.

Rationale

The existing designation for Waikeria Prison has nine conditions that apply across the entire designated Waikeria site. In developing these conditions, the Department has sought to minimise changes to the existing conditions.

Additional conditions are necessary and it is appropriate for some of these conditions to apply to only the Building Zone where prison facilities will be constructed while others like the existing designation conditions, apply across the entire designated Waikeria site.

Structure of this Working Document

1. **Amendments to Designation** in Otorohanga District Plan
2. **Conditions Set** comprising
 - a. Existing Conditions of Designation and amendments to these which apply to whole designated site;
 - b. New Conditions to apply to whole site i.e. outside of the Building Zone; and
 - c. New Conditions to apply only in the Building Zone.

Document Control

The file name of this document is: **K:\144680 ODC Waikeria expansion project\Reporting\Conditions\Waikeria Draft Conditions V7 (FINAL s198D) 30 June 2017.docx**

Waikeria_Draft_Conditions_VX.docx where VX stands for the Version number (i.e. V1 is Version 1).

Notations Used in this Document

Do not use track changes in this document, show amendments as follows:

Text changes	Additions in <u>underline</u> Deletions in striketrough
Colour of text denotes stage of process when that text was introduced.	Dark Green = Existing designation condition Black = Conditions and amendments to existing designation conditions suggested by Corrections based on design parameters, NoR and submissions received Red = Changes proposed by Council
Cross References and Timeframes to be checked or confirmed once drafting completed.	Highlighted in yellow

1. Amendments to Designation in Otorohonga District Plan

The ODP lists the following as Designation D55 in Schedule 16 Designations

ODC Ref	Requiring Authority	Legal Description	Description	Purpose	Map
D55	Minister of Corrections	Sections 1 & 2 SO 60097	Waikeria Prison	Operation of Prison and associated activities (Subject to Condition)	M7

The NOR sought two changes to the above schedule:

1. Alteration of the designated **Purpose** as follows:

Construction, *operation and maintenance of Prison and associated activities* to accommodate up to 3,000 prisoners ~~(subject to condition)~~

2. Update to the **Legal Description** as follows:

~~Sections 1 & 2 SO 60097~~ Section 2 SO 60097 and Sections 1 and 3 SO 455234 comprised in Computer Freehold Register 647680 (South Auckland Land Registration District)

No.	Condition Wording	
1.	Prison buildings and facilities on the site designed for the overnight containment of inmates shall be limited to a maximum inmate capacity of 1,250.	
2.	<p>All buildings on the site (existing and new) which are designed to hold inmates-prisoners overnight shall be contained within a secure perimeters. security fencing with the exception of Hillary, Meads and Kowhai Units.</p> <p>Any medium security unit shall have a perimeter security fence.</p>	
3.	No additional vehicle entrances or road intersections with Waikeria Road or Wharepuhunga Road shall be permitted without Otorohanga District Council's consent as road controlling authority for the location, design and construction of the vehicle entrances or road intersections.	

4.	Light levels from fixed lighting at the prison site <u>located outside the Building Zone</u> measured at a height of 1.5m above ground level at or beyond the boundary of the designated site shall not exceed 10lux.													
5.	<div>Except for emergency and security incident lighting, all new exterior lighting installation <u>located outside the Building Zone</u> shall be designed and constructed to the following obtrusive light limitations.</div> <table><tr><td>Sky Glow</td><td>Light Spillage</td><td>Glare Source Intensity I</td><td>Building Luminance</td></tr><tr><td>UWLR (Max %)</td><td>Ev (Lux)</td><td>(kcd)</td><td>L(cd/m²)</td></tr><tr><td>5</td><td>5</td><td>50</td><td>5</td></tr></table> <div>Note: UWLR (Upward Waste Light Ratio) = Maximum permitted percentage of luminaire flux that goes directly into the sky.</div> <div>I = Light intensity in Candelas</div> <div>L= Luminance in Candelas per square metre</div> <div>Source Intensity – This applies to each source in the potentially obtrusive direction, outside of the area lit. The figures given are for general guidance only and for some medium to large sports lighting applications with limited mounting heights, may be difficult to achieve. However, if the aforementioned recommendations are followed then it should be possible to lower these figures to under 10kcd (kilocandela).</div> <div>Building Luminance – This should be limited to avoid overlighting, relate to the general district brightness.</div>	Sky Glow	Light Spillage	Glare Source Intensity I	Building Luminance	UWLR (Max %)	Ev (Lux)	(kcd)	L(cd/m²)	5	5	50	5	
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UWLR (Max %)	Ev (Lux)	(kcd)	L(cd/m²)											
5	5	50	5											

6	<p>(i) The requiring authority shall consult on a continuing basis with <u>the established Prison/Community Liaison Group (CLG)</u>. At a minimum, <u>the following parties shall be invited to be part of the CLG:</u></p> <ul style="list-style-type: none"> (a) <u>one elected and one senior officer level representative from each of the Otorohanga District Council and Waipa District Council,</u> (b) <u>Local iwi / Mana Whenua representatives who shall be confirmed through the governance structure of the relevant iwi organisation and the requiring authority;</u> (c) <u>Representatives from the local communities of Kihikihi, Otorohanga and Te Awamutu as well as local resident from Waikeria Road.</u> (d) <u>Local business owners or business representatives (Otorohanga/ Kihikihi)</u> (e) <u>The Prison Manager or his/her designated representative (who shall be the chair unless otherwise agreed by the CLG).</u> (f) <u>Representatives of NZ Police</u> <p>The requiring authority, <u>Waipa District Council</u> and the Otorohanga District Council shall agree on the selection of local iwi and local community representatives. Additional members may be appointed with the agreement of the requiring authority, <u>Waipa District Council and/or the Otorohanga District Council.</u></p> <p>(ii) <u>Meetings of the CLG shall be held at least once every six months.</u> Additional meetings may be held at any other time as agreed between the requiring authority and the Otorohanga District Council.</p> <p>(iii) <u>Subject to the objectives set out in (vi) below, the CLG will be responsible for the formulation of its Terms of Reference, but could include defined</u></p>	<p>The CLG is expected to continue to operate in a similar manner to its current operation apart from some additional members to reflect the changing nature and scale of the prison facility. A specific condition which addresses a temporary expanded membership and remit for the CLG is contained as new condition 7 below.</p>
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	<p><u>roles and responsibilities of its members, procedural matters for the running and recording of meetings, including quorums for meetings.</u></p> <p>(iv) The Prison Manager or his/her designated representative shall personally attend the meetings with the Prison/Community Liaison Group.</p> <p>(v) The Prison Manager shall promote and facilitate the following objectives of the meetings with the Prison/Community Liaison Group namely:</p> <ul style="list-style-type: none"> a) Attaining a positive relationship between the prison and the surrounding community. b) Monitoring the effect of the prison on the surrounding community. c) Monitoring the effectiveness of any measures adopted to mitigate adverse effects on the surrounding community of the prison facility. d) Monitoring and reviewing the effectiveness of notification procedures during significant security events at the facility. e) Reviewing any changes to prison management, practices and procedures insofar as they may affect the surrounding community as agreed by the Department and the Liaison group. f) Responding to any concerns raised by the surrounding community or the Prison/Community Liaison Group. <p>(vi) The requiring authority shall not be in breach of paragraphs of condition 6 if any one or more of the named groups listed in condition 6 (i) do not wish to be members of the Liaison Group CLG or to attend any meetings.</p> <p>(vii) <u>The Requiring Authority shall provide copies of the records of the CLG meeting to the Chief Executives of the Otorohanga District Council and the Waipa District Council.</u></p> <p>(viii) <u>In the event that the Otorohanga District Council or any member of the CLG considers that the group is not operating effectively then this issue may be addressed to the Department's Chief Executive or delegated</u></p>	
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	<p><u>authority. The requiring authority will act to reinstate the Group in the event that the Department has not met the obligations to run a Prison/Community Liaison Group as set out herein.</u></p>	
7	<p><u>CLG conditions for construction / initial operation of the expanded prison facility (within the building zone)</u></p> <p>(i) <u>During the construction period of the expanded prison facility, and for a period up to 5 years following completion of construction (construction period), the following additional requirements will apply to the CLG:</u></p> <p>(ii) <u>In addition to the CLG members listed in condition 6 (i) the following parties or their representatives will be included:</u></p> <p>(a) <u>Representatives of the early childhood, primary and secondary education sector within the affected communities:</u></p> <p>(b) <u>Ministry of Social Development (regional representatives) and local/regional social service providers</u></p> <p>(c) <u>Child Youth and Family Services (regional representatives) and local service providers</u></p> <p>(d) <u>Housing New Zealand, real estate and other social housing services</u></p> <p>(e) <u>Representatives of tertiary education training services</u></p> <p>(f) <u>Waikato District Health Board and community mental health and AOD services in the local project area</u></p> <p>(g) <u>Any other emergency service providers as appropriate (noting NZ Police identified above).</u></p> <p>(iii) Additional meetings of the CLG shall be held at least once every <u>three months (unless otherwise agreed by the majority of the participants).</u></p>	<p>The expanded CLG conditions are designed to ensure that during the construction period and for a period of up to 5 years following commissioning of the expanded prison facility, the operational CLG has its membership and scope expanded. This is to specifically address the matters raised in the Social Impact Assessment and ensure that these are appropriately managed or mitigated.</p>

	<p>(iv) <u>In addition to the objectives of Condition 4(v), the Prison Manager shall also promote and facilitate the achievement of the following objectives of the CLG meetings during the construction period:</u></p> <ul style="list-style-type: none"> a) <u>Discussing and identifying workforce skills requirements (existing and anticipated) to assist training providers to consider opportunities for training of local residents for the construction / operation of the prison</u> b) <u>Monitoring the effect of construction activities for the expansion of the prison on the surrounding community, with specific consideration to the following:</u> <ul style="list-style-type: none"> o <u>The housing and rental housing market in the residential areas of Te Awamutu, Kihikihi and Otorohanga, in terms of both housing availability and affordability for existing residents;</u> o <u>Traffic and other effects generated by construction works for local residents</u> c) <u>Monitoring and reviewing demands of release and reintegration services expected from the expanded prison operations (including case management, housing, health and social support services)</u> d) <u>Identification of options, processes or response planning to address issues identified in respect of the above (acknowledging it will not be the responsibility of the CLG and will not necessarily be the responsibility of the Requiring Authority to implement these).</u> <p>(v) <u>The records of the CLG shall be provided annually to the Manager – Environmental Services, Otorohanga District Council.</u></p>	
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8.	<p>The Prison Manager shall be responsible for ensuring that the following minimum-security event performance standards are met:</p> <p>(i) Notification of those persons included on the notification list shall commence within 15 minutes of the control room being notified of a significant security event.</p> <p>(ii) 24-hour Prison hotline provided for the community to ask questions during incidents, report concerns and/or provide information to the prison.</p> <p>The Prison/Community Liaison Group will provide the prison with a list of those persons to be included on the notification list and those persons to be provided with the prison hotline number.</p>									
9	No building or group of buildings larger than 120 square metres floor area and capable of accommodating prisoners inmates overnight shall be located within 200m of a residential dwelling (outside the subject site) existing as at 26 November 1998 without consent of the dwelling's owner.									
10	There shall be no maximum security prisoner accommodation.									
11	<p>The following noise limits will apply at the designation boundary for the Waikeria prison.</p> <table><tr><td>Monday-Friday 7am-10pm</td><td>50dB L_{A10}</td></tr><tr><td>Saturday 7am – 7pm</td><td>50dB L_{A10}</td></tr><tr><td>Sunday and Public Holidays 8am – 5pm</td><td>50dB L_{A10}</td></tr><tr><td>All other times</td><td>40 dB L_{A10}/70 dB L_{Amax}</td></tr></table>	Monday-Friday 7am-10pm	50dB L _{A10}	Saturday 7am – 7pm	50dB L _{A10}	Sunday and Public Holidays 8am – 5pm	50dB L _{A10}	All other times	40 dB L _{A10} /70 dB L _{Amax}	
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All other times	40 dB L _{A10} /70 dB L _{Amax}									
12.	<p><u>Construction traffic shall be managed in accordance with the Code of Practice for Temporary Traffic Management (COPTTM) during the construction period.</u></p> <p><u>An approved</u> Construction Traffic Management Plan (CTMP) <u>shall be obtained and implemented by the requiring authority</u> prior to commencement of construction activities on site. The CTMP shall be prepared by the requiring authority and <u>submitted for approval to</u> Otorohanga District Council in consultation with Waipa District Council and the NZ Transport Agency. The CTMP shall <u>define the</u> temporary traffic management measures to be employed <u>during for each</u> construction <u>phase or stage</u> and until such time as the upgrade of the SH3/Waikeria Road intersection,</p>	<p>The CTMP is to address the effects of construction traffic on the local road network. The monitoring of the performance of the network during construction is to ensure that the key parameters outlined in condition 15 are not exceeded. In the event that they are exceeded, the requiring authority is to make changes to the CTMP to address those exceedences.</p>								

	<p><u>Waikeria Road and the single lane bridge on Waikeria Road are is completed in accordance with condition 13 of this consent.</u></p> <p><u>The requiring authority shall engage a suitably qualified traffic engineer to monitor the performance of the SH3/Waikeria intersection at 3 monthly intervals for the duration of the construction period and until the expanded facility is operational. Monitoring shall address the performance criteria set out in condition 15 below and shall be reported to the Otorohanga District Council and the NZ Transport Agency within 5 working days of the monitoring survey being completed. In the event that the thresholds set out in Tables A and B of condition 15 are exceeded, the Requiring Authority shall review the CTMP in consultation with NZTA and implement appropriate measures to mitigate the effects identified by the monitoring.</u></p>	
13	<p>(i) <u>The adverse effects of increased traffic on Waikeria Road shall be mitigated through the completion of the appropriate physical works prior to the commencement of prison construction activities on site. No physical works shall commence until final Engineering Plans are approved' by the relevant road controlling authority. Physical works shall be designed and completed in accordance with the relevant road controlling authority's technical standards, to the satisfaction of the relevant road controlling authority.</u></p> <p><u>The engineering plans shall include the following traffic effects mitigation works which shall be completed as a minimum:</u></p> <ul style="list-style-type: none"> a) <u>Vehicle entrance visibility improvements to be carried out to meet the relevant road controlling authority sightline standard for the 85th percentile operating speed (to be measured) on Waikeria Road.</u> b) <u>Carriageway widening works to provide a minimum consistent sealed width of 8.0 m with unsealed shoulder widths of 0.6 – 0.75m on both sides. All works shall be consistent with the NZTA Manual of Traffic Signs and Marking standards. Carriageway widening to 8.0 m shall extend to the northwest abutment of the single lane bridge.</u> c) <u>Road corridor sightline improvements along the length of Waikeria Road.</u> d) <u>Appropriate shape correction to the approach to the Waikeria Stream bridge and appropriate earthworks contouring to the embankment on the roadside.</u> 	<p>Council acknowledges that Waikeria Road is shared between Waipa District Council and Otorohanga District Council and also notes that an MOU will be signed between the parties setting out more detail along with matters outside the process such as the potential for cost sharing. This condition is recommended to set in place key standards and parameters for the road works.</p>

	<p>e) <u>Upgrading of the Waikeria Stream bridge to at least 8.0m to safely accommodate the construction traffic loads planned for the prison expansion works.</u></p> <p>(ii) <u>A suitably qualified road safety engineer shall carry out a Road Safety Audit of Waikeria Road and submit it to the relevant road controlling authority. The requiring authority shall implement the Audit actions identified, in consultation with the relevant road controlling authority.</u></p> <p>(iii) <u>Undertake a Speed Limit review for Waikeria Road following completion of the improvements.</u></p>	
14.	<p><u>Prior to the extended prison facility becoming operational, the requiring authority shall upgrade the intersection of SH3/Waikeria Road to improve sight distances and accommodate a right turn bay on State Highway 3. The improvements shall be designed to the relevant Austroads and New Zealand Transport Agency standards to the satisfaction of the relevant road controlling authority.</u></p>	This reflects the intersection upgrade treatment offered by Corrections in their application.
15.	<p><u>The requiring authority shall engage a suitably qualified traffic engineer to monitor and provide a report on the performance and safety of the SH3 / Waikeria Road intersection to the relevant road controlling authority with copies to Otorohanga District Council and Waipa District Council. The monitoring surveys shall be carried out and reported on 12 months following the expanded facility becoming operational and every 3 years thereafter for a period of 10 years, or until such time as the intersection is upgraded in accordance with condition 16.</u></p> <p><u>Performance Criteria:</u> <u>The monitoring report shall:</u></p> <p>(a) <u>Assess the actual traffic volumes and effects on the SH3 / Waikeria Road intersection during the peak flow periods and including an injury crash assessment for the period since last monitoring occurred.</u></p> <p>(b) <u>Provide a calibrated model assessment of intersection performance including 95th percentile queue length and average delays for all</u></p>	

	<p><u>movements; and</u></p> <p>(c) <u>Include an assessment of the injury crash rate and efficiency results against the performance thresholds specified in Tables A and B below.</u></p> <p>Table A:</p> <table><tr><th>Model</th><th>Crash Types</th><th>Predicted Existing</th><th>Predicted Future (with intersection improvements)</th></tr><tr><td>Crossing / vehicle turning</td><td>Major road approach to right of side road</td><td>TBC</td><td>TBC</td></tr><tr><td>Right-turning and following vehicle</td><td>Major road approach to left side of road</td><td>TBC</td><td>TBC</td></tr><tr><td>Other</td><td>Major road approach to right side of side road</td><td>TBC</td><td>TBC</td></tr><tr><td>Other</td><td>Major road approach to left of side road</td><td>TBC</td><td>TBC</td></tr><tr><td>Other</td><td>Side road approach</td><td>TBC</td><td>TBC</td></tr></table> <p>Table B:</p> <table><tr><td>Crash rate</td><td>Injury crash rate to be no greater than those shown in the above table. Should a serious injury or fatality occur at the intersection associated with peak Corrections traffic demands, this threshold will be considered to have been exceeded.</td></tr><tr><td>95th percentile queue length</td><td>TBC. metres for vehicles turning right out of Waikeria Road</td></tr><tr><td>Average delay per vehicle</td><td>TBC. seconds per vehicle for right turn out of Waikeria Road</td></tr></table>	Model	Crash Types	Predicted Existing	Predicted Future (with intersection improvements)	Crossing / vehicle turning	Major road approach to right of side road	TBC	TBC	Right-turning and following vehicle	Major road approach to left side of road	TBC	TBC	Other	Major road approach to right side of side road	TBC	TBC	Other	Major road approach to left of side road	TBC	TBC	Other	Side road approach	TBC	TBC	Crash rate	Injury crash rate to be no greater than those shown in the above table. Should a serious injury or fatality occur at the intersection associated with peak Corrections traffic demands, this threshold will be considered to have been exceeded.	95 th percentile queue length	TBC. metres for vehicles turning right out of Waikeria Road	Average delay per vehicle	TBC. seconds per vehicle for right turn out of Waikeria Road	
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16.	<p><u>Following receipt of a monitoring report to the relevant road controlling authority prepared by the requiring authority which identifies that the thresholds set out in Tables A and B of condition 15 have been exceeded; the requiring authority shall, in consultation with the relevant road controlling authority prepare and submit detailed construction plans for one of the following treatment options to resolve safety and / or efficiency concerns at the SH3 / Waikeria Road intersection:</u></p> <p><u>[to be confirmed, however the following options are placeholders and have been the subject of discussions between traffic experts to date]</u></p>	<p>This condition is recommended as the appropriate framework within which to identify and describe the agreed final treatment design for the SH3/Waikeria Road intersection following further discussions between Corrections, NZTA and the local Councils. While the specific treatment design may be refined over the coming weeks, the process by which the solution will be triggered is considered to be appropriate.</p> <p>Reference to final construction plans being copied to both Otorohanga and Waipa District Councils is</p>																														

	<p>a) A grade separated intersection which allows right turning vehicles from Waikeria Road to join northbound vehicles on State Highway 3; or</p> <p>b) A roundabout at the intersection of Waikeria Road and State Highway 3.</p> <p><u>The detailed construction plans shall be submitted to the NZ Transport Agency (and copied to the Otorohanga District Council) for their certification. The treatment option shall be designed in accordance with the relevant Austroads and NZTA design standards and guidelines. The timetable for implementation of the agreed treatment option shall be by agreement with the NZ Transport Agency, in consultation with the Waipa District Council and Otorohanga District Council.</u></p>	<p>to ensure that they are informed of progress on this matter. This also reflects the unique situation associated with this intersection upgrade whereby the road controlling authority is NZ Transport Agency, the local council is Waipa District Council but the designation site is located in Otorohanga District.</p>
17.	<p>Prison facilities constructed after [date NoR confirmed] shall not be occupied by prisoners unless adequate servicing is in place for:</p> <ul style="list-style-type: none"> a. wastewater disposal; b. water supply; and c. storm water treatment, diversion and discharge. 	
18.	<p>All prisoner accommodation and associated facilities constructed after [date NoR confirmed] shall be located in the Building Zone shown in Figure 1.</p>	
	<p>In addition to conditions 1 to 17 above, conditions 18 to 23 apply to facilities within the Building Zone.</p>	



Figure 1. The Waikeria Prison Building Zone

19.	<p>The following development controls shall apply to all prisoner accommodation and associated facilities constructed in the Building Zone after [date NoR confirmed].</p> <ul style="list-style-type: none"> (a) Maximum building height 12m (excluding structures for lighting, light poles, electronic security and communications tower) (b) Maximum secure perimeter height 6m (c) A recessive colour scheme shall be used. (d) Non-reflective glass and roof materials shall be used in glazing and on roofs. (e) Colours for the facilities shall be based upon BS 5252:1977. (f) Colours for the walls of facilities shall have a maximum 60% reflectivity value for greyness groups A or B and 40% reflectivity for greyness group C. (g) Roof cladding shall have a colour with a reflectivity value of no more than 40% for greyness groups A, B or C. (h) Lighting shall comply with the technical parameters of AS 4282 – 1997 (Control of the Obtrusive Effects of Outdoor Lighting) and will include: <ul style="list-style-type: none"> i. building mounted luminaires with full cut-off optics; ii. luminaires aimed to ensure will light is directed below the horizontal; 	Delete “will” in 18 (h) (ii) to make sentence read correctly.
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	iii. lamp selections that will optimise efficiency, pole height and spacing while meeting the operational requirements of a prison.							
20.	Outline plans of work for prisoner accommodation and associated facilities constructed after [date NoR confirmed] shall detail: a) all external finishes for proposed facilities; b) proposed colours for all external surfaces;							
21.	<p><u>LIGHTING</u></p> <p><i>TECHNICAL REQUIREMENTS</i></p> <p>Except for emergency and security incident lighting, and in addition to Conditions 4 and 5, all exterior lighting located within the Building Zone shall be designed and constructed to the following obtrusive light limitations.</p> <table><tr><td>Luminous Intensity</td><td>Threshold Increment</td></tr><tr><td>I (cd)</td><td>TI (%)</td></tr><tr><td>500</td><td>20</td></tr></table> <p>Notes:</p> <p>1. Luminous Intensity (I) limits are proposed based on curfewed hours to limit potential impacts to neighbouring residents</p> <p>2. Threshold Increment (TI) is based on adaptation luminance (L) of 0.1cd /m².</p> <p><i>PROCESS REQUIREMENTS – NEW BUILD</i></p> <p>Pre-Construction</p> <p>a) As part of the Outline Plan of Works, the requiring authority shall provide to the satisfaction of the Manager – Environmental Services, Otorohanga District Council, a detailed lighting design and associated calculations confirming that the exterior lighting, will satisfy the conditions of Designation D55.</p> <p>b) Calculations shall be computer based using NZ industry standard software package to confirm compliance with all requirements. Calculations shall be worst case using initial lumen values and an overall design maintenance factor of 1.0, ignoring the screening effects of foliage.</p> <p>c) Light Spill shall be calculated at 5m intervals over the complete designation boundary.</p>	Luminous Intensity	Threshold Increment	I (cd)	TI (%)	500	20	Amended lighting condition reflects agreement between Opus Lighting and LDP Lighting experts with confirmation on 30 working days for submission of post construction report.
Luminous Intensity	Threshold Increment							
I (cd)	TI (%)							
500	20							

	<p>Construction</p> <p>d) Prior to construction, the requiring authority shall provide a Construction Lighting Management Plan (CLMP) to the Manager – Environmental Services, confirming how the Construction Lighting will satisfy the requirements of Designation D55, the Otorohanga District Plan 2014 and will minimise obtrusive light effects beyond the site. The CLMP shall be to the satisfaction of the Manager – Environmental Services, Otorohanga District Council.</p> <p>Post Construction</p> <p>e) Within 30 working days of the completion and operation of the expanded facility, the requiring authority shall submit a report from a suitably qualified and experienced lighting expert accepted by the Manager – Environmental Services, Otorohanga District Council, confirming that the lighting has been installed in accordance with the approved design and that it satisfies all of the relevant conditions of Designation D55.</p> <p>PROCESS REQUIREMENTS – EXISTING LIGHTING</p> <p>f) The upgrade of the existing lighting shall be completed no later than the completion of the new build lighting required under this condition.</p>	
22.	<p>The adverse visual and landscape effects of the prison facility within the designated site shall be mitigated so that the development of the extended prison facility is integrated into the environment. To demonstrate how this objective will be achieved, a Landscape and Visual Mitigation and Management Plan (LVMMP) shall be prepared for the designated site and submitted for the approval of the Manager – Environmental Services as part of an outline plan of works.</p> <p>The LVMMP shall include the following minimum information to form a basis for the assessment of that document:</p>	<p>Red text in condition 21 reflects recommendation by landscape peer reviewer (Dave Mansergh) that a level of certainty over the building design and location is required to ensure that the technical review of the LVMMP is clear as to what is being mitigated. The first part of the condition adds text to set a clear objective for the LVMMP.</p>

	<ul style="list-style-type: none"> a) Earthworks and building platform design (including location of retaining walls if any); b) Building design and location (including site plan and elevations for all buildings); c) Carpark design and configuration; d) Alignment and configuration of all Internal roads; e) Internal and external security fencing/wall design and locations; f) Light tower design and locations (including height and luminaire configuration); g) Identification of existing specimen trees within the building zone and within the designated site that are to be retained (for mitigation/amenity purposes). <p>The LVMMP must:</p> <ul style="list-style-type: none"> a) retain as many trees existing at [date NoR confirmed] as possible; b) establish the means by which how it is proposed to integrate the height, shape and bulk of the buildings and structures (and any other development) in the Building Zone into the surrounding environment. <p>The LVMMP shall provide details of the following:</p> <ul style="list-style-type: none"> a) proposed building materials, reflectivity levels and colour; b) existing and proposed screening and planting including an analysis of how and how such screening and planting will reduces the potentially adverse visual and landscape effects of the proposed facilities 2 years after implementation and 10 years after implementation; c) the name (including botanical name), numbers, location, spacing and size of the plant species, details on the timing of planting, and details of existing planting to be retained; d) proposed pest control measures; e) proposed site preparation and plant establishment; f) ongoing vegetation maintenance and monitoring requirements; and 	
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	g) provide details of how the LVMMP is integrated with the Ecological Mitigation Plan.	
23.	<p>The Manager - Environmental Services and the parties listed below shall be given an opportunity to review and comment on the draft LVMMP at least 4 weeks prior to its submission with an outline plan of works for the construction of prison facilities.</p> <p>Owners of 12B Walker Road</p> <p>Owners of 52 Walker Road</p> <p>Owners of 29A Wharepuhunga Road</p> <p>The requiring authority shall not be in breach of this condition if one or more of the above parties do not wish to review the LVMMP or provide comment.</p> <p>Comments provided by the parties and any changes made to the LVMMP as a consequence, shall be documented and provided to the Manager – Environmental Services with an outline plan of works.</p>	
24.	The requiring authority shall implement the LVMMP within 12 months of completion of construction and shall thereafter maintain all specified works and plantings to the satisfaction of the Manager – Environmental Services.	
25.	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 20m radius of the discovery and the Council, Heritage New Zealand Pouhere Taonga and the appropriate mana whenua representatives shall be contacted within 72 hours so that appropriate action can be taken.	
	Advice Note: The requirement set out in Condition 24 above includes the appropriate mana whenua representatives and Heritage New Zealand Pouhere Taonga being given a reasonable time to record and recover archaeological features discovered before work may recommence there. Work should not recommence until the Heritage New Zealand Pouhere Taonga has given approval for work to continue.	

Ecological Conditions

No.	Condition Wording	Notes
26	<p>The requiring authority shall implement a Lizard Management Plan with the following objectives:</p> <ul style="list-style-type: none"> a. To capture lizards from areas to be disturbed by construction and appropriately relocate these lizards; and b. To prevent lizards returning to construction areas before work is completed. <p>The Lizard Management Plan shall be submitted to the Manager Environmental Services at least two months prior to any works likely to disturb identified lizard habitats.</p>	<p>This is a Wildlife Act requirement and is not necessary as a designation condition but may be proffered as such.</p>
27	<p>The requiring authority shall implement the Lizard Management Plan prior to construction of new prison facilities commencing.</p>	<p>This is a Wildlife Act requirement and is not necessary as a designation condition but may be proffered as such.</p>
28	<p>The requiring authority shall prepare an Ecological Mitigation Plan. This plan shall:</p> <ul style="list-style-type: none"> i. set out how the loss of stream A and wetlands 1 and 2 (as shown on Figure X) will be mitigated; ii. detail planting proposals for the wetland areas to be enhanced; iii. detail proposals for riparian enhancement of streams; iv. detail the name (including botanical names), 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); v. detail plant and animal pest control measures vi. promote the use of eco-sourced species where appropriate; vii. provide for not less than 7.5 hectares of enhanced wetland area within the designation site; viii. provide for not less than 450m of riparian stream enhancement with the designation sites; and ix. provide details of how the Ecological Mitigation Plan is integrated with the LVMMP. 	<p>This is a regional consenting matter and is not necessary as a designation condition but may be proffered as such if the regional consent for earthworks is not obtained in a timely manner.</p>
29.	<p>The requiring authority shall implement the Ecological Mitigation Plan within 5 years of completion of construction and shall thereafter maintain all specified works and plantings to the satisfaction of the Manager – Environmental Services.</p>	<p>This is a regional consenting matter and is not necessary as a designation condition but may be proffered as such if the regional consent for earthworks is not obtained in a timely manner.</p>

Waikeria Draft Conditions

APPENDIX 5

Peer review of Lighting Effects by LDP Consultants Ltd

12 June 2017

Bloxham Burnett Oliver

PO Box 9041

HAMILTON 3240

Attention: Andrew McFarlane

Dear Andrew,

**RE: WAIKERIA PRISON CAPACITY EXPANSION
PROPOSED LIGHTING – PEER REVIEW**

INTRODUCTION

1. As requested, we have undertaken a peer review of the lighting proposed by the applicant – the Minister of Corrections (**MoC**), as provided by their agents – Boffa Miskell and their lighting consultant – Opus International Consultants Ltd (**Opus**), for the proposed Waikeria Prison Capacity Expansion.
2. Since the detailed lighting design has not yet been undertaken, this review relates to the design principles proposed for the design as advised by the applicant.
3. The review relates to the proposed exterior lighting.
4. In preparing this report, the following documents have been reviewed:
 - a) Notice of Requirement and Assessment of Environmental Effects – prepared by Boffa Miskell – 10/04/17 (**Boffa Miskell NoR & AEE**)
 - b) Assessment of Environmental Effects – Lighting – prepared by Opus – 07/04/17 (**Opus AEE**)
5. We visited the environs surrounding the site on 1 March 2017. The site visit was undertaken in the afternoon in daylight to identify locations that could potentially be affected by the proposed lighting and again after sunset in order to appreciate the current artificial lighting environmental effects.

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6. Following the site visit, we undertook a review of the Opus draft NoR and AEE dated 20 March 2017 as supplied by the applicant and provided a report dated 1 April 2017 (**LDP Review**). The LDP Review recommended;

"that the NoR be updated to clearly state the lighting design constraints that will be imposed and the related environmental lighting outcomes that will result from the proposed new and upgraded lighting and when this will be implemented."

7. The Opus AEE was subsequently updated to address these aspects and is reviewed herein.
8. The following is an explanatory report with our findings and recommendations.

SITE DESCRIPTION

9. The site is located on Waikeria Road, some 8km from State Highway 3 and approximately 17km south of Te Awamutu. Under the Otorohanga District Plan 2014, the site is designated under Designation D55. The underlying zone is "Rural Effects Area". Lighting effects are currently addressed under the designation.
10. The present use of the site will remain, but the application proposes that the facility be expanded within the present site boundaries. The site is currently occupied by the Waikeria Prison.
11. The site is bounded by rural and rural lifestyle properties.
12. The site is low lying and surrounded on all sides by rising ground such that views of the site are limited. However, there are a number of properties identified in the application that have views of the site. Screening by foliage at present is limited.

EXISTING LIGHTING

13. The existing lighting is comprised of floodlights mounted on columns estimated to be approximately 12m high. The floodlights are tilted at various angles estimate between approximately 40 and 80 degrees.

PROPOSED LIGHTING

14. Lighting for a prison facility typically comprises both Operational and Incident lighting. Operational lighting is that used in the normal operations on a daily basis and Incident lighting is only used when a security incident or emergency arises. Only the Operational lighting is assessed in this report.
15. The applicant proposes that the exterior lighting for the expansion will comprise full cut-off and/or asymmetric optic luminaires with all light directed below the horizontal and with nil or minimal tilt. The lighting will be designed to be "well within" the limits of the District Plan and Designation.
16. In addition, the applicant has advised that the existing exterior lighting will be upgraded to reduce effects and ensure that they are "well below" the limits of the District Plan and Designation.
17. The lighting will satisfy the recommendations of AS4282-1997 (Control of the obtrusive effects of outdoor lighting).
18. A "best practice" design approach will be implemented.

STATUTORY REQUIREMENTS

19. The current Designation D55 requires the following lighting effects limits. Emergency and security incident lighting is exempt.
 - a) Upward Waste Light Ratio (UWLR) $\leq 5\%$.
 - b) Spill light
 - a. At or beyond the boundary at 1.5m high ≤ 10 lux.
 - b. E_v (vertical illuminance) ≤ 5 lux.
 - c) Glare source intensity ≤ 50 kcd.
 - d) Building luminance ≤ 5 cd/m².

20. The Otorohanga District Plan 2014 directs the following lighting effects limits;
- a) Spill light at the boundary at 1.5m high ≤ 10 lux.
 - b) No structure shall be finished in a manner which could create glare nuisance to road users or neighbouring properties.
21. The applicant has advised that the existing lighting generally satisfies the statutory requirements.
22. While we agree that the requirements may currently be satisfied, the present glare source intensity limit of 50 kcd (50,000 cd) is well beyond best practice limits recommended in AS4282-1997. The latter recommends a post-curfew limit of 500cd in this situation.

OTHER POTENTIAL LIGHTING EFFECTS

Navigation

23. There are no nearby navigable water ways. In addition, the nearest commercial airfield (Hamilton International Airport) is some 30km distant. Hence, the proposed lighting will not create a hazard for navigation.

Road Users

24. Glare to motorists is calculated as Threshold Increment (TI), with limits recommended in AS/NZS 1158 for roads in general (such as Waikeria Road) as $\leq 20\%$ and for NZTA roads (such as SH3) in NZTA specification M30 as $\leq 10\%$. AS4282-1997 also sets a TI limit of $\leq 20\%$ for roads in general. The lighting as proposed will be capable of performing well within these limits. In particular, SH3 is too distant from the site to be of concern.

Skyglow

25. Skyglow is the effect visible above a concentration of artificial lighting at night, such as that apparent above centres of population when viewed from a distance and has the effect of reducing the visibility of the night sky. It is subjective and tends to be more noticeable in damp conditions such as rain or fog. The proposed lighting will be screened and directed downwards and as such, Skyglow effects will be mostly generated by reflected rather than direct light, thereby diminishing potential effects.

26. Due to the significant degree of upward tilt present on the existing floodlights, Skyglow is presently significant. However, in our opinion, once the new and existing lights have been installed with near zero tilt the Skyglow effects will be significantly reduced and be minimal.
27. Due to the relatively dark surrounds, Skyglow will still be evident to some degree and more so when fog or rain is present.

Construction Lighting

28. A construction lighting management plan will be developed and the construction lighting will comply with the Designation conditions.

SUBMISSIONS

29. None of the submissions received advise any specific concerns regarding lighting. The submission by Mr Harold Maniapoto raises a generic concern in relation to potential lighting and glare effects in relation to 107 Waikeria Road in particular and to the Waikeria lands in general. The site is not directly visible from 107 Waikeria Road. In our opinion, any potential lighting effects will be suitably managed.

CONCLUSIONS

30. Based on the information provided, in our opinion, lighting effects of the proposed Operational lighting will be less than minor.
31. Since the lighting has yet to be designed, the design and implementation should be constrained by appropriate conditions of consent as proposed below.

PROPOSED CONDITIONS

32. Should Council be minded to grant consent, we recommend the following conditions of consent;

LIGHTING

1. *For clarity, unless noted otherwise, the following conditions relate to the Operational Lighting, being that which is typically used on a daily basis. Any lighting used for emergency purposes and security incident response only (i.e. not normally used for daily operations) is excluded.*

Pre-Construction

2. *The applicant shall provide to the satisfaction of the Otorohanga District Council, a detailed lighting design and associated calculations confirming that the exterior lighting, both for the new build and for the upgrade of the existing lighting, will satisfy the permitted activity lighting requirements of the Designation D55, the Otorohanga District Plan 2014 and the recommendations of AS4282-1997.*
3. *Calculations shall be computer based using AGI32 or a suitable equivalent software package capable of confirming compliance with all requirements. Calculations shall be worst case using initial lumen values and an overall design maintenance factor of 1.0, ignoring the screening effects of foliage.*
4. *Without limitation to the full effect of the controls, particular lighting requirements within Designation D55 shall apply as follows;*
 - a) *Light spill (measured at 1.5m above the designation boundary) shall not exceed point illuminance values of 10 lux horizontal and 5 lux vertical. This shall be calculated at 5m intervals for the complete perimeter of the site*
 - b) *The luminous intensity on any building façade shall not exceed 5 cd/m²*
 - c) *The Upward Waste Light Ratio (UWLR) for any luminaire shall not exceed 5%*
 - d) *The Glare Source Intensity (I) limits in the designation will be superseded by the more stringent limits in AS4282-1997*

5. *Without limitation to the full effect of the controls, particular lighting requirements within the Otorohanga District Plan shall apply as follows;*
 - a) *Horizontal light spill limits apply as per the Designation D55 limits*
 - b) *Avoid glare nuisance to road users and neighbouring properties. In this regard, the relevant controls recommended in AS4282-1997 shall apply*
6. *AS4282-1997 lighting requirements shall apply as follows;*
 - a) *Luminous Intensity (I) at any residential window from any luminaire shall not exceed 7,500cd between 7am and 11pm and 500cd between 11pm and 7am. The calculations shall account for the relative heights of the observer locations and the luminaires. As a minimum, the residential properties identified by Boffa Miskell as having a view of the site shall be included as observer locations;*
 - a. *Ngahape Road – nos. 44, 93, 163F*
 - b. *Wharepuhunga Road – nos. 29, 44, 48, 164*
 - c. *Waikeria Road – nos. 382, 418, 425, 463*
 - d. *Walker Road – nos. 12/52, 56*
 - b) *The Threshold Increment (TI) on any public road shall not exceed 20% based on an adaption luminance of 0.1cd/m²*
 - c) *The light spill requirements in AS4282-1997 do not apply. Designation D55 defines the applicable light spill requirements*

Construction

7. *The upgrade of the existing lighting shall be completed no later than the completion of the new build lighting*
8. *Prior to construction, the consent holder shall supply a Construction Lighting Management Plan to the satisfaction of the Otorohanga District Council, defining how the Construction Lighting will satisfy the requirements of Designation D55, the Otorohanga District Plan 2014 and will minimise obtrusive light effects beyond the site.*

Post-construction

9. *Within 30 days of the completion the lighting, the consent holder shall submit a report from a suitably qualified and experienced lighting expert accepted by the Otorohanga District Council, confirming that the lighting has been installed in accordance with the approved design and that it satisfies all of the lighting consent conditions.*

We trust the foregoing is satisfactory. Please contact the writer if any additional information is required.

Yours faithfully,

LDP Limited



John McKensey MIES

Executive Engineer

30 June 2017

Bloxham Burnett Oliver
PO Box 9041
HAMILTON 3240

Attention: Chris Dawson

Dear Chris,

RE: WAIKERIA PRISON – ALTERATION TO DESIGNATION

We confirm that the proposed lighting conditions stated in the document referenced as "Waikeria_Draft_Conditions_V7 (FINAL s198D)_30_June_2017.docx" are satisfactory.

We agree that they are appropriate to apply in lieu of the conditions proposed in our Lighting Peer Review report dated 12 June 2017 – document referenced as "16,096 Lighting Peer Review 2017-06-12.docx".

Yours faithfully,
LDP Limited



John Mckensey MIES
Executive Engineer

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APPENDIX 6

Peer review of Social Impact Assessment by Beca Consultants Ltd

Report

Review of the Social Effects Assessment for the Waikeria Prison Alteration to Designation

Prepared for Otorohanga District Council (Client)

By Beca Ltd (Beca)

22 June 2017

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This report has been prepared by Beca on the specific instructions of our Client. It is solely for our Client's use for the purpose for which it is intended in accordance with the agreed scope of work. Any use or reliance by any person contrary to the above, to which Beca has not given its prior written consent, is at that person's own risk.



Revision History

Revision N°	Prepared By	Description	Date
A	Jess Rose & Amelia Linzey	Draft for Council Review	31 May 2017
B	Amelia Linzey	Draft following BBO Comment and Review of Designation Conditions	20 June 2017
C	Amelia Linzey	Final	22 June 2017

Document Acceptance



Action	Name	Signed	Date
Prepared by	Jess Rose and Amelia Linzey		22 June 2017
Reviewed by	Catherine Richards		22 June 2017
Approved by	Amelia Linzey		22 June 2017
on behalf of	Beca Ltd		

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1 Introduction

The Minister of Corrections has provided a Social Impact Assessment (**SIA**) report (by Quigley Watts Associates) in support of their Notice of Requirement (**NoR**) for an alteration to Designation D55 in the Otorohanga District Plan.

The scope of the SIA report is to provide an independent assessment of the potential positive and negative social consequences of the 'Project', being the construction works, operation and maintenance requirements for proposed prison facilities and associated infrastructure to provide for up to 3,000 prisoners at the existing Waikeria Prison (this provides for an additional 1,750 prisoners from the current prison at the site which has a capacity limit of 1,250). It is noted that the spatial extent of the Waikeria Prison site (designation) is not being changed to provide for the works.

Beca has been commissioned by the Otorohanga District Council to review the current documentation in relation to the social impacts. The report provides a review of the SIA report prepared by Robert Quigley of Quigley Watts Ltd (March 2017). In undertaking the review, the author (Amelia Linzey) has undertaken a site visit of both the Waikeria prison site and the surrounds (including communities of Te Awamutu, Otorohanga and Kihikihi).

The review process has been undertaken in two stages.

Firstly, an initial review of the SIA was undertaken to confirm that the information was sufficient for those interested in the proposed alteration to understand the nature of likely positive and negative social effects of the Project by different people in the community and to understand the opportunities to address potential adverse effects. Following an initial review of the Draft SIA report, the Department of Corrections made a number of minor updates to the SIA report. The amended SIA report was notified, and in May 2017 submissions to the proposed alteration to designation were received.

The second phase of review (the subject of this report) provides further consideration of the social impacts identified in the SIA report and issues raised in submissions (following notification of the notice for alteration to the designation). The purpose of this report is to assist Council in preparing their Section 42A report on the social impacts of the Alteration to Designation. This review concludes on areas where, in the view of the authors, Council should consider recommendations for possible management options for the avoidance, remediation and mitigation (e.g. Conditions) to address potential adverse social impacts (or to realise positive social impacts that have been relied on in the SIA report).

1.1 Summary of Submission Issues

In undertaking this report a review has been made of nine submissions received. In particular, two submissions are considered to raise issues relevant to the social impacts: the submissions of Mr Duncan Allan and Mr Harold Maniapoto.

The issues raised by Mr Maniapoto are considered broadly consistent with the social impacts identified in the SIA report and recommendations are made to address the concerns of Mr Maniapoto in the general comments and recommendations regarding management options.

The submission of Mr Allan raises some issues identified in the SIA report and these are addressed in the review. Other issues raised by Mr Allan are more relevant to the cultural effects assessment (which is specifically assessed elsewhere (in a separate cultural assessment) and are not the subject of this review report). In addition to these matters, the submission from Mr Allan raises issues of the social effects of the policy decisions of incarceration, re-integration of prisoners and prisoner well-being (for example, he submits that conditions should be imposed for rehabilitation

and reintegration programmes, training programmes, access to healthcare, access to whanau, and other improvements that ensure the adverse effects on all Māori prisoners are sufficiently mitigated (page 2)). While acknowledging that the operation of prisons and incarceration rates have social impacts, it is the view of the authors of this review that such impacts are a result of policy decisions beyond the designation currently being amended. As such, it is considered that the consideration of these effects and mitigation options for these effects would be more appropriately canvassed and considered through those forums (e.g. at a national policy level discussion) and are not appropriately considered further in a site specific application of these policies (as is the case with this designation).

2 Understanding of Project and Site

It is understood that Waikeria Prison is well established (having been operating for over 100 years). The prison is located on a large rural property in the Waikato (Waikeria), between the community centres of Te Awamutu (in the north) and Otorohanga (in the south). The current prison site controls (designation) allows for up to 1,250 prisoners (although it is understood that currently there are approximately 650-700 prisoners at the site).

The site is located some 8km from the State highway (on Waikeria Road). There are a few private local roads that dissect the Waikeria site and few residential properties on the Waikeria Road.

Much of the site is used for farming activities, run by the Department. The existing prison facilities are located well within the wider rural site. The existing prison buildings are one to two storeys in height and at the closest point are located approximately 400 metres from the site boundary.

The Project proposed by the Department of Corrections, is to amend the designation and obtain construction-related consents to secure for the Department the ability to construct, operate and maintain new prison facilities on the Waikeria Prison site to provide up to 3,000 prisoner places.

It is understood that construction of the new prison facilities will commence with confirmation of the alteration to designation and consents, with the target date of 2022 for the new facilities to be in service. It is also understood that all new facilities will be built to a high-security standard and be managed and operated by the Department. As such, it is not intended that there will be any maximum-security prisoners accommodated on the site.

Works proposed for the project include construction, maintenance and operation of new prisoner accommodation buildings, a security management centre, staff offices, rooms and ablution blocks, medical and health facilities, commercial kitchens and laundries, facilities to support rehabilitation programmes (e.g. trade workshops and meeting rooms, sports facilities such as a sports hall and sports fields), visitor facilities, and waste management facilities. This development will be contained within one or more secure perimeters.

In addition, there are some ancillary facilities expected outside the secure perimeter. For example, control gate(s), administration building(s), staff training and amenities building, storage, management offices and a visitor centre and car park.

3 Methodology of Review

The purpose of this review is to assess and comment on the social impact assessment undertaken by the Requiring Authority, to assist Council in preparing its report on the likely impacts of the Alteration to Designation. Therefore, we have reviewed the:

- Appropriateness of the methodology undertaken (Section 4);
- Conclusions and validity of the specified conclusions (Section 5); and
- Issues / effects identified and the appropriateness of any measures proposed to manage (avoid, remedy or mitigate) those effects (or where relevant recommendations on potential measures to manage these effects). (Section 6)

4 Review of SIA Methodology

4.1 Context

Social impact assessment practice is based upon four key steps as listed below.

- Scoping – this phase provides an initial assessment of the social effects of the proposal, including the nature of the communities that will be affected, what the effects are likely to be and by whom.
- Profiling – profiling the community is required to identify aspects of the project that may affect people and communities. Depending on particular characteristics and interactions the impacts of the project may differ.
- Analysis of social effects – the framework that has been utilised will be examined to see how appropriately it has been applied in the Social Impact Assessment (SIA); and
- Mitigation – measure proposed to avoid or mitigate adverse effects and enhance positive effects.

The review of the SIA report has been structured around these four matters.

It is noted that this review has not undertaken any specific social impact assessment of inquiry (e.g. interviews or survey methodology). It relies on the outcomes of these processes as documented in the SIA Report.

4.2 Review Commentary

4.2.1 Scoping

The SIA report clearly sets out a rationale for scoping the existing stakeholders and communities of interest for the Project and the potential social effects. Sources for this process include review of social impact monitoring and effects assessment (most notably for the recent Wiri Prison development), targeted consultation, demographic review and through observational research (including site visits and discussions with other specialists undertaking assessments in respect of the Project).

The methodology and approach to the scoping process undertaken is considered appropriate.

4.2.2 Profile

Section 2.4 provides a profile of the community potentially impacted by the Project. This includes a review of Census data and draws from other community and stakeholder information. This commentary includes good context for both the existing community and of the changes to the community over time including forecast or anticipated change to this community (highlighting the differences in growth planning between Te Awamutu (Waipa) and Otorohanga). This is considered appropriate as it provides context and implications for the absorptive capacity of the community, in particular that growth of the Waipa community is planned and expected. This is a relevant consideration in subsequent phases of the impact assessment (when considering the potential implications of both construction and operation phases of the Project).

It is acknowledged that the profile of the existing community does not specifically refer to or consider the existing prisoner population. This is generally considered reasonable in the context of the current application (an amendment to an existing designation, on the basis that there is no evidence of potential social issues of physical over-crowding or similar as a result of the proposed designation changes (e.g. this is not a specific issue relevant to the current Project)).

The community profile is considered appropriate to understand the potential social effects of the Project (noting the authors' conclusion in section 1.1 regarding the appropriate limitations of the social impact assessment).

4.2.3 Assessment of Social Impacts

The methodology for the impact assessment relies on interviews with stakeholders identified on the basis of the community profiles. This approach is considered appropriate.

The scope of potential social impacts identified is comprehensive and is generally considered appropriate. With the exception of the issues raised by Mr Allan in his submission (discussed in Section 1.1 of this report), the submissions do not raise any additional matters beyond those identified in the SIA report.

Section 5 provides further commentary on the conclusions and proposed management measures identified in the SIA report.

5 Conclusions and Management Options

On the basis of the information reviewed in the SIA report, the authors site visits and review of the submissions, it is concluded that the scale and nature of the potential social impacts identified are generally appropriate. It is noted that the SIA provides limited information on the scale and duration of impacts with mitigation measures in place (which is in part a reflection of the second commentary), below.

5.1.1 Measures to Manage Social Impact Identified

The SIA Report identifies a number of potential adverse social effects arising from construction and potentially from operation of the Project. In some instances, mitigation measures are proposed, with limited commentary on the residual impact or social effects with this mitigation in place and in other cases, the measures proposed appear limited in their extent.

On the basis of the effects identified (which are generally considered appropriate), the review has focussed on the effectiveness and implementation issues of the management options proposed in the SIA report and where appropriate provides commentary on possible further measures to appropriately mitigate or manage these potential effects.

Effect / Mitigation identified in SIA Report	Potential management measures / conditions
Potential effects from construction	
<p>The SIA report identifies the construction workforce impacts on rental housing as a potential adverse effect. This is considered particularly relevant to lower cost rental housing (which is occupied by more vulnerable people in the community). While the comment made in the SIA report that rising house prices and rental shortages are not solely the responsibility of the Department of Corrections, the scale of this potential impact is considered to warrant mitigation.</p> <p>The SIA report specifically identifies potential mitigation to include the opportunity for a local focus in the recruitment process of the construction workforce as one method (as a high per cent of people already living in the study area would substantially mitigate potential housing effects as those workers already live in the district). However, given the potential impacts are likely in those smaller local communities (e.g. Kihikihi and Otorohanga) it is considered that this alone will be unlikely to mitigate the social impacts on some vulnerable residents (e.g. the increased living costs on these people with upward pressure for rental accommodation costs).</p>	<ol style="list-style-type: none"> 1. There is scope for a Condition to the designation, such that the Department of Corrections (or the Minister) could state that they would give specific regard to encouraging local employment or contracting opportunities for the construction of the Prison. It is acknowledged that this is a complex condition given the demands for competitive contracting processes. Given this complexity, it is considered that this condition may have only limited scope to effectively mitigate the potential impacts identified (with the need to balance ‘encouraging’ this outcome, but not compelling or competing with competitive tendering processes). Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan (discussed further below). 2. The SIA report also recommends provision of an information portal to assist in providing short-term and long-term accommodation. While this measure may assist in enabling available housing options to be identified, it is considered it will have limited benefit in addressing issues of social impacts associated with house price and rental price escalation resulting from increased rental demand. Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan (discussed further below). 3. The comments regarding compound accommodation for construction workers are noted and acknowledged and while the effectiveness of such mitigation is considered higher, the potential consequential adverse effects are considered to outweigh this approach. Recommendation: ✗ Not recommended to include provisions / conditions due to potential social consequences of the mitigation measures themselves 4. Given the above, and the complexity of understanding the scale of the impacts at this time, it is recommended that consideration be given to a specific management plan or similar, that would include monitoring of impacts on housing. In respect of this issue, the purpose of this management plan would be to specifically:

Effect / Mitigation identified in SIA Report	Potential management measures / conditions
	<ul style="list-style-type: none"> a. Assess demand for housing arising from construction activity; b. Monitor changes in rental accommodation / house prices over construction; c. Identify and engage with / report to, other government and local government agencies and stakeholders who have a role in response to such issues. <p>5. It is acknowledged that the response plan is likely to be collaborative, with limited scope for the Department of Corrections or Minister alone to implement housing development. As such, it is recognised that the purpose of the Plan will be monitor and undertake liaison with relevant agencies and stakeholders.</p> <p>Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan (discussed further below).</p>
<p>The SIA notes that no monitoring is recommended regarding construction effects.</p>	<p>This is generally considered appropriate, with the exception of the impact of construction accommodation demand on housing, particularly lower cost rental housing and the potential adverse social effects identified. Given the uncertainty of the effectiveness of the mitigation measures proposed, a management plan is suggested, which would include monitoring (as discussed above).</p> <p>Recommendation: ✓ Consider inclusion of this matter in the condition for a Social Impact Management and Monitoring Plan.</p>
<p>Potential effects on Way of Life (housing, commuting and recruitment) for Operation</p>	
<p>The SIA identifies potential effects on housing demand and commuting with the increased employment demands arising from the expanded prison. The SIA report recommends that measures be incorporated to inform prospective employees and contractors of housing options in the local area.</p>	<p>1. Measures to better inform prospective prison employees and contractors on housing choices in the wider area (e.g. Otorohanga and Te Awamutu) is generally considered appropriate. However, it is noted that the effectiveness of this management measure may be limited by the current 'emergent' state of planned housing developments and may result in increased pressure in respect of the rental housing market (discussed above).</p> <p>Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan (discussed further below).</p>

Effect / Mitigation identified in SIA Report	Potential management measures / conditions
	<p>2. In addition, given the differences in growth planning between the Waipa and Otorohanga Council's it is recommended that this matter be identified as an item for impact monitoring.</p> <p>Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan (discussed further below).</p>
<p>The SIA Report highlights the opportunity for recruitment in the operation of the prison and in contracting as a critical opportunity to manage potential impacts on housing and social infrastructure. The report notes that achieving a 50 per cent or more of recruits to be hired from the study area would substantially mitigate potential housing effects as those staff already live in the district. This is also identified as an opportunity to address increased traffic on the roading network (from commuter traffic).</p>	<p>1. There is scope for a Condition to the designation, such that the Department of Corrections (or the Minister) could be required to give specific regard to encouraging local employment or contracting opportunities for the operation of the Prison. However, it is acknowledged that this is a complex condition given local skills and demands for the workforce. Given this complexity, it is considered that this condition may have only limited scope to effectively mitigate the potential impacts identified (and should appropriately be limited to 'encouraging' this outcome).</p> <p>Recommendation: ✓ Consider inclusion of this matter in the condition for a Social Impact Management and Monitoring Plan.</p> <p>2. There may be scope for the Department to work with other agencies, government departments or stakeholders to identify opportunities for the businesses and education providers in the local area to focus on skill and training requirements to support local employment in the expanded Prison operations.</p> <p>Recommendation: ✓ Consider inclusion of this matter in a Social Impact Management and Monitoring Plan (discussed further below).</p>
<p>The SIA notes that no monitoring is recommended regarding these operational effects.</p>	<p>This is generally considered appropriate, noting that the potential for a collaboration with other agencies (government and other) and stakeholders may assist in providing monitoring oversight of the wider issue, while recognising the importance and interdependence of the effects of the Project on wider social infrastructure and service provision.</p> <p>Recommendation: ✓ Consider inclusion of this matter in the outcomes of a Social Impact Management and Monitoring Plan.</p>

Effect / Mitigation identified in SIA Report	Potential management measures / conditions
Potential effects on education services	
The SIA notes that no specific management is proposed in regard to potential education effects (schooling and early childhood education as a result of employee population growth).	This is generally considered appropriate.
Potential effects on prison providers and prisoners in the release and community re-integration programmes	
The SIA Report highlights the potential effects on prison providers and prisoners (focusing on processes of release and reintegration). The Report recommends mitigation to provide for continuing discussions and early planning/contracting, adequate funding and appropriate physical spaces for providers. Particular attention is recommended for: providers who identify rental accommodation and providers of supported accommodation; case management providers; and Ministry of Social Development across-region services	<ol style="list-style-type: none"> 1. It is considered that there is scope for these issues to be addressed through monitoring and planning with scope to identify and facilitate opportunities for social service facilities (housing and health services) and other education providers focusing on reintegration to address these impacts. Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan. 2. While no specific monitoring is proposed, it is noted that maintaining the Management Plan for a period of 5 years following construction will assist in oversight of any emerging issues and integration of cross agency response as the operational phase of the expanded prison becomes the 'new normal' in the community. Recommendation: ✓ Consider inclusion of a timeframe for the Social Impact Management and Monitoring Plan.
Potential effects on prisoner families and prisoner visitors	
The SIA Report highlights the potential effects on prisoner and prison families in respect of the location of Waikeria prison and accessibility. The SIA report recommends mitigation via provision of alternative 'visitor' services (e.g. opportunities for Skype contact or transport services from areas such	Acknowledging some concerns from submitters in respect of increased traffic, the SIA report concludes that this is not generally considered an effect of Prison visitors (e.g. more employee commuters). As such, it is not considered appropriate to include specific management responses (Conditions) to manage that issue, acknowledging that the opportunity for this issue (if it remains) to be raised through the Community Liaison Group is still available.

Effect / Mitigation identified in SIA Report	Potential management measures / conditions
as Rotorua etc). It is noted that these recommendations provide some consideration of the issues identified in the submission of Mr Allan.	As noted at the outset of this report, it is considered that these management measures may well be appropriate considerations for the Department of Corrections, but are considered more appropriately a policy issue for the Department (and not a project specific consideration of this designation).
Potential effects on police and probation services	
The SIA notes that no specific management is proposed in regard to police and probation services.	This is considered appropriate, but it is noted there may be opportunity to keep these agencies informed, through the reporting and engagement of the Social Impact Management and Monitoring Plan.
Potential effects on health services	
The SIA Report highlights the potential effects on some health services (focusing on community mental health services and AOD services). The Report recommends mitigation to provide for 'ramping up of these services', but acknowledges the uncertainty of the scale of impact and the timing / specific requirements to address this potential effect.	<ol style="list-style-type: none"> 1. It is considered that there is scope for these issues to be addressed through monitoring and reporting / collaborating with government and other agencies and stakeholders. Specifically, this scope would assist to identify emerging demands for health services (including specifically community mental health and AOD services) focusing on agency response to support response to these impacts and effects as they emerge. In particular, it is noted that this approach appears consistent with the engagement commentary from the Waikato District Health Board in preparation of the SIA report. Recommendation: ✓ Consider inclusion as a condition for a Social Impact Management and Monitoring Plan (discussed further below). 2. While no specific monitoring is proposed, it is noted that maintaining oversight of the social outcomes of the project for a period of 5 years following construction will assist in understanding any emerging issues and integration of cross agency response as the operational phase of the expanded prison becomes the 'new normal' in the community. Recommendation: ✓ Consider inclusion of a timeframe for the Social Impact Management and Monitoring Plan

Effect / Mitigation identified in SIA Report	Potential management measures / conditions
Potential effects on community way of life	
<p>The SIA Report makes no specific further mitigation recommendations for community way of life, but does acknowledge the existence of community liaison forums (and appears to rely on the ongoing functioning of such instruments).</p>	<p>The submissions of both Mr Allan and Mr Maniapoto raise concerns relating to community input to the process of the expanded prison facilities at Waikeria. Given this, and the assumptions of the SIA report that community liaison forums will continue it is considered appropriate to manage potential effects on community way of life.</p> <ol style="list-style-type: none"> 1. It is considered that scope for these issues to be addressed through a vehicle such as a community liaison or community impact forum (see scope below). It is understood that the current liaison forum includes mana whenua and other community representation and this is considered appropriate. It is also considered that there would be value in including political as well as officer representatives Recommendation: ✓ Consider amendment to community liaison conditions (see below) 2. While no specific monitoring is proposed, it is noted that maintaining the management plan for a period of 5 years following construction will assist in providing ongoing opportunity for community engagement and identification of any emerging issues in with the community as the operational phase of the expanded prison becomes the 'new normal' in the community. Recommendation: ✓ Consider inclusion of a timeframe for the Social Impact Management and Monitoring Plan and link this to Community Liaison Group.

5.2 Possible conditions arising from the above management and mitigation measures

5.2.1 Social Impact Monitoring and Management Plan

Scope: This Plan would establish a document that would be available to Council and the public to enable them to understand the social consequences of the Project (over construction and in the transition to operation). The Plan would identify emerging issues and opportunities to work collaboratively with government agencies and other stakeholders to respond.

Purpose: The purpose of the Plan would be to identify a 'baseline' by which to monitor the potential social effects identified in the SIA, report changes to the community over the construction and implementation of the designation and communicate this with other agencies and stakeholders relevant to the response of these issues. In particular:

In respect of housing and potential impacts on the housing market:

- A profile of the rental and wider housing market within the centres of Te Awamutu, Kihikihi and Otorohanga to facilitate the monitoring of changes in the housing market due to demands of the construction workforce;
- Measures proposed to monitor changes to the housing market;
- Identification of response plans (including measures to engage with government departments, Council's, rental agencies and others involved in the housing market) to inform them of the monitoring results and facilitate identification/development of response plans.
- Identify mechanisms to encourage the construction and employee workforce of the Project to identify available housing options.

In respect of employment:

- A profile of the existing workforce and skills of the existing workforce to inform contractors on opportunities for employment of local residents in the construction programme;
- A register of local workforce skill 'gaps' to be shared with local education providers to facilitate opportunities for local skill and training programmes.

In respect of re-integration programmes and support services:

- A profile of the changing demands of release and reintegration services expected from the expanded prison operations (including case management, housing, health and social support services);
- Identification of methods to communicate these expectations with government departments, Council's, health and mental health providers, social services providers and community services providers and to inform them of the changing profile results.

Participants: The plan would be developed with input from and reported to:

- a) Council, including officer and elected representative participation;
- b) Mana whenua representatives;
- c) Department of Corrections including relevant service areas;

- d) Ministry of Social Development;
- e) Child Youth and Family Services;
- f) Housing New Zealand, housing and other social housing / community housing providers;
- g) Education providers, particularly tertiary education training services;
- h) Waikato District Health Board and particularly community mental health and AOD services in the local project area;
- i) New Zealand Police and other emergency service providers (as appropriate).

Process:

- The Plan would be required to be prepared by a suitably qualified person and would be reported to Council for their review prior to finalisation.
- The Plan would be prepared in the phase of construction planning (prior to construction) and implemented throughout construction and over the period of 'expansion' of prison numbers (e.g. until the prison population had increased to its 'normal' level, or for a period of 5 years following construction)¹.
- A monitoring report would be submitted to Council annually, for a period of five years.
- Given the process of Plan preparation, review and implementation. It is anticipated that some form of dispute resolution process may be required (if review comments cannot be agreed between Council and the Requiring Authority).

5.2.2 The Community Liaison Group

It is understood that this liaison group is already required by the Designation Conditions for Waikeria. The purpose of changes to this would be to provide a forum for community representatives to meet regularly with Department of Corrections / Prison management personnel over both the construction and operation period (e.g. up to 5 years following completion of construction) to understand the works of the Department and to assist to identify any emerging social impacts / issues from the community.

Possible parameters for such a group would include:

- a) To provide a forum for community representatives, including business, housing and resident representatives, elected and officer representatives of Council and mana whenua to raise any emerging issues of community interest or concern resulting from both construction and operation of the Project.
- b) To receive and consider the findings of social impact monitoring required by the conditions of designation.
- c) To provide a forum for Corrections to inform the community of works, programmes and any other actions taken to deliver the Project, and as appropriate any outcomes of the

¹ Depending on the effectiveness of the Plan and the social changes identified over the construction and operation of the Plan, it is anticipated that scope be provided for any subsequent expansion of the prison population (e.g. up to the capacity limit set by the conditions) to trigger the need for a review of the Plan, e.g. if the growth exceeded 10% of the 'normal' prison population for an extended period of time.

Regulatory Impact Forum regarding wider agency government service providers to facilitate the effective provision of social infrastructure, social support and health services matters (noting that delivery may be more appropriately led by those agencies themselves).

- d) The group would provide its members an opportunity to collectively consider actions that could be implemented by local and central government agencies to facilitate the effective provision of housing, social infrastructure (including education), social support and health services in response to emerging issues.
- e) To identify and promote opportunities to provide mutual benefit for the Department of Corrections and the local community (for example, to share information on housing development programmes or skills shortages to support Prison operations which can be communicated through the stakeholders of various agencies (including the Department of Corrections)).
- f) To provide a forum for the promotion of policy and programme integration and cross-sector collaboration at the local and regional levels.
- g) The group would be responsible for formulation of its Terms of Reference, but could include defined roles and responsibilities of its members, procedural matters for the running and recording of meetings, including quorums for meetings.
- h) Membership would be voluntary, but it is expected that invitation to the forum would include (as a minimum):
 - a. Mana whenua representatives;
 - b. Department of Corrections including management and relevant service area personnel;
 - c. Commercial early childhood education providers and other local education providers (e.g. schools);
 - d. Council representatives, both elected and officer (Waipa and Otorohanga);
 - e. Residents and resident group representatives;
 - f. Businesses and business group representatives.

5.3 Potential Condition Drafting

To assist Council, Attachment A of this report provides potential wording changes to the Designation Conditions to deliver the above management methods.

6 Conclusion

The review concludes that the SIA report has provided an appropriate identification of social impacts related to the expansion of the Waikeria Prison (the Project). Except as noted in this review (relating to wider government policy considerations), matters raised in submissions are considered to have been identified by the SIA report and can be appropriately addressed through the management measures identified in the SIA report and expanded on in this review. It is noted that some matters identified in the submission by one party are considered beyond the scope of the alteration to designation and are more appropriately matters to consider in respect of wider government policy.

While the SIA report appropriately identifies potential positive and adverse social effects of the Project, the measures proposed to manage these effects are, in some instances not clear and in others it is considered they are potentially constrained in their effectiveness. On this basis, the review report supports many of the recommended measures identified in the SIA report and proposes further possible management approaches for these measures (e.g. Conditions), specifically these relate to the preparation of a management and monitoring plan to provide a framework to consider the impacts on those potential areas identified as social impacts (e.g. housing market impacts over construction, release and reintegration programmes, employment and health / social support services), and some refinement of the community liaison group (both to run over construction and operation of the Prison site).

Attachment A: Possible / Suggested Condition Wording

I note that the suggested amendments to the conditions below show new text (but not deleted text) from the existing Waikeria Prison designation conditions.

These draft Conditions have been provided to assist Council's planner on the intent of the Conditions proposed in this review report. It is acknowledged that they may warrant further amendment to be consistent with other conditions being put forward by Council.

Revised Conditions - The Prison/Community Liaison Group

The following suggests changes to Condition 6. Amendments include new text that would remove the requirement for Condition 8. This is considered appropriate as other social conditions proposed do not directly relate to the community liaison group and therefore, having Condition 8 remain stand-alone might mislead future interpretation:

- (i) The purpose of this Group would be to provide a forum for community representatives to meet regularly with Department of Corrections / Prison management personnel over both the construction and operation period to understand the works of the Department and to assist to identify any emerging social impacts / issues from the community.
- (ii) At a minimum, the following parties shall be invited to be part of the Liaison Group:
 - a. One elected and one officer level representative from each of the Otorohanga District Council and Waipa District Council;
 - b. Local Iwi / Mana Whenua representatives
 - c. Representatives from the local community of Kihikihi, Otorohanga and Te Awamutu;
 - d. Commercial early childhood education providers and other local education providers (e.g. schools);
 - e. Local business owners or business representatives (Otorohanga / Kihikihi)
 - f. The Prison Manager or his/her designated representative (who shall be the Chair unless otherwise agreed by the Group).

In the case of community representatives invitations for membership will be confirmed by the Requiring Authority and Otorohanga and Waipa District Councils, unless a community member otherwise approaches the Requiring Authority to be a member and there is no special circumstances that would make such a person inappropriate to be a member.

Iwi / Mana whenua representation will be confirmed through the governance structure of xxx and the Requiring Authority.

- (iii) Over construction, meetings of the Prison / Community Liaison Group should be held at least every once every two months (unless otherwise agreed by the majority of participants) and following construction, meetings shall be held at least once every six months. Additional meetings may be held at any other time with the agreement of the Requiring Authority and Otorohanga District Council.

- (iv) The group would be responsible for formulation of its Terms of Reference, but could include defined roles and responsibilities of its members, procedural matters for the running and recording of meetings, including quorums for meetings.
- (v) Over construction, the records of the Group will be provided annually to The Manager. At other times, records will be available from the Requiring Authority if requested by the Manager (Otorohanga District Council).
- (vi) The Chair will promote and facilitate the following matters for discussion by the Prison/Community Liaison Group:
 - a. Discussing views from representatives on any effect of the prison (including construction activities) on the surrounding and hinterland community
 - b. Over the period of construction and for up to 5 years following construction, receipt and comment on any findings from the Social Impact Management and Monitoring Plan and identification of any options or processes to address issues identified from this plan;
 - c. Reviewing and providing comment on the effectiveness of any ~~other~~ measures adopted to mitigate any identified adverse effects of the prison facility on the existing community;
 - d. Monitoring and reviewing the effectiveness of notification procedures during significant security events at the facility;
 - e. Reviewing any changes to prison management practices and procedures insofar as they may affect the surrounding community (as determined by an Independent Social Impact specialist or otherwise agreed by the Requiring Authority)
 - f. Providing a forum for hearing and responding to any concerns raised by the surrounding community or the Prison/Liaison Group.
- (vii) In the event that any member of the Prison/Community Liaison Group or the Manager (Otorohanga District Council) considers that the Group is not operating effectively, then the issue may be escalated to the Department of Correction's Chief Executive (or delegated authority). If the issue or dispute cannot be resolved within the Department, the parties will consider formal arbitration to confirm resolution.

Suggested New Condition Matters

As these are new conditions proposed to the Designation, they have not been marked with 'track changes'

6.1.1 Suggested New Condition 8 - Social Impact Management and Monitoring Plan

- (i) The Requiring Authority shall engage a suitably qualified specialist to prepare a Social Impact Management and Monitoring Plan (the Plan).
- (ii) The objectives of the Plan will be:
 - a) To undertake or otherwise obtain baseline information of the following potential social impact matters (to assist in monitoring social changes over construction and implementation of the designation):
 - The housing and rental housing market in the residential areas of Te Awamutu, Kihikihi and Otorohanga;

- The existing workforce and skills of the existing workforce to inform contractors on opportunities for employment of local residents in the construction programme;
 - The changing demands of release and reintegration services expected from the expanded prison operations (including case management, housing, health and social support services);
- b) To set out the Requiring Authority's commitments to monitor changes to the above social factors, including proposed frequency and duration of monitoring.
- c) To set out the Requiring Authority's plans and mechanisms to report and engage with identified stakeholders (identified in (iii) below) on the outcomes of the above monitoring during construction and operation of the Project and facilitate appropriate response plans (which may be developed and delivered by others).
- d) To set out the comments received from the Prison/Community Liaison Group in respect of the monitoring findings and action plans prepared in response to those findings.
- (iii) The identified stakeholders in respect of the Plan will include (but not be limited to):
- a) Elected and officer level representation from the Otorohanga and Waipa District Councils;
 - b) Mana whenua representatives;
 - c) Ministry of Social Development and local social service providers
 - d) Child Youth and Family Services and local service providers
 - e) Housing New Zealand, real estate and other social housing services
 - f) Education providers, particularly tertiary education training services
 - g) Waikato District Health Board and community mental health and AOD services in the local project area
 - h) New Zealand Police and other emergency service providers as appropriate.
- It is noted that lack of participation by any of the above stakeholders will not constitute a breach of these Conditions.
- (iv) The Plan will be prepared by suitably qualified independent specialist as a Draft for review by Council. A Draft Plan will be prepared and submitted to Council at least 30 days prior to commencement of construction. Council review will be provided to the Requiring Authority within 15 days of receipt of the Draft or the Plan will be deemed final.
- (v) The final Plan will be submitted to Council, at least 10 working days prior to commencement of Construction. A clear explanation will be provided where any recommendations of Council (on the Draft Plan) have not been incorporated and why not. The Council will approve the Plan as final.
- (vi) The monitoring reporting of the Plan will be submitted to Council on an annual basis, within one year of the confirmation of the Plan, and every year for up to five years following construction (unless otherwise agreed by Council).
- (vii) In the event that Council does not approve the Plan as final, an independent peer review of the Plan may be initiated. If the issue or dispute cannot be resolved from the findings of that review, the parties will consider formal arbitration to confirm resolution.

Addendum to SIA Review Report

Date:	30 June 2017
Time:	8:30am
By	Amelia Linzey
Subject	Updates to the Report "Review of the Social Effects Assessment for the Waikeria Prison Alteration to Designation" dated 20 June 2017 (Review Report)
Purpose:	<p>The Review Report has been prepared in two key iterations: Draft and Final. In preparing that review report, the following engagement with the Requiring Authority (Department of Corrections) has been undertaken:</p> <ol style="list-style-type: none"> 1. In the Draft Report the management options suggested amendment to Community Liaison Group conditions and introduction of a Regulatory Agency Forum. The Council's review planner (Mr Dawson) met with Requiring Authority representatives to discuss the management recommendations of the review report (Draft). At this meeting, concern was raised that the Regulatory Agency forum may duplicate existing Department (of Corrections) processes. On the basis of this discussion, I have undertaken engagement with the SIA Report author (Mr Quigley) below; 2. A telephone discussion between the Author (Ms Linzey) and Mr Quigley has been undertaken to discuss the management options identified in the Draft Report. From this meeting, the option of a management approach focused on outcomes (rather than directing process) was identified. This resulted in amendment from the Draft to Final, with recommendations for a 'Impact Management Plan – setting the outcomes sought from management but retaining flexibility on how these outcomes would be delivered); 3. Following review of the recommendations of the management options in the Final Report, a preference from the Requiring Authority was expressed for a process driven management condition (e.g. adaptation of the Liaison Group). This resulted in further amendment to the Conditions, to integrate the outcomes of the Regulatory Agency forum with the Community Liaison forum.
Conclusion of Amendments	As an outcome of the above engagement, amendments have been made to conditions to move away from an 'outcomes' process (Management Plan) to process directive approach (via the Liaison Group). A copy of revisions to conditions is set out below (acknowledging that these conditions are subject to revision for consistency, legibility and integration of the conditions).

	<p>I am satisfied that the following management outcomes are still delivered by the revised conditions:</p> <ol style="list-style-type: none"> 1. Increased community and stakeholder liaison and engagement processes over construction and as the prison is 'expanded'; 2. The opportunity for engagement between regulatory agencies who have a role in the response is maintained; 3. The opportunity for ongoing discussion of potential social effects arising from the construction / expansion of Waikeria Prison is maintained (including monitoring of housing impacts, training and employment for local residents and health services and other release / reintegration services). <p>In my opinion the key amendment that has been made between the current Conditions (as attached) and those set out in the Review Report is that the current condition specifies the mechanism (being a liaison forum) will address the effects, while the earlier condition was intended to retain flexibility on the mechanism through the inclusion of a step for a 'Social Impact Management Plan'. In my view, providing that the Department of Correction accepts the method set in this condition, it provides greater certainty with respect of the Condition (simply removing some flexibility to the Department on how the matters of the Condition will be addressed, but retaining the objectives of what the Condition addresses).</p> <p>As a minor note, I have some operational concerns that combining the community liaison group with a regulatory agency discussion forum will result in operational complexities (e.g. whether meetings are held in work or after work hours, agenda matters and potentially some operational sensitivity issues). On this basis, I have recommended conditions to <u>allow</u> for separation of these forums.</p>
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Supported Condition Amendments:

6	<p>(i) The requiring authority shall consult on a continuing basis with the established Prison/Community Liaison Group (CLG). At a minimum, <u>the following parties shall be invited to be part of the CLG:</u></p> <ol style="list-style-type: none"> (a) one <u>elected and one senior officer level</u> representative from each of the Otorohanga District Council and Waipa District Council, (b) Local iwi / <u>Mana Whenua representatives who shall be confirmed through the governance structure of the relevant iwi organisation and the requiring authority;</u> (c) <u>Representatives from the local communities of Kihikihi, Otorohanga and Te Awamutu as well as local resident from Waikeria Road.</u> (d) <u>Local business owners or business representatives (Otorohanga/ Kihikihi)</u>
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	<p>(e) The Prison Manager or his/her designated representative <u>(who shall be the chair unless otherwise agreed by the CLG).</u></p> <p>(f) <u>Representatives of NZ Police</u></p> <p>The requiring authority, <u>Waipa District Council</u> and the Otorohanga District Council shall agree on the selection of local iwi and local community representatives. Additional members may be appointed with the agreement of the requiring authority, <u>Waipa District Council</u> and/or the Otorohanga District Council.</p> <p>(ii) <u>Meetings of the CLG shall be held at least once every six months.</u> Additional meetings may be held at any other time as agreed between the requiring authority and the Otorohanga District Council.</p> <p>(iii) <u>Subject to the objectives set out in (vi) below, the CLG will be responsible for the formulation of its Terms of Reference, but could include defined roles and responsibilities of its members, procedural matters for the running and recording of meetings, including quorums for meetings.</u></p> <p>(iv) The Prison Manager or his/her designated representative shall personally attend the meetings with the Prison/Community Liaison Group.</p> <p>(v) The Prison Manager shall promote and facilitate the following objectives of the meetings with the Prison/Community Liaison Group namely:</p> <ul style="list-style-type: none"> a) Attaining a positive relationship between the prison and the surrounding community. b) Monitoring the effect of the prison on the surrounding community. c) Monitoring the effectiveness of any measures adopted to mitigate adverse effects on the surrounding community of the prison facility. d) Monitoring and reviewing the effectiveness of notification procedures during significant security events at the facility. e) Reviewing any changes to prison management, practices and procedures insofar as they may affect the surrounding community as agreed by the Department and the Liaison group. f) Responding to any concerns raised by the surrounding community or the Prison/Community Liaison Group. <p>(vi) The requiring authority shall not be in breach of paragraphs of condition 6 if any one or more of the named groups <u>listed in condition 6 (i)</u> do not wish to be members of the <u>Liaison Group CLG</u> or to attend any meetings.</p>
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	<p>(vii) <u>The Requiring Authority shall provide copies of the records of the CLG meeting to the Chief Executives of the Otorohanga District Council and the Waipa District Council.</u></p> <p>(viii) <u>In the event that the Otorohanga District Council or any member of the CLG considers that the group is not operating effectively then this issue may be addressed to the Department's Chief Executive or delegated authority. The requiring authority will act to reinstate the Group in the event that the Department has not met the obligations to run a Prison/Community Liaison Group as set out herein.</u></p>
7	<p><u>Additional CLG conditions for construction / initial operation of the expanded prison facility (within the building zone)</u></p> <p>(i) <u>During the construction period of the expanded prison facility, and for a period up to 5 years following completion of construction, the following additional requirements will apply to the CLG:</u></p> <p>(ii) <u>In addition to the CLG members listed in condition 6 (i) the following representatives will be included:</u></p> <ul style="list-style-type: none"> (a) <u>Representatives of the early childhood, primary and secondary education sector within the affected communities:</u> (b) <u>Ministry of Social Development (regional representatives) and local/regional social service providers</u> (c) <u>Child Youth and Family Services (regional representatives) and local service providers</u> (d) <u>Housing New Zealand, real estate and other social housing services</u> (e) <u>Representatives of tertiary education training services</u> (f) <u>Waikato District Health Board and community mental health and AOD services in the local project area</u> (g) <u>Any other emergency service providers as appropriate (noting NZ Police identified above).</u> <p>(iii) <u>Additional meetings of the CLG shall be held at least once every three months (unless otherwise agreed by the majority of the participants).</u></p> <p>(iv) <u>In addition to the objectives of Condition 4(v), the Prison Manager shall also promote and facilitate delivery of the following objectives of the CLG meetings during the construction period:</u></p> <ul style="list-style-type: none"> a) <u>Discussing and identifying workforce skills requirements (existing and expected) to assist training providers to consider opportunities for training of local residents for the construction / operation of the prison</u>

	<p>b) <u>Monitoring the effect of construction activities for the expansion of the prison on the surrounding community, with specific consideration to the following:</u></p> <ul style="list-style-type: none"> o <u>The housing and rental housing market in the residential areas of Te Awamutu, Kihikihi and Otorohanga, in terms of both housing availability and affordability for existing residents;</u> o <u>Traffic and other effects generated by construction works for local residents</u> <p>c) <u>Monitoring and reviewing demands of release and reintegration services expected from the expanded prison operations (including case management, housing, health and social support services)</u></p> <p>d) <u>Identification of options, processes or response planning to address issues identified in respect of the above (acknowledging it will not be the responsibility of the CLG and will not necessarily be the responsibility of the Requiring Authority to implement these).</u></p> <p>(v) <u>The records of the CLG shall be provided annually to the Manager – Environmental Services, Otorohanga District Council.</u></p>
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APPENDIX 7

Peer review of Traffic Impact Assessment by BBO Ltd

Memorandum From: Cameron Inder

To: Chris Dawson

Project No: 144680

CC: Andrew Loe (Otorohanga District Council)

Date: 30/06/17

Subject: Waikeria Prison Expansion NOR: Transportation Effects Peer Review

1. Introduction

Bloxam Burnett and Olliver Ltd has been commissioned by Otorohanga District Council to peer review the Integrated Transport Assessment (ITA) dated 15 March 2017 by Traffic Design Group (TDG) for the Waikeria Prison Expansion Notice of Requirement project (the Project). The following letter outlines the findings of my review. I have also considered the submissions that raise transportation effects as an issue, and provide my response to those.

My initial review dated 3 April 2017 listed eleven items that in my view, need further information. I stated that without this further information I cannot reasonably find that the transportation effects of the project have been adequately assessed and remedied or mitigated to conclude that they are no more than minor. Although updates to the ITA have been made that address some of these items I still consider that those relating to the predicted performance of the SH3 / Waikeria Road have not been adequately addressed.

I have visited the site and the surrounding roads and intersections in the network that are discussed in the Project ITA and my peer review report. I have also visited the Springhill Corrections Facility at Hampton Downs and Auckland South Corrections Facility at Wiri to gain an understanding of the function and operational transport demands that a modern prison facility will generate.

2. Overview of the Project

The Department of Corrections Notice of Requirement seeks to expand the existing Waikeria Prison facilities and operation to accommodate up to 3000 prisoners on site. The current designation for Waikeria Prison allows up to 1250 prisoners to be accommodated on site, although the current facilities have a capacity of approximately 650 prisoners.

The ITA report outlines that the prison currently employs approximately 350 staff (custodial and support), with between 200 and 260 staff on-site at any one time during the day-time.

Staff numbers for a prisoner capacity of 3000 will increase to approximately 930 custodial and 470 support staff; a total of 1,400 staff. Peak staffing numbers at any time are estimated to be in the region of 940 people on site. In addition, the site receives numerous visitors each day by support services and prisoner relatives.

The Prison is located at the end of Waikeria Road in Otorohanga District, however the first 2.8 km of Waikeria Road (of 5.8km total) is located within Waipa District.

The Project ITA proposes the continued use of Waikeria Road as the sole access point to the site following the prison expansion on the basis of mitigation being undertaken including minor road widening and sightline improvements along the Waikeria Road route, the replacement of a single-lane bridge with a two-lane bridge and upgrade works at the SH3 / Waikeria Road intersection.

3. Existing Traffic Environment

Waikeria Road is currently the main access to the site. The Project ITA reports that the existing prison related daily traffic volume on Waikeria Road is approximately 715 vehicles per day (vpd) while the total 5-day average volume including traffic from adjoining rural properties is approximately 940 vpd.

The ITA report description of Waikeria Road is as follows:

Waikeria Road is defined in both the Otorohanga District Plan and the Waipa District Plan as a Collector Road. Such routes are expected to provide for a combination of through-traffic movement as well as direct property access. It has a total length of approximately 5.8km of which five kilometres is open to the public including several connections to rural residential and farming properties along the way.

The southern-most 800m of Waikeria Road is a private prison road, closed off to public access by a security checkpoint and barrier gates operated by the Department....

Waikeria Road provides two lanes for vehicle traffic; one in each direction. The two directions of travel along Waikeria Road are separated by a painted centreline with each lane being typically 3.5m wide. Generally there are no edge line markings along Waikeria Road.

A posted speed limit of 100 km/h applies to the length of the route from SH3 to the Walker Road/ Waikeria Road intersection.

The key transport network feature for assessment along the route is a single-lane bridge across a tributary of the Puniu River located approximately 5km from the SH3 intersection and 300m north of the security control point at the entrance to the Waikeria facility.

I concur with this description but would add that there is a distinct narrowing of the formed (sealed) carriageway width and berm width on the section of Waikeria Road in the Otorohanga District compared with the section in the Waipa District. The Waipa section appears to have been rehabilitated and widened in recent years to approximately 8.0 m of sealed carriageway width.

I note that sight distances to the single-lane bridge are excellent with approximately 270m clear distance looking southbound (approaching the prison from SH3) and over 400 m clear visibility in the northbound direction (leaving the site).

The low crash history on Waikeria Road for the last 5 year period indicates that it is presently a Low Risk road, which is partly attributable to the low traffic volumes using it.

Two other roads connect to the prison site (Settlers Road and Manuka Road) via Wharepunga Road. Wharepunga Road connects to SH3 approximately 4.1km south of Waikeria Road. Settlers Road is presently a farm track and is not accessible by public vehicles. Both roads are also controlled by the

Department of Corrections and are closed to vehicles accessing the prison for security reasons. All traffic to and from the prison enters and exits Waikeria Road.

Waikeria Road connects to a Give Way controlled 'Tee' intersection with State Highway 3, approximately 3km from Kihikihi township. The intersection is constructed to a low standard relative to current geometric and safety design requirements. There is no right turn bay on SH3, and the sight distances looking northwards are 180 m from Waikeria Road and 220 m for right turners from SH3 into Waikeria Road. These sightlines are both deficient with respect to the current Austroads design guide minimum of 262m for a 110 km/h design speed. The curvilinear alignment of SH3 to the north of Waikeria Road and the narrow road reserve width at the intersection location make it a challenging intersection to upgrade to current design and safety standards unless there is acquisition of additional land.

State Highway 3 (SH3) in the vicinity of Waikeria Road has an average week day traffic volume of approximately 7900 vpd, with 13% heavy vehicles and a posted speed limit is 100 km/h.

The intersection of State Highway 3 / Wharepunga Road / Te Kawa Road is an off-set cross-roads junction. The ITA report identifies that the sight distance looking northwards from Wharepunga Road is 250m and therefore complies with the Austroads design minimum of 214m for a 95 km/h operating speed on SH3, measured by TDG.

Similarly TDG measured the sight distance looking southwards from Wharepunga Road to be 184m compared with 250m required for a 100km/h measured operating speed (by TDG). From my observations at the intersection I concur with the ITA statement that *"the key limitation on sight distance is the vertical crest in SH3 to the south of the intersection. To mitigate the sight distance issue would require the crest to be lowered and SH3 regraded"*.

Following an assessment of the advantages and disadvantages of both road access options, the Project ITA concludes:

"...that sole access should be retained via Waikeria Road and as such, any proposed mitigations should be focused on Waikeria Road and the SH3 / Waikeria Road intersection".

4. Project Traffic Generation Review

The Project ITA report identifies that the existing peak periods of traffic flow on Waikeria Road are between 7:00-8:00am and 4:00-5:00pm on weekdays, and that based on tube count data the significant majority of traffic (76%) is directly related to Waikeria Prison. The existing prison typically generates about 105 vehicle movements in the am peak hour, so that translates to a trip rate of about 0.5 trips / day-time staff member. The PM peak hour trip rate calculates to about 0.4 trips / day-time staff member. Similarly, the existing average daily trip rate calculates to about 2 trips / staff member.

I have reviewed the ITA calculations and concur with the derived trip generation rates that have been applied.

The ITA explains that the existing facility will continue with current staffing ratios (approx. 1 staff per 2.5 prisoners) but efficiencies with the new prison facility will mean 1 staff per 3.2 prisoners is achievable. The combination of the two results in the following weekday traffic generation predictions for the facility operating at full capacity (3000 prisoners):

AM Peak Hour	470 vph
PM Peak Hour	360 vph

Average Daily Traffic 2800 vpd

The ITA assumes that the non-prison related traffic patterns on Waikeria Road will remain constant, which I agree is a reasonable assumption for a rural environment such as this. So I agree with the ITA calculations that the predicted average total traffic volumes for Waikeria Road at SH3 with the new prison facility operating at full capacity are:

AM Peak Hour	490 vph
PM Peak Hour	380 vph
Average Daily Traffic	2950 vpd

5. Transport Effects Review: SH 3 / Waikeria Road Intersection and Waikeria Road

SH3 / Waikeria Road Intersection

The ITA report provides a series of SIDRA model assessments of the capacity of the existing SH3 / Waikeria Road intersection with the Project traffic predictions (3000 prisoners) relative to the existing baseline traffic environment (1250 prisoners).

The modelling results in the ITA clearly highlight that the right turn out of Waikeria Road is the critical movement in terms of capacity constraint at the intersection. This is commonly the case for Tee intersections of this type.

On the basis that traffic turning percentages at the intersection in future remain similar to existing (ie 85% of traffic turning to and from Waikeria Road is from the north) the ITA predicts the right turn out performance to decline from the current Level of Service (LoS) C to LoS F in the PM peak hour, with average delays increasing from 19s per vehicle to 104s per vehicle for this movement. As a result the 95th percentile queue is predicted to increase from 17m to 187m in the peak period.

I have a number of concerns relating to this and the resulting ITA conclusions.

The first is that LoS F is highly undesirable and it is a significant deterioration in the right turn out movement's performance (currently LoS C). The delays and queue length at LoS F are likely to significantly increase the risk of serious crashes occurring as drivers become impatient exiting Waikeria Road and/or feel pressure to accept a shorter gap in the opposing SH3 flows of traffic than is needed to safely turn through. The right turn out movement from Waikeria Road is particularly at risk of a fatal or serious injury crash due to the minimal protection available to occupants of vehicles turning from the side road if hit in the doors by another vehicle at rural road speeds.

The ITA tested further scenarios for various reduced levels of Waikeria traffic flow turning to and from the north on SH3. It is not until this northerly traffic split is reduced to 65% in the tests that the LoS for the right turn out movement becomes LoS D (average delay of 35 s/veh). In my experience LoS D is typically the worst acceptable level of service for a rural intersection before capacity and safety improvements start being discussed and planned for. This is particularly so for land use development proposals that directly cause the performance worsening beyond LoS D, given the RMA requirement to avoid, remedy or mitigate its effects. I note that in urban settings LoS E may be more acceptable to road controlling authorities and road users before a need for remedial action is considered due to the lower speed environments and congestion being a more common and accepted part of the transport environment. However, this is a rural environment with open road speeds on SH 3. There is no guarantee that the northerly directional split will reduce from the current 85% to 65% as a result of the prison expansion project. There is no proposed mitigation measure or rule offered in the NOR

application that provides certainty that the northerly traffic split will be practically restricted to 65% of Waikeria Road volumes.

Furthermore, the ITA acknowledges that LoS F is not acceptable and that remedial action is needed, but then it effectively discounts that need for this Project, on the basis that the effects only occur for a “short period” each day. From my understanding of the existing traffic flow profiles on Waikeria Road, the peak periods occur during staff change-over times. The outbound flows will typically occur over a period of about 30-60 mins each day. While this is a short period, the regularity of it occurring every weekday, and on weekends to a lesser degree, is not insignificant or an acceptable effect in my opinion.

Given the above points, I do not agree with the Project ITA conclusion as follows:

A level of service F is generally a level at which remedial action should be undertaken and the forecast level of queuing and delay is not acceptable. However it is noted that the performance of the SH3 route remains at a high level, and the effects noted are likely to be confined to a short period. Additional mitigation measures are discussed in Section 5.3.3.

The ITA proposes an upgrade to the SH3 / Waikeria Road intersection to mitigate the effects of the increased traffic. The proposal involves shifting Waikeria Road centre line south by 6m, improving sight lines to the north by trimming vegetation and raising the approach of Waikeria Road, and widening the State Highway to include a right turn bay for traffic turning into Waikeria Road. In my opinion this upgrade will improve the safety or right turn traffic entering Waikeria Road, but it does not address the capacity and performance issue for the more critical right turn out movement in the pm peak period. Improving sightlines to the north does not fully mitigate the predicted effects. There is a need to identify suitable mitigation to address the predicted capacity issue that is a result of the increased traffic flow on Waikeria Road and too few safe gaps in the opposing SH3 traffic streams at peak times.

My second concern is that the ITA capacity assessment does not take the effects of ongoing State Highway traffic growth into full consideration. The ITA states:

It is however possible, or indeed probable that, volumes on SH3 would grow beyond the 2022 date due to growth factors well outside of the prison activity. Such growth may affect the ongoing operation of the intersection; however it is considered that such effects are within the normal realm of road network development and would accordingly be addressed as required by the road controlling authority(s) at a suitable date. It is also noted that the proposed monitoring condition could serve to identify any potential issues in the short to medium term.

In my experience the background traffic growth on the highway (and any other consented yet not operable developments) forms part of the baseline receiving environment, and as such the development's effects should be considered for a reasonably foreseeable future receiving environment. In my experience, traffic effects and mitigation typically consider 10 year post implementation performance, and sometimes 20 years although less weight is normally placed on the 20 year performance predictions due to the level of uncertainty.

The ITA in this case considers SH3 traffic growth to 2022 which is effectively just after the opening of the facility. I expect that, given the assessment for 2022 already shows LoS D-F, with a growth rate of

2% on SH3 it is likely that the right turn out of Waikeria Road will experience even higher delays and queues 5 years and 10 years post implementation. Notwithstanding this capacity issue, a 10 year performance assessment may also influence the design length of the proposed right turn bay on SH3 for this upgrade option.

Overall, the ITA highlights that a capacity issue is likely to occur at the SH3 / Waikeria Road intersection as a result of the prison expansion, but there is no improvement offered that demonstrates that the effects are appropriately mitigated. In my opinion the solution to address the capacity issue and the associated decreasing safety risk, is a roundabout or possibly a grade separated right turn (underpass or overbridge). While I am aware that there has been some discussion between the NZ Transport Agency and the Department about the pros and cons of a roundabout, and that the NZ Transport Agency is not overly in favour of a roundabout, there is no formal assessment in the ITA that identifies a suitable solution (roundabout or grade separation) to address the capacity issue.

Land constraints and geometric issues at the SH3 / Waikeria Road intersection may make it challenging for a roundabout or grade separation to be built. However, these solutions have not been investigated in the ITA. As a side thought, if a roundabout is the correct capacity and safety solution for the future traffic flows then a potentially more appropriate location may be the cross-roads intersection of SH3 / Wharepuhunga Road / Te Kawa. The ITA discusses this alternative intersection and identifies one sightline issue but then rules it out for further consideration without demonstration that a roundabout upgrade has been investigated in any detail. Upgrading this high risk cross-roads intersection may be a solution with potentially greater benefits for all road users, the Department of Corrections and the NZ Transport Agency.

Therefore, in my opinion there is a need for further work by the Department to identify a suitable intersection upgrade solution that is practically achievable and mitigates the high delays and long queues predicted for the right turn out movement. It could be appropriate for the upgrade solution to be implemented at a time when pre-defined performance measures are met, so that the effects are mitigated before they become significant. The project ITA report proposes such performance trigger levels, including crate rates, and/or 60 seconds average delay, and 100m queue lengths. In my opinion these levels are not acceptable as they effectively allow a significant adverse effect to eventuate before mitigation is implemented. Such levels could result in a significant serious injury or fatal crash occurring at the intersection before improvements occur, which I believe is unacceptable when the outcome was predictable. The Department needs to undertake more work in consultation with the NZ Transport Agency and Otorohanga District Council to identify appropriate performance monitoring trigger levels and a suitable improvement solution that can be implemented if and when the trigger levels are met. I have reflected this in the s198D report draft monitoring condition where trigger levels are identified as 'TBC'.

Waikeria Road

In regards to the suitability of Waikeria Road to accommodate the tripling of traffic from 940 vpd to 2950 vpd; my opinion based on reviewing the information and site visits is that the formed width of road within the Waipa District is presently sufficient and appropriate at approximately 8m wide to accommodate the traffic demands of the Project, subject to some safety improvements. As a minimum these improvements should include edge lines added over the entire length to delineate 0.5m wide shoulders on both sides of the road, additional edge marker posts, and safety barriers installed at locations where roadside hazards with the potential to cause serious injury exist, due to the increased crash exposure levels associated with tripling of the traffic volumes.

For the section of Waikeria Road in the Otorohanga District, the ITA report highlights a number of deficiencies in the road formation and sightlines, and identifies the following mitigation works in order to accommodate the predicted traffic demands:

- Driveway visibility improvements (vegetation, signs and berm earthworks where possible) at property #s 382, 425 and 463 Waikeria Road.
- General corridor maintenance (vegetation trimming and edge marker posts)
- Waikeria Road / Walker Road – reseal and new line markings
- Speed Management – reduce the speed limit to 80 km/hr

I agree with these improvements, but I also consider that the following three additional improvements are necessary to mitigate the effects of the increased traffic flows:

- Road widening of Waikeria Road within Otorohanga District to 8.0m up to and including the one lane bridge (approximately 2 km length). New line markings to provide 2x 0.5m wide shoulders and 2x 3.5m wide lanes. This work will bring the road up to standard suitable for the future traffic volumes and a consistent standard as the section of road in Waipa District.
- The tight radius curve approximately 270m north of the one lane bridge has a carriageway width of approximately 6.0m and poor forward sight distance due to the high sided embankments and vegetation either side. In addition to the carriageway widening to 8.0m, the curve radius should be eased so that it is in context with other curve radii on the road and the cut face of the inside embankment should be benched back to increase the sight distance to meet or exceed the Otorohanga District standard for the curve design speed.
- Upgrading of the single lane bridge to a two lane bridge with a clear carriageway width of at least 8.0m.

While the ITA identifies each of these three upgrades as potentially beneficial, I consider that it does not sufficiently commit to them through recommendations or proposed conditions. In my opinion each of these upgrades should be conditions of the NoR to ensure the effects of the increased traffic volumes on Waikeria Road are appropriately mitigated.

6. Construction Traffic Effects

The ITA outlines that construction traffic volumes could be substantial given the size of the prison expansion works, although there is no specific information provided by the Department since the design and construct tender process has not yet been completed. Therefore, it is difficult to define the full effects, but it can be expected that significant quantities of material will be transported by road to site and large mobile cranes (possibly 100 Tonne or more) will be needed from time to time. On this basis I consider that the upgrades to Waikeria Road as identified above should be carried out prior to construction commencing to minimise the risk of adverse traffic effects occurring. In addition, I am aware that the NZ Transport Agency is accepting of Temporary Traffic Management measures to be implemented at the SH3/Waikeria Road intersection during construction of the prison. The expectation is that a Construction Traffic Management Plan would be provided for approval and implemented based on the successful Tenderers construction methodology and phasing, to mitigate their construction traffic effects at the intersection and also on Waikeria Road. A draft condition to this effect is proposed in the s198D report.

7. Submissions Received in relation to Traffic Effects:

Submissions by Harold Maniapoto and Maniapoto ki Te Raki (MKTR) raise concerns about the predicted increase of vehicle movements on Waikarua Road and associated impacts upon local residents. Both submissions anticipate effects of delays up to 30 minutes during peak period shift changes. To mitigate those effects, Mr. Maniapoto and MKTR recommends the scheduling of shift changes to avoid local peak period clashes and the use of Wharepūhanga Road in conjunction with Waikarua Road to create a one way circuit to and from the prison.

Mr. Maniapoto and MKTR are correct that the increased traffic volumes associated with the expanded prison will be noticeable to residents on Waikarua Road and, it will impact primarily upon the performance of the right turn out movement at the SH3 / Waikarua Road intersection. I have raised concerns about the extent of improvement proposed on Waikarua Road and at the intersection, and that I do not consider that the current proposals appropriately mitigate the predicted effects. I share Mr Maniapoto's and MKTR's concerns about the capacity of the intersection not being addressed, and also that further improvements on Waikarua Road, as I have listed above, are required to bring the road up to a suitable standard for the increased traffic flows.

In terms of the suggested one way circuit by Mr Maniapoto and the MKTR, I acknowledge that Wharepūhanga Road provides an alternative access to the prison and, because the prison has substantial frontage to that road, the increased traffic would potentially impact upon fewer neighbouring landowners.

Furthermore, notwithstanding the ITA position, my opinion is that there has not been sufficient detail in the ITA to show that Wharepūhanga Road is not a feasible access option, especially if significant intervention (such as a roundabout) proves to be the best means of addressing intersection Levels of Service (LoS) with SH3. If this intersection was to be upgraded to safely accommodate outbound traffic flows from the prison then a circulatory traffic route involving inbound flow on Waikarua Road and outbound flow on Wharepūhanga Road is technically beneficial from the perspective of reducing the concentration of traffic effects and limiting the risk of conflicting movements. However, I understand that for prison security reasons the Department requires all traffic to enter and exit from one controlled vehicle access point.

Mr Maniapoto raised the suggestion of shift changes to remedy peak period traffic and predicted delays for right turning vehicles onto SH3. In my opinion this is a form of Travel Demand Management (TDM) that could help to avoid or mitigate the future LoS performance issues predicted for right turning vehicles onto SH3. Traffic volumes would not increase to the critical levels identified in the ITA if the Department were able to commit to shift patterns that restrict the number of staff arriving and leaving in any given hour to a pre-defined maximum. Such TDM solutions have been suggested to the Department during consultation and are identified by TDG in the ITA, but they have not been proposed formally by the Department through conditions to give certainty of this form of mitigation.

Mr Maniapoto raises concerns that future delays turning out of Waikarua Road could be '30 minutes'. The ITA traffic model results present a worst case reduction in performance from LoS 'C' to LoS 'F', which equates to an increase in average delay for right turn out movements from 19 seconds to 104 seconds. The 104 seconds is an average, so it is possible that some vehicles will experience delays greater than this, and some will experience delays less than this during the peak periods. Therefore, I consider Mr Maniapoto's 30 minute delay claim to be very unlikely to occur during the course of normal daily operation of the expanded prison based on the information supporting this proposal. However, I agree with the over-arching concern that the predicted delays at the intersection are high

and that safety is likely to be compromised for all road users, and there is no proposed mitigation to address it.

The submission by the New Zealand Transport Agency (NZTA) is focussed on the sightline deficiencies of the SH3 / Waikeria Road intersection and the need for an intersection upgrade. NZTA notes that the existing safety concerns with the intersection are likely to be exacerbated with the increase in prison traffic. Consultation is understood to be ongoing between the Department and NZTA regarding alternative intersection design options, including the acquisition of additional land to further improve sightlines. The Department and NZTA have entered into a Memorandum of Understanding (MOU) which sets out the options for an intersection improvement, the process to be pursued and the implementation of the chosen option. In the meantime, conditions to the following effect are sought by NZTA:

1. The requiring authority shall upgrade the intersection of SH3 / Waikeria Road to accommodate the additional traffic generated as a result of the prison expansion; and
2. A traffic management plan shall be prepared by the requiring authority outlining temporary traffic management measures until such time as the upgrade of the SH3 / Waikeria Road intersection is completed.

As mentioned earlier in my review, I consider that certainty is needed that there is a practical upgrade solution for the intersection to mitigate the predicted congestion and safety effects. This solution, or range of solutions should be identified in the conditions along with performance triggers for such an upgrade, set at a level that ensures that the effects are identified as they develop and mitigated before they become significant.

The submission by Waipa District Council recognises that there will be additional traffic impacts on the Waipa network, but that these have been addressed with the Department of Corrections in consultation with Otorohanga District Council and the New Zealand Transport Agency.

8. Recommended Conditions

On the basis of my review of the proposed prison expansion transportation effects, if the alternation to designation is approved I recommend that the follow conditions be included to mitigate the demonstrated transport effects. These conditions are intended as a framework as there are likely to be amendments between now and the final set of conditions due, in particular, to the SH3 / Waikeria Road intersection issues for the Department still to resolve. I have been in consultation with the other technical traffic experts to date and expect this to continue leading up to the Notice of Requirement Hearing in order to agree an appropriate set of conditions.

Construction Traffic Management Plan

Construction traffic shall be managed in accordance with the Code of Practice for Temporary Traffic Management (COPTTM) during the construction period.

An approved Construction Traffic Management Plan (CTMP) shall be obtained and implemented by the requiring authority prior to commencement of construction activities on site. The CTMP shall be prepared by the requiring authority and submitted for approval to Otorohanga District Council in consultation with Waipa District Council and the NZ Transport Agency. The CTMP shall define the temporary traffic management measures to be employed for each construction phase or stage and until such time as the upgrade of the SH3/Waikeria Road intersection, is complete in accordance with condition X of this consent.

The requiring authority shall engage a suitably qualified traffic engineer to monitor the performance of the SH3/Waikeria intersection at 3 monthly intervals for the duration of the construction period and until the expanded facility is operational. Monitoring shall address the performance criteria set out in condition X below and shall be reported to the NZ Transport Agency and copied to the Otorohanga and Waipa District Councils within 5 working days of the monitoring survey being completed. In the event that the thresholds set out in Tables A and B of condition X are exceeded, the Requiring Authority shall review the CTMP in consultation with NZTA and implement appropriate measures to mitigate the effects identified by the monitoring.

Waikeria Road

- (i) The adverse effects of increased traffic on Waikeria Road shall be mitigated through the completion of the appropriate physical works prior to the commencement of prison construction activities on site. No physical works shall commence until final Engineering Plans are approved by the relevant road controlling authority. Physical works shall be designed and completed in accordance with the relevant road controlling authority's technical standards, to the satisfaction of the relevant road controlling authority.

The engineering plans shall include the following traffic effects mitigation works which shall be completed as a minimum:

- a) Vehicle entrance visibility improvements to be carried out to meet the relevant road controlling authority sightline standard for the 85th percentile operating speed (to be measured) on Waikeria Road.
 - b) Carriageway widening works to provide a minimum consistent sealed width of 8.0 m with unsealed shoulder widths of 0.6 – 0.75m on both sides. All works shall be consistent with the NZTA Manual of Traffic Signs and Marking standards. Carriageway widening to 8.0 m shall extend to the northwest abutment of the single lane bridge.
 - c) Road corridor sightline improvements along the length of Waikeria Road.
 - d) Appropriate shape correction to the approach to the Waikeria Stream bridge and appropriate earthworks contouring to the embankment on the roadside.
 - e) Upgrading of the Waikeria Stream bridge to at least 8.0m to safely accommodate the construction traffic loads planned for the prison expansion works.
- (ii) A suitably qualified road safety engineer shall:
 - a. Carry out a Road Safety Audit of Waikeria Road and submit it to the relevant road controlling authorities. The requiring authority shall implement the Audit actions identified, in consultation with the relevant road controlling authority.
 - b. Undertake a Speed Limit review for Waikeria Road following completion of the above improvements.

SH3 / Waikeria Road Intersection Interim Improvements

Prior to the extended prison facility becoming operational, the Requiring Authority shall upgrade the intersection of SH3/Waikeria Road to improve sight distances and accommodate a right turn bay on State Highway 3. The improvements shall be designed to the relevant Austroads and New Zealand Transport Agency standards to the satisfaction of the NZ Transport Agency and copied to the Otorohanga and Waipa District Councils.

Performance Monitoring and Triggers: SH3 / Waikeria Road Intersection

The requiring authority shall engage a suitably qualified traffic engineer to monitor and provide a report on the performance and safety of the SH3 / Waikeria Road intersection to the relevant road controlling authority with copies to Otorohanga District Council and Waipa District Council within 15 working days of each monitoring being completed. The monitoring and report shall be carried out 12 months following the expanded facility becoming operational and every 3 years thereafter for a period of 10 years, or until such time as the intersection is upgraded in accordance with condition X below.

Performance Criteria:

The monitoring report shall:

- (a) Assess the actual traffic volumes and effects on the SH3 / Waikeria Road intersection during the peak flow periods and including an injury crash assessment for the period since last monitoring occurred.
- (b) Provide a calibrated model assessment of intersection performance including 95th percentile queue length and average delays for all movements; and
- (c) Include an assessment of the injury crash rate and efficiency results against the performance thresholds specified in Tables A and B below.

Table A:

Model	Crash Types	Predicted Existing	Predicted Future (with intersection improvements)
Crossing / vehicle turning	Major road approach to right of side road	TBC	TBC
Right-turning and following vehicle	Major road approach to left side of road	TBC	TBC
Other	Major road approach to right side of side road	TBC	TBC
Other	Major road approach to left of side road	TBC	TBC
Other	Side road approach	TBC	TBC

Table B:

Crash rate	Injury crash rate to be no greater than those shown in the above table. Should a serious injury or fatality occur at the intersection associated with peak Corrections traffic demands, this threshold will be considered to have been exceeded.
95 th percentile queue length	TBC. metres for vehicles turning right out of Waikeria Road
Average delay per vehicle	TBC. seconds per vehicle for right turn out of Waikeria Road

Note that the above performance trigger tables are proposed by TDG except for the trigger values I have set as 'TBC' for the reason noted in section 5 of my review. The Department needs to undertake more work to identify appropriate performance levels for triggering the improvement solution (still to be identified and agreed) before significant effects occur, not when they occur.

SH3 / Waikeria Road Intersection Final Improvements

Following receipt of a monitoring report by the NZ Transport Agency and copied to the Otorohanga and Waipa District Councils, which identifies that the thresholds set out in Tables A and B of condition X (above) have been exceeded; the requiring authority shall, in consultation with the NZ Transport Agency prepare and submit detailed construction plans for one of the following treatment options to resolve safety and / or efficiency concerns at the SH3 / Waikeria Road intersection:

- a) A grade separated intersection which allows right turning vehicles from Waikeria Road to join northbound vehicles on State Highway 3; or
- b) A roundabout at the intersection of Waikeria Road and State Highway 3.

The detailed construction plans shall be submitted to the NZ Transport Agency (and copied to the Otorohanga District Council) for their certification. The treatment option shall be designed in accordance with the relevant Austroads and NZTA design standards and guidelines. The timetable for implementation of the agreed treatment option shall be by agreement with the NZ Transport Agency, in consultation with the Waipa District Council and Otorohanga District Council.

This condition above is recommended as the appropriate framework within which to identify and describe the agreed final treatment design for the SH3/Waikeria Road intersection following further discussions between Corrections, NZTA and the local Councils. While the specific treatment design may be refined over the coming weeks, the process by which the solution will be triggered is considered to be appropriate.

Reference to final construction plans being copied to both Otorohanga and Waipa District Councils is to ensure that they are informed of progress on this matter. This also reflects the unique situation associated with this intersection upgrade whereby the road controlling authority is NZ Transport Agency, the local council is Waipa District Council but the activity is located in Otorohanga District Council.

Yours faithfully
Bloxam Burnett and Olliver Ltd

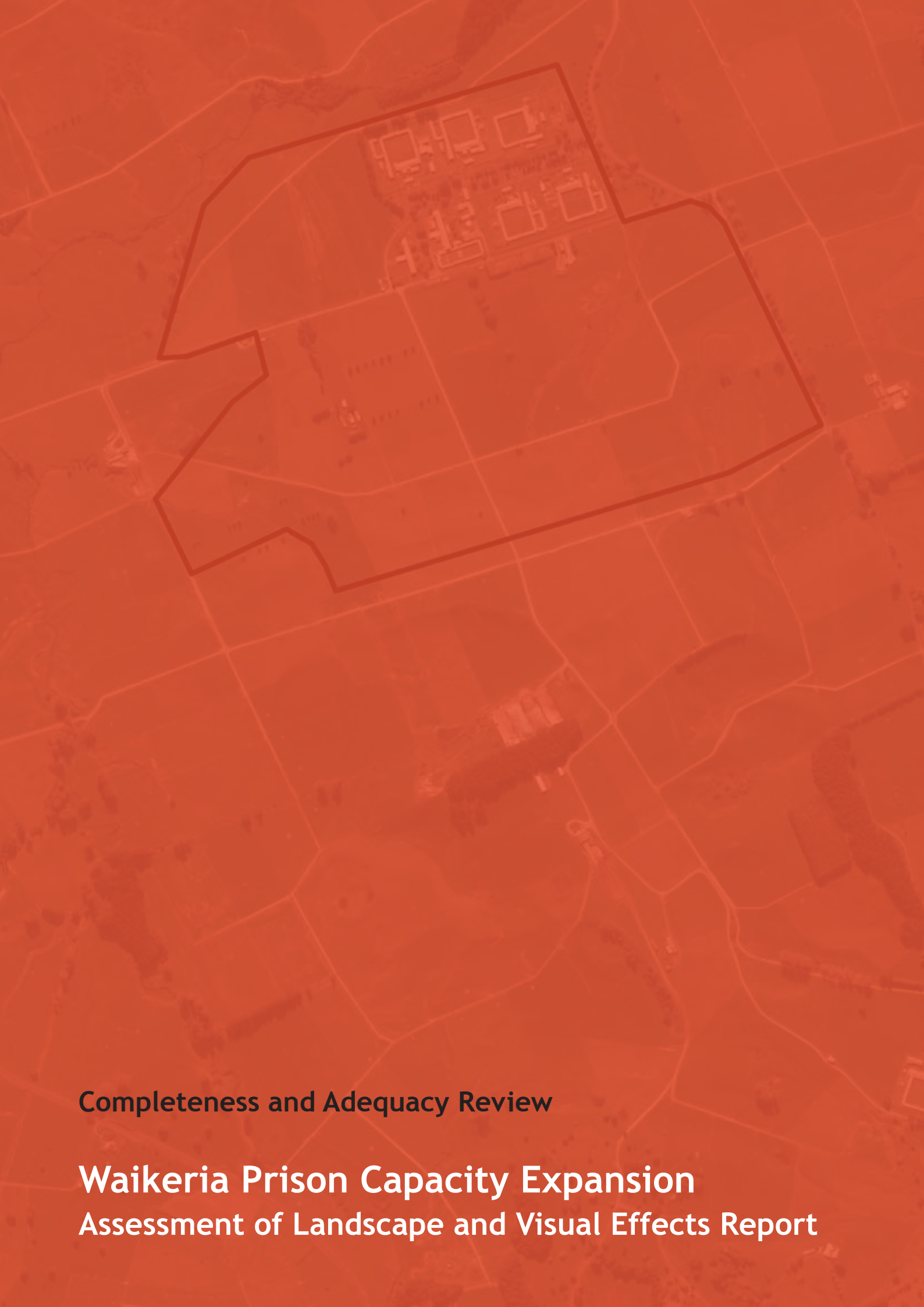


Cameron Inder
Senior Transportation Engineer.

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APPENDIX 8

Peer review of Landscape & Visual Effects by
Mansergh Graham Landscape Architects Ltd



Completeness and Adequacy Review

Waikeria Prison Capacity Expansion Assessment of Landscape and Visual Effects Report

This review has been prepared in response to an application by
The Department of Corrections for an alteration to designation to
expand the Waikeria Prison facility.
All work has been undertaken and/or reviewed by a
Registered NZILA Landscape Architect.

Report prepared by:

Dave Mansergh
Dip. P&R (Dist), BLA (Hons), MLA, Registered NZILA Landscape Architect
Director



Registered Member
of the
New Zealand Institute of Landscape Architects.

Report Version: R5
Date: 21/06/2017



1. INTRODUCTION

The following report is a review of the visual, landscape, and amenity components of the notice of requirement ("NOR") lodged by the Department of Corrections to alter the existing designation to expand the Waikeria Prison facility. It also considers the submissions which have been made in response to the public notification of the NOR.

The proposed expansion would allow for up to 3,000 prisoner places. Currently the prison is capable of accommodating up to 1250 prisoners. The department proposes to construct all new prison facilities within a 94ha building zone.

This review has been prepared as part of an analysis of the adequacy and content of information relating to visual, landscape, and amenity effects identified within the alteration to designation application and assessment of environmental effects (AEE).

This document has been prepared within the context of the Resource Management Act 1991, The Waikato Regional Policy Statement (WRPS), and the Operative Otorohanga District Plan.

2. DOCUMENTS REVIEWED

The following documents and/or extracts have been reviewed for the purposes of this report. The reports are collectively referred to as the Waikeria Prison Landscape and Visual Effects Reports ("WPLVE"):

- a. *Waikeria Prison Capacity Extension: Assessment of the Landscape and Visual Effects (Final Draft). Prepared for Department of Corrections. 20 March 2017. Prepared by Boffa Miskell.*
- b. *Waikeria Prison Capacity Extension: Assessment of the Landscape and Visual Effects. Prepared for Department of Corrections. 10 April 2017. Prepared by Boffa Miskell.*
- c. *Waikeria Prison Capacity Expansion: Notice of Requirement and Assessment of Environmental Effects. Prepared for Minister of Corrections. Final Draft. Volume 120. March 2017.*
- d. *Waikeria Prison Capacity Expansion: Notice of Requirement and Assessment of Environmental Effects. Prepared for Minister of Corrections. 10 April 2017.*
- e. *Waikeria Prison Capacity Expansion: Notice of Requirement and Assessment of Environmental Effects. Volume 3: Figures. 10 April 2017.*
- f. *Department of Corrections Waikeria Prison Development Assessment of Environmental Effects – Lighting Summary Report. 7 April. Prepared by Opus International Consultants.*
- g. *Submissions received (No. 001 – 009)*
- h. *Draft Conditions –Working Document. Version: 20 June 2017*

Mansergh Graham landscape Architects Ltd (MGLA) undertook a preliminary review of the draft *Assessment of the Landscape and Visual Effects*, Notice of Requirement and Assessment of Environmental Effects reports in March 2017. Our review commented that, given the general or broad nature of the parameters identified for analysis using an envelope analysis approach, only broad conclusions could be reached with regard to the potential visual and landscape effects.

This review takes into account the additional information provided in the final WPLVE in response to matters raised in our preliminary review.

3. REVIEW APPROACH

This review was carried out within the context of the requirements of the RMA, the findings and recommendations of the New Zealand Institute of Landscape Architects (NZILA) “best practice” notes and guides¹. This approach is supported by the NCHRP report into the *Evaluation of Methodologies for Visual Impact Assessment*².

The following factors have been considered:

- a. Has the correct environmental context and landscape context (including spatial extent) been identified for the assessment (the extent of the potentially affected landscape³)?
- b. Have the relevant physical attributes of the landscape been adequately identified and described?
- c. Have the main elements of the proposal, with the potential to affect landscape and visual amenity, been identified?
- d. Have existing values associated with the landscape and views of it (visual amenity) been correctly identified and described? Are these supported by evidence and/or research?
- e. Has the status of the landscape containing/affected by the proposed development been identified (within the context of the Resource Management Act (RMA), Regional Policy Statement (RPS), and the Operative District Plan (ODP); and Have the relevant provisions of the planning instruments, processes and requirements been addressed/met (landscape and visual amenity)?
- f. Have all relevant potentially affected people been identified?
- g. Have the potential effects of the proposed development on landscape and visual amenity been analysed and rated in a consistent manner?
- h. Has the report described how the proposed development will change existing landscape values (s6(b) issues) and visual quality and amenity values (s7(c) issues)?
- i. Has the assessment adequately described and/or communicated how the proposed development will alter the landscape within which it will be contained?
- j. Have any limits of acceptable change (as identified by any relevant planning provisions or landscape management plans) been identified?
- k. Has an appropriate strategy been identified or adopted in order to avoid, remedy or mitigate any unacceptable adverse effects on landscape values and visual amenity?

Fundamentally, this review will identify whether the WPLVE reach a set of clear and concise conclusions, supported by an appropriate methodological framework within the context of the relevant planning instruments and New Zealand case law.

Overview of the Methodological Approach Used

The approach most commonly used for the assessment of this type of development within the New Zealand context is the *Expert VIA* approach, where expert analysis is used to identify effects on landscape and amenity values. This approach is supported by the NZILA, within the best practice note 10.1.

A number of different variants of the *Expert VIA* approach are currently in use in New Zealand. While this can result in the identification of different types of effect and different rating outcomes (due to different emphasis being placed on the factors considered when effects are identified and evaluated), in general all variants of this method seek to identify:

- a. Landscape and visual amenity values (biophysical/geophysical, associative and perceptual)

¹ NZILA Best Practice Note: Landscape Assessment and Sustainable Management 10.1 & NZILA Best Practice Guide: Visual Simulations BPG 10.2

² NCHRP Report 741 – Evaluation of Methodologies for Visual Impact Assessment. Transportation Research Board. 2013

³ For the purposes of this report the word landscape is used in the sense that it is inclusive of rural, peri-urban and urban environments.

- associated with the existing environment;
- b. Those potentially affected by a proposed development; and
- c. The nature of the change that is likely to occur as a result of a proposed development and the resultant type and level of effect likely to result.

This leads to an ability to identify:

- d. Avoidance, remedy or mitigation requirements.

The author of the landscape assessment for this application is a qualified landscape architect, and makes reference to the *Quality Planning Landscape Guidance Note*. The approach used in the WPLVE assessment follows a variant of the *Expert VIA* approach, with conclusions formed after consideration of the nature of the existing environment and proposed development, identification of potentially affected parties and the mitigation required to avoid unacceptable adverse effects on landscape and visual amenity.

It is identified in the WPLVE that, because the detail design of the prison expansion is yet to be determined, the effects assessment relies on a set of broad or general design parameters. As such, the approach taken by the authors of the WPLVE varies from the methodology outlined in Appendix 1 of the same document.

Consequently the assessment of landscape and visual effects that forms the basis of the WPLVE has been undertaken using a single envelope which encompasses the entire “maximum buildable area” for the site, rather than the more acceptable approach of developing a refined “bulk and location” or “building massing” plan within which smaller, non-detailed, individual or clusters of envelopes are assessed.

In general, it is considered (by the reviewer) that the conclusions reached using the broad or general design parameter and site wide envelope approach (as used in the NoR) will not be as refined as the conclusions reached from assessing a more developed design package (such as a refined “bulk and location” or “building massing” envelope or a preliminary concept design)⁴. While the approach adopted is not fatal, from a review or assessment perspective, it does not allow specific effects to be identified or provide certainty as to how effective the mitigation proposed will be (e.g. It is not always possible to determine if a mitigation measure such as screen planting will prevent views of a building from a specific location, if the location of the building is not known).

Best Practice Approach

While the assessment approach adopted in the WPLVE reports is an “accepted professional practice” methodology currently used in New Zealand and is consistent with the recommendations contained within NZILA *Best Practice Note: Landscape Assessment and Sustainable Management 10.1*, the author of this review report is of the opinion that the WPLVE report’s authors ability to identify and assess the effects of the final design of the proposed expansion (to a level of detail normally required by Council) is limited. This is because the level of detail provided within the broad parameter approach and the procurement process restrictions adopted by the requiring authority only allow general assumptions about the prison expansion’s form and building locations to be made.

⁴ For the purpose of this report, from an assessment (and design) perspective, bulk and location or building massing envelopes represent a level of detail where the physical and planning constraints associated with a site are taken into account to develop a basic (undetailed) 3D envelope or mass that represents the combined effect of the arrangement, volume and shape of a building or group of buildings. Typically the envelope takes into consideration parameters such as site access and circulation requirements, site size, geometry and configuration of buildings in relation to their intended use, the organisation of the buildings horizontal or vertical mass into “blocks” (such as ground floor, upper floors, roofs and extrusions), recession planes, setbacks and view shafts. However the parameters used to generate the massing envelopes are usually not discernible from the envelopes themselves. A preliminary concept design is a further refinement of the massing envelope where building and site configuration details are refined to a level where the spatial configuration of the site and likely forms of the buildings begin to emerge in sufficient detail to allow their appearance to be understood. This includes the identification of features such as building footprints, building roof pitch, fenestration, roads and paths, gardens and lighting at a general level. In this stage design parameters become increasingly discernible.

4. PURPOSE OF REVIEW

The purpose of this review is to assess the following:

- a. Whether the WPLVE provides sufficient information to enable a potentially affected person and/or the decision-maker to gain a clear and concise understanding of the nature and extent of effects that the development is likely to have on landscape and visual amenity; and
- b. Whether the WPLVE satisfies the relevant requirements of the RMA.

5. KEY LANDSCAPE AND VISUAL AMENITY ISSUES ADDRESSED IN THE REVIEW

The following key issues have been analysed within the review:

- a. Identification of existing visual and landscape amenity values in and around the site;
- b. Identification of the main elements of the proposal with the potential to affect visual and landscape amenity values;
- c. Effects on rural/landscape character values;
- d. Effects on visual amenity from surrounding representative locations;
- e. Whether the proposal addresses the provisions of the relevant statutory provisions;
- f. Whether an appropriate strategy has been identified to avoid, remedy or mitigate any unacceptable adverse effects on landscape values and visual amenity.

6. ANALYSIS OF KEY ISSUES AFFECTING LANDSCAPE AND VISUAL AMENITY VALUES.

6.1 Identification of Landscape Context and Existing Site Character

A description of existing landscape context and character is contained within the WPLVE. The key findings are as follows:

Wider landscape character is informed by the following:

- a. The prison site is located approximately 16km northeast of Otorohanga and 9 km southeast of Te Awamutu.
- b. The landscape of the wider area is generally open and used for pastoral farming activities.
- c. Trees are typically located in groups, associated with residential dwellings and gardens or forming shelter belts, shade trees for livestock, or in avenues following farm access tracks or races.
- d. The landscape of the prison site is characterised by low-lying areas interspersed with rolling hills and small ridges.
- e. The property is surrounded by a mix of rural lifestyle and farming activities.
- f. The prison site is 1,276ha in size with the majority used for dairy farming operations and associated purposes.
- g. The existing prison facilities form several small 'nodes' within the prison site, and are discretely located from each other and away from its boundaries.
Much of the prison site is screened from more distant external views by a combination of landform and vegetation. From closer elevated land there is the potential to view across parts of the site but these views are also interspersed with vegetation in blocks or avenues of trees.

Building Zone Landscape Elements and Character values are as follows:

- h. The proposed Building Zone is an approximately 94ha area, which extends from the northern boundary and perimeter track of the existing prison facility to an internal farm track approximately 900m to the south.
- i. Vegetation within the Building Zone consists of a mix of mature and semi-mature exotic and

evergreen specimen trees around the existing lower prison, a small group of approximately 15 Totara trees near the western boundary of the zone and a number of poplar trees along two fence-lines as well as scattered around the balance of the zone.

- j. The balance of the Building Zone not currently used for prisoner facilities, is used for agricultural purposes and currently grazed as part of the wider farm operation.
- k. Other built elements within the zone include a disused piggery and small farmyards in two separate locations near the western boundary.

Reviewer's Response

The WPLVE addresses the main defining characteristics of the site and immediate surrounding area at an appropriate spatial extent.

It is considered that the combination of the relief plan (Figure 4 of the WPLVE), view location photographs, and written assessment adequately convey the basin-like character of the site. Gaining an understanding of this landform context is particularly important in terms of assessing the extent of the development that will be potentially visible from neighbouring rural residential areas and the reliance that will be placed on mitigation planting.

In general, the written analysis, in combination with the graphic material, provides a thorough analysis of the existing context and is sufficient to gain an appreciation of the relevant contextual factors.

6.2 Identification of the main elements of the Proposal

The WPLVE identifies a range of proposed facilities as key design parameters, both within and outside the secure perimeter, with the potential to effect landscape and visual amenity values.

This is identified as the *Building Zone* and represents the envelope assessed by the requiring authority. The *Building Zone* (assessment envelope) is approximately 94ha and encompasses the existing lower prison to the north of the designation site. It is identified that within this zone there are likely to be different building platform levels, which respond to the contours of the site. For the purposes of the assessment, two building platform levels have been assumed. These are RL45m in the northern part of the Building Zone (similar to the existing facility) and RL50m in the more elevated southern part of the Building Zone.

As previously outlined, due to the nature of the procurement process for the design, construction and maintenance of the new facility, neither a refined envelope based on building general bulk and location, nor preliminary concept are provided for assessment and review at this stage of the process. It is acknowledged that a more refined design will be provided as an outline plan should the alternation to designation be confirmed. For the purposes of the assessment, the assessment envelope is based on broad or general parameters and encompasses the entire Building Zone. The WPLVE assessment clearly identifies that:

In terms of the proposed facility in relation to the Building Zone and the Building Envelope it is important to note that there will be a mix of buildings and open space located within the zone, including the existing lower jail, and that the whole area will not be covered in buildings. As such the assessment of landscape and visual effects is based on a potential visual outcome that will not translate in to an actual built development on the ground⁵.

⁵ Page 11. Assessment of Landscape and Visual Effects. Boffa Miskell. 10 April 2017

At a broad level, the key design parameters are identified as follows:

- a. 12m Max Building Height
- b. 6m High Primary Physical Barrier
- c. A Secure Perimeter, to include:
 - i. Primary Physical Barrier;
 - ii. Fences outside the Primary Physical barrier;
 - iii. An access road around the outside of the fences;
 - iv. A surveillance strip outside the access road;
- d. Building materials to include non-reflective glass and roof materials and a recessive colour scheme;
- e. Lighting poles no more than 20m above ground level.

Reviewer's Response

While the main building and landscape elements (key design parameters) of the proposal appear to have been identified in the WPLVE, the level of detail around each parameter means that, from a design and assessment sense, the detail of the proposed expansion remains undefined.

In support of the general parameter/envelope assessment methodology adopted for the Waikeria, the WPLVE identifies that the same approach was also used in the assessment of the Auckland South Corrections Facility (ASCF) and identifies that a comparison was undertaken between the visual simulations of the building envelopes and the post- construction photographs of the actual site. The WPLVE states:

These photographs do show however that the maximum Building Envelope shown within the visual simulations, varied from the eventual form and appearance of the Corrections facility that was constructed – this will also be true of the Waikeria proposal, and the visual simulations that are attached to this report. With respect to this, the visual simulations for Waikeria can therefore only be used to determine the potential maximum extent of any buildings and other elements within the proposed development. They do not represent the actual visual effects that will result from such a proposal as these effects will undoubtedly be less due to a reduction in mass and an increase in open space between buildings following confirmation of the final design⁶.

The report appears to suggest that the correlation between predicted and actual effects that occurred at the ASCF will also apply at Waikeria, albeit within a difference landscape (rural) context. It is acknowledged that the landscape architect for the requiring authority has applied his “professional judgement”, informed by the known design parameters of the project and an understanding of existing modern prison facilities, when determining the levels of visual effect. This indicates that when considering the “worst case scenario” building extrusion, some level of “discounting” has been applied when reaching a conclusion regarding the levels of visual effect.

While it is accepted that the broad envelope approach used is capable of identifying effects associated at a “worst case scenario” and that further detail (enabling appropriate mitigation design and planning) can be provided through the outline plan process at a later stage, in the opinion of the reviewer, the use of the board parameters (as identified above) to generate the assessment envelope generated for the entire identified building zone, does not provide sufficiently detail to allow any certainty around the landscape and visual effects of the prison expansion, ratings or mitigation requirements.

To reduce the potential differences between the effects identified using the general or broad parameter/envelope approach adopted by the requiring authority and the actual effects (as

⁶ Page 30. Assessment of Landscape and Visual Effects. Boffa Miskell. 10 April 2017

identified as likely to occur in the above extract from the WPLVE), a more refined set of assessment parameters should be used to generate the assessment envelopes if this approach is to be supported. This would provide greater confidence in the outcome of the assessment, the likelihood of the proposed mitigation measures being effective and allow for the development of a set of appropriate conditions (against which the objectives of the mitigation plan could be compared).

Recommended refinements to the parameters used to determine the assessment envelope include:

- a. A building envelope based on total required gross floor area (GFA) rather than the gross building zone area. Ideally, the assessment envelopes would be developed around individual buildings or clusters of buildings where individual building footprints are likely to be closely located. GFA should be able to be calculated from the spatial requirements to accommodate and service the number of prisoners identified within the NoR, identified ancillary buildings and exterior area requirement. Relevant GFA and configuration information (for the purposes of refining the assessment envelope) may be attained by considering the configuration of the ASCF and other modern facilities. The draft condition also indicates that any building within 200m of a residential dwelling will have a GFA of less than 120m². This data could be used to further refine the configuration for assessment purposes.
- b. Carpark areas based on a total staff levels (identified within the NoR as up to 1400 and an estimated maximum number of staff contractors, service providers and visitors of 940 any one time during the day).
- c. Light towers based on grid at the spacing required to achieve required light levels. Assumptions around location would be based on whether more light towers are generally used in other facilities around the secure perimeter than within the interior (where it may be assumed that lighting is attached to buildings)
- d. A solid secure perimeter wall. It should be noted that the type of perimeter structure (either solid wall or fence up to 6 m high), is likely to influence potential visual effects.
- e. Identification of the mature specimen trees to be retained within the building zone. The WPLVE currently suggests that “as many of the existing mature tree specimens of scale as possible would be retained within the building zone”. Existing vegetation within the building zone plays a significant role in integrating the existing prison buildings

7. Identification of the Visual Catchment

The following method was used to determine the visual catchment of the proposed expansion:

- a. Zone of Theoretical Visibility (ZTV) analysis was undertaken to determine the visibility of the proposed building envelope, based on eight RP (reference point) locations around the perimeter of the Building Zone.
- b. The heights of the RP locations were 12 m (maximum height of any building within the zone) and 20 m (maximum height of any lighting structure).

The following maps/plans were produced to illustrate the ZTV:

- a. Four Extent of Visibility (EoF) and a Potential High Visibility House Location Plan (PHVHLP) (Figure 10, Appendix 3) being prepared with the combined ZTV analysis. The PHVHLP depicts a reference number for each property with a house that appeared to have relatively unobstructed views towards the Building Zone.

Reviewer's Response

The EoF maps in the WPLVE have been split between two viewpoint groups (east and west). Rather than using a reference point grid across the entire site or the location of likely or generic building pads (based on expected requirements) a smaller subset of points around the periphery of the site have been used. While these points represent the outer limits of the building platform and are indicative of building and light tower height, they do not necessarily represent either worst case scenario or actual development visibility. Given the nature of the topography and the relationship between the basin location of the site and the elevated location of most of the surrounding dwellings, it is not expected that the overall extent of visibility will change dramatically when the two view sheds are considered in combination. This approach is therefore considered to be acceptable in this situation.

Site inspection confirmed that the visibility of the site is generally consistent with that predicted by the EoF maps with that the predominant views towards the building zone are afforded from the rural residential areas to the east and west of the site as identified in the WPLVE. Views from the north and south are afforded from a more limited range of locations, predominantly due to intervening topography and vegetation.

7.1 Effects on Rural/Landscape Character

The key findings of the WPLVE relating to the effects on existing landscape character are as follows (paraphrased):

- a. "Shaping" of existing undulating contours of the farmland in the southern part of the building zone south will be required to avoid adverse effects on landscape character and visual amenity.
- b. Removal of trees within the Building Zone would change the existing character of the landscape.
- c. If trees were removed around the existing lower prison its currently well integrated appearance would be adversely affected.
- d. The change in character from an existing well integrated 15.3 ha lower prison "encapsulated by trees" and a 78 ha area of pastoral farmland to a more intensive built environment would result in a significant change to the landscape character of the area within and surrounding the Building Zone.
- e. The change to the landscape character has the potential to result in *high* adverse effects as the large potential increase in built development, compared to the current sized facility, would become a more dominant element reducing the rural character of the area.

Reviewer's Response

There is currently no detail around the form and configuration of the proposed expansion (including buildings), and the extent to which existing vegetation across the wider building zone will be removed to accommodate this development. As outlined previously, this means that a detailed analysis of how the proposed expansion will integrate (or not) with the surrounding rural landscape is not possible at this point. It follows that the conclusions reached regarding effects on existing rural amenity and character must be considered in the context of the level of detail provided by the parameter approach applied. To allow a greater level of assessment to occur, more detail is required. It should not be unreasonable to expect the assessment to be based on a refined set of parameters' which would allow a more detailed bulk and location envelope to be determined to help address these concerns.

Against this background, as set out in the WPLVE, the existing prison facilities integrate relatively well with the surrounding rural landscape because they form several small 'nodes' within the prison site, and are discretely located within the designation site, away from the designation boundaries. In addition, the property contains a mix of woodlots, shelter belts and specimen trees which aid in integrating the existing buildings with the surrounding rural landscape. The WPLVE recommends that

trees within the lower prison area, north of Settlers Road, are retained until the proposed mitigation planting establishes. This is likely to take approximately 10-15 years and is subject to security and health and safety requirements. It is agreed that the retention of trees within this area will help to maintain the integrated appearance of the existing facility and the proposed expansion.

It is considered by the reviewer, that the prison expansion will likely form a large node of development, changing the existing characteristics of the rural landscape. The landscape architect for the requiring authority has concluded that, in general, the effects on rural character will be at a “moderate-low level over the time in which it takes for the mitigation planting to establish and mature”.

However, in the author’s opinion, the actual or potential effects of this development on rural character are difficult to determine due to the current lack of detail, and therefore certainty, regarding the final design and layout of structures and features within the Building Zone. It follows that it is difficult to verify the conclusions reached by the landscape architect for the requiring authority with respect to mitigation planting. In order to address this issue, in the author’s opinion the parameters relied on as part of the development concept would need to be further refined to a level where generic building masses (i.e., gross floor area) and site layout are shown. Suggested refinements to the assessment parameters and envelopes have been identified previously in this report. In the absence of this further refinement of parameters, a detailed analysis of how the proposed expansion will integrate (or not) with the surrounding rural landscape is not possible at this point.

7.2 Effects on Visual Amenity

The WPLVE has identified a range of visual effects resulting from changes to specific views and the visual amenity experienced by people in the surrounding area.

The key findings of the WPLVE, with regard to visual effects, are paraphrased below:

- a. Existing vegetation within the prison site restricts views of the Building Zone and obscures parts of the Building Envelope, so that the full extent of the envelope would not be visible from any location.
- b. Visibility of the site from surrounding areas is greatest from the east and west due to intervening landform to the north and south.
- c. Based on the extent of visibility, the viewing audiences can be divided into two groups:
 - i. Static: Potential views of the building envelope by occupants of dwellings along Walker Road, Ngahape Road and Wharepuhunga Road from within their homes, garden areas and wider farmland.
 - ii. Transient: Short glimpses of the building envelope by travellers on Walker, Ngahape, and Wharepuhunga Roads and SH3. These views will be present briefly and may include aspects of the existing lower prison facilities, as well as any new prison facilities.

Visual effects are assessed using representative view locations from three main viewing areas; views from the east, west and north. Findings based on these locations are as follows:

From the East:

- a. From the more elevated areas off Walker Road the future buildings and structures in the Building Zone could extend across much of the view with the Building Envelope partially obscured by intervening vegetation and back-dropped by vegetation and distant rising land.
- b. From Walker Road, where the elevation of the view is approximately RL45m, the Building Envelope may be seen against the sky increasing its prominence in this fleeting view.
- c. Additional planting on the prison site land to the east of Nikau Road has the potential to obscure views of future buildings and structures within the Building Zone, similar to the current visibility of the existing lower prison.

- d. Effects will range from *moderate-low* and *moderate-high* (dependant on location/elevation and taking mitigation planting into account).

From the North:

- a. From 418 Waikeria Road the majority of the Building Envelope is obscured by intervening vegetation. Additional planting between this property and the Building Zone could readily obscure the limited extent of visibility of the future buildings and structures within the Building Zone.
- b. From the intersection near the prison entrance the future buildings and structures within the Building Zone could be prominent within the view due to the open area between the vehicle search facility building and the Building Zone.
- c. Effects, with mitigation planting established, will be *very low*.

From the West:

- a. The visibility of the proposed facility will vary due to elevation and the amount of intervening vegetation in the foreground of the view from this direction.
- b. From some elevated locations with little intervening vegetation, such as VP8, structures within the building envelope will be clearly visible, contrasting with the more open farmland character currently on site.
- c. In most cases there is some intervening vegetation that would result in only parts of future buildings being visible.
- d. Effects, with mitigation planting established, will range from *moderate-low* to *very low*.

Photomontage images have been produced for a range of the view location points and are based on an extrusion model for the maximum building envelope across the entire the building zone. As such they can be considered to show a “worst case scenario” development.

An assessment of the effects during construction, upon completion of the building works and following establishment of the mitigation planting are summarised in table one of the assessment.

In addition to addressing the potential visual effects of the proposed expansion from surrounding locations, the assessment also provides images from a prison expansion project for the Auckland South Correction Facility (ASCF), which, like the Waikeria project, was based on a Maximum Building Envelope approach. These images include both simulated montages of the maximum extent of the proposed building envelope at maximum allowable heights and images of the completed development. They illustrate that, as one would expect, the simplified mass of the simulated structure differs from the form, bulk and size of the constructed development.

Reviewer's Comments

In general, it is agreed that the view locations selected for analysis are representative of those areas potentially most affected by the proposed expansion. While there appears to be a clear correlation between the areas of high visibility shown in the ZTV maps and the view location points, it would have been helpful if the view location points were shown on the ZTV maps for ease of reference. Nevertheless, it is agreed that the WPLVE correctly identifies the view locations with the highest potential visual effects.

As noted above, the photomontage images used in the WPLVE are based on an extrusion model for the maximum building envelope across the entire building zone. This is a somewhat blunt instrument, which will likely lead to an overestimation of building bulk and therefore significantly skew the assessment potential visual, landscape and amenity effects. As previously identified, the approach used does not represent the actual visual effects that will result from such a proposal as these effects will undoubtedly be less due to a reduction in mass and an increase in open space

between buildings following confirmation of the final design.

While the WPLVE identifies those parties most likely to be severely affected, the actual level of effect and the effectiveness of the proposed mitigation cannot be determined. It is however acknowledged (as is discussed later in this report) that few submissions have been received relating to landscape and visual amenity issues.

When discussing existing views of the landscape and their sensitivity to change from locations to the west of the site (7.4.3 WPLVE), the comment is made that while the lower prison facility is visible in many of the views from this area, it is *well integrated due to the recessive tone of the buildings and the existing vegetation within and surrounding the facility*.

It is agreed that there is considerable scope for mitigation planting within the site, beyond the building zone. However, due to the elevated location of properties to the west and east of the site and the potentially large scale of proposed expansion works, it will be challenging to effectively screen or filter existing open views of the proposed expansion in the short to medium term. The WPLVE acknowledges the relatively long time it will take for mitigation planting to be effective. The visual effects ratings, which take the proposed mitigation planting into account, are based on an establishment period of 10-15 years. This is considered to be acceptable if planting is used in conjunction with other mitigation measure (such as architectural design techniques and colour that help the buildings integrate with the surrounding landscape).

While the Auckland South Corrections Facility (ASCF) example usefully demonstrates how the photomontage approach based on maximum building cover has been previously used, as discussed previously there is no guarantee that the relationship between the modelled images and the appearance of the built facility will be the same for the Waikeria project. Further, the rural character surrounding the Waikeria facility differs markedly from the landscape context of the ASCF and therefore poses a different set of challenges in terms of visual and landscape integration. In the case of the ASCF, there is a context of large industrial buildings in the wider surrounding landscape, whereas in the case of the Waikeria facility, existing rural character is, in part, related to the low levels of built development, which are widely dispersed.

Without an appropriate explanation of how the WPLVE author's "professional judgement" was applied, it is difficult to conclude whether the ratings are appropriate and the extent to which mitigation planting can be relied on to mitigate the effects. It therefore remains a concern that the WPLVE does not contain sufficiently detailed information to allow a potentially affected person and/or a decision-maker to gain a clear and accurate understanding of the nature and extent of the visual effects that the development.

7.3 Statutory Context and Planning Matters

Review of statutory and planning matters in this section of the report is restricted to landscape, visual and amenity matters only.

Otorohanga District Plan

The WPLVE assesses the proposed development in the context of the relevant objective and policies of the Operative Otorohanga District Plan. While the assessment does not make reference to the relevant amenity and natural character sections of the Regional Policy Statement, it is considered that these matters are addressed in the district planning section of the assessment.

Resource Management Act (RMA)

Within the scope of this review, relevant sections of the RMA include:

- a. Section 6(a);
- b. Section 6(b);
- c. Section 6(d);
- d. Section 7(c); and
- e. Section 7(f).

Section 6(a) matters are not addressed. This is an issue raised by a submitter.

With regards to section 6(b), it is identified that there are no ONL or ONF identified on or within close proximity of the designation site.

Section 6(d) matters are not addressed.

Section 7(c) matters are addressed as part of the assessment of potential effects on landscape and visual amenity (WPLVE).

Section 7(f) matters are not specifically addressed but can be inferred in part through the WPLVE.

Reviewer's Comments

While it is acknowledged in the WPLVE that the change in landscape character associated with the expansion has the potential to result in *"...high adverse effects as the large potential increase in built development, compared to the current sized facility, would become a more dominant element reducing the rural character of the area"*, it is considered that there is insufficient analysis of the proposal against the objectives and policies of the Operative Otorohanga District Plan, which seek to retain rural character and amenity values. Further detail around the bulk and location of structures within the Building Zone would be required before a suitable level of analysis is capable of being undertaken. This is because, in the reviewer's opinion, the assessment parameters and envelopes are not sufficiently refined to allow this to occur.

The WPLVE identifies Objectives 3.2.1, 3.2.3 and Policies 3.3.1, 3.3.2, 3.3.5, 3.3.6, 3.3.7 and 3.3.10, which address rural character issues and the integration of development with *"the natural and physical qualities and characteristics in the neighbourhood and the locality"*.

In the review of the provisions identified, it is agreed that the distance between the building zone and surrounding viewing audiences provides opportunities for mitigation that will reinforce the existing vegetative framework of the prison site with poplar specimen planting, pine tree woodlots and native planting. It is noted that some of the commentary regarding this planting tends towards addressing visual amenity values rather than broader rural character values.

In the absence of a refined set of parameters and assessment envelopes it is difficult to comment as to whether buildings will be *"of a scale and intensity compatible with the rural character of the area in which they are to be located"*. If, as with the visual effects section, effects on rural character are based on the maximum building footprint within the building zone, it would be difficult to reach the conclusion that this scale of building is compatible with the existing rural character of the area. At present, using the general parameter and envelope approach adopted in the WPLVE, the NoR appears to fail this particular test.

7.4 Proposed Mitigation

The WPLVE makes a series of recommendations regarding tree planting and restrictions on the colour and surface treatment of any future buildings in order to mitigate potential adverse visual and landscape effects of the proposed development. A precautionary approach appears to have been

followed. Key elements of the proposed mitigation are as follows:

- a. Mitigation planting to visually break up the extent of the built form and mass of the expansion and reduce its “apparent scale” in the landscape when viewed from off-site locations,
- b. Planting to consist of a mix of specimen trees, shelterbelts and woodlots to augment those already providing effective filtering and screening of the existing facility.
- c. The use of similar species to those currently on site (and further afield) to maintain the existing landscape character of the site.
- d. Identification of existing areas of vegetation that are proposed to be retained and managed to provide a continuity of screening both of the existing lower prison and the proposed facility within the Building Zone.
- e. The use of recessive colours on buildings and security walls is recommended to assist with visual integration. Proposed colours are contained in appendix 2 of the WPLVE.

A proposed landscape plan, which illustrates the location and type of proposed planting, is included as Figure 17 in the Volume 3 Figures Document (10 April 2017).

Reviewer's Comments

In general, it is considered that the proposed mitigation planting approach is appropriate for this rural location, taking cues from existing planting patterns in the surrounding landscape. In addition, the planting addresses the surrounding locations that are likely to be most highly affected. Layers of different types of planting (shelter belt, riparian and woodlot) are proposed on the western side of the building zone to filter views from nearby rural residential properties. On the eastern side of the Building Zone, several rows of shelter planting are proposed to filter views from neighbouring residential properties.

Nevertheless, due to lack of detail regarding the extent and nature of development within the proposed building zone, it is difficult to independently verify the conclusion reached in the WPLVE. The precautionary approach used in the development of the mitigation concept based on “worst case scenario” is, however, supported.

It is agreed that, if the alteration to designation is approved, the proposed landscape mitigation should be reviewed once the outline plan and final design details are available and amended, if required, to ensure adverse visual and landscape character effects are appropriately mitigated. This review should be included as a condition of consent.

Riparian planting

While the proposed mitigation plan indicates some riparian planting, the extent of this planting is unclear. It would appear that there is an opportunity to provide a wide buffer of riparian planting, including taller trees (potentially native species such as kahikatea and swamp maire) that would provide good, albeit long term, screening of the building zone from potentially affected parties to the west of the site. It is acknowledged by the reviewer that the possible inclusion of this buffer would occur at the outline plan (or even detail design) stage, following confirmation of the form and extent of the prison expansion. It is also acknowledged that ecological mitigation concepts have also been prepared and are included in the *Volume 3 Figures Documentation*.

Colour palette

A range of recommended cladding colours are also provided in the landscape assessment. This range is based on the BS5252:1977 range. While most of the colours are appropriate, it is considered that in this particular situation, given that prison expansion will primarily be seen against a vegetated background, colours should be limited to the green, brown, yellow and neutral colour palettes only. The violet, red, blue and orange palettes charts are not recommended. Further, as addressed in the

Lighting Report, the use of materials and colours with low reflectance values for the ground and building facades will help to avoid adverse “sky glow” light effects. This is because positioning and aiming of luminaires is intended to direct light down. As such, reflected light from the ground or buildings will potentially affect the surrounding environment rather than direct upward light from the luminaires. For this reason it is considered that only low reflectivity colours should be used on building facades.

It is recommended that the lighter colours, which are identified as being appropriate for walls only, are deleted from the list of proposed colours appended to the landscape assessment.

7.5 Conditions of Designation

A set of draft conditions has been provided by the requiring authority for review as a working document.

Key conditions related to the mitigation of effects on landscape and visual amenity is as follow:

19	<p><i>Outline plans of work for prisoner accommodation and associated facilities constructed after [date NoR confirmed] shall detail:</i></p> <ul style="list-style-type: none"> <i>all external finishes for proposed facilities; and</i> <i>proposed colours for all external surfaces.</i>
20	<p><i>A Landscape and Visual Mitigation and Management Plan (LV MMP) shall be prepared for the designated site and submitted for the approval of the Manager – Environmental Services as part of an outline plan of works.</i></p> <p><i>The LV MMP must:</i></p> <ol style="list-style-type: none"> <i>retain as many trees existing at [date NoR confirmed] as possible;</i> <i>establish how it is proposed to integrate the development when viewed from the surrounding environment; and the means proposed to integrate the scale, form and bulk of the buildings and structures in the Building Zone in to the environment.</i> <p><i>The LV MMP shall provide details of the following:</i></p> <ol style="list-style-type: none"> <i>proposed building materials, reflectivity levels and colour;</i> <i>existing and proposed screening and planting and how such screening and planting reduces the potentially adverse visual and landscape effects of the proposed facilities;</i> <i>the name (including botanical name), numbers, location, spacing and size of the plant species, details on the timing of planting, and details of existing planting to be retained;</i> <i>proposed pest control measures;</i> <i>proposed site preparation and plant establishment;</i> <i>ongoing vegetation maintenance and monitoring requirements; and</i> <i>provide details of how the LV MMP is integrated with the Ecological Mitigation Plan.</i>

Reviewer's Comments

It is recommended that the requirements for the outline plan required by clause 19 be expanded to require (as a minimum) the following information be provided:

- Earthworks and building platform design (including location of retaining walls if any);
- Building design and location (including site plan and elevations for all buildings);
- Carpark design and configuration;
- Internal roads configuration;
- Internal and external security fencing/wall design and locations;
- Light tower design and locations (including height and luminaire configuration);
- Identification of existing specimen trees within the building zone and within the designated site that are to be retained (for mitigation/amenity purposes);

Condition 20 is considered to be suitable, conditional to the above recommended amendments (to condition 19) which allow the effectiveness of the landscape and visual mitigation to be reviewed against a more developed set of design parameters.

8. Submissions Received

Four submissions relating to landscape and visual amenity were received. Submission points fall into the following general categories:

- a. Unspecified landscape, visual or amenity effect [Submitters 002, 003 & 009];
- b. A request for a requirement to mitigate (unspecified) adverse effects [Submitter 003];
- c. Failure to address section 6(a) of the RMA (undefined) [Submitter 007]; and
- d. A request for continued maintenance and access to waterways (presumably for recreational or amenity purposes) [Submitter 007].

Reviewer's Comments

The general and brief nature of the submissions received means that it is not possible to identify the specific concerns of the submitters.

The very low number of submissions received that relate to landscape and visual amenity issues also suggests that this issue is not a significant concern to the surrounding local community. Neither the less, Council is required to consider the effects of the application on the environment, regardless of the number and type of submissions received.

9. FINDINGS

It is considered that while the WPLVE provides an analysis of potential visual and landscape effects within the context of the broad or general set of assessment parameters and assessment envelope used, it is difficult to independently verify the conclusions reached. This is due to the Corrections Department's intended procurement process for the design and construction of the facility, which restricts details of the expansion limiting any ability to undertake a more detailed assessment of effects.

With regards to visual effects, the Requiring Authority has based potential adverse effects ratings on the maximum building envelope within the proposed building zone. This means that potential effects can only be estimated to within a relatively broad range and as previously stated, specific effects cannot be identified and the likely effectiveness of the proposed mitigation cannot be fully tested. Because WPLVE analysis is based on a "worst case scenario" the extent of development, and subsequently the level of the adverse effects identified is potentially overestimated. Additionally, the risk exists that a particular design may result in adverse effect levels similar to those identified using the site wide (building zone) envelope approach, meaning that any expectations that effect levels will reduce once the facility is designed, may be voided. This risk is however countered by the low number of submissions received on landscape and visual amenity matters, indicating that this is not a significant concern to the wider local community.

While the general parameter/building envelope assessment approach adopted in the WPLVE is an accepted practice, in this instance the parameters are not sufficiently refined to allow the development of an assessment envelope that allows specific effects to be identified or certainty that the mitigation measures proposed will be effective.

The preferred approach would have seen a refinement of the parameters which allowed a more accurate identification of building GFA's and general location, carparks, roads and the security barriers/wall and fences. This would have allowed the development of assessment envelope more likely to resemble the actual development that will occur.

Based on the information contained within the WPLVE, it is considered that the prison expansion will likely form a large node of development, changing the existing characteristics of the rural landscape. The extent and level of effect cannot be determined at this stage.

In general, the reviewer concurs with the findings of the WPLVE with regards to the identification of potentially affected parties. It is agreed that the visibility of the expansion is likely to be greatest from elevated locations to the east and west of the site. Further, it is agreed that the proposed mitigation planting approach and restrictions over the colours and reflectivity of building and security wall structures is generally appropriate. The specifics around what mitigation is required and how effective it will be cannot be accurately determined at this stage of the process unless, as previously outlined, the design parameters and assessment envelopes are further refined.

On balance, it is considered that the while the Requiring Authority's landscape consultants have followed an accepted methodology and have analysed the effects of the proposed prison expansion on landscape and visual amenity within the context of the available design information, the level of detail contained within the broad or general parameters provided has not allowed the development of assessment envelopes that allow the reviewer to gain a clear, concise and accurate understanding of the nature and extent of effects that the prison expansion is likely to have on landscape and visual amenity.

This means that there is insufficient information to fully substantiate the conclusions contained within the WPLVE, that the proposed expansion will be capable of maintaining the rural character and amenity values of the surrounding area, as required by the Operative Otorohanga District Plan.



Dave Mansergh

DipP&RM(Dist), BLA(Hons), MLA, Registered NZILA
Director

30 June 2017

Bloxam Burnett & Olliver
P.O. Box 9041
Hamilton 3240

Attention: Chris Dawson

RE: Waikeria Prison Alteration to Designation – Draft Conditions

With reference to the received email from Marianne Mackintosh on 30 June 2017, I have reviewed the draft conditions attached and am comfortable with the wording of condition 21 as amended below (amendments shown in **red** and ~~strikeout~~):

The adverse visual and landscape effects of the prison facility within the designated site shall be mitigated so that the development of the extended prison facility is integrated into the environment. To demonstrate how this objective will be achieved, a Landscape and Visual Mitigation and Management Plan (LVMMP) shall be prepared for the designated site and submitted for the approval of the Manager – Environmental Services as part of an outline plan of works.

The LVMMP shall include the following minimum information to form a basis for the assessment of that document:

- a) Earthworks and building platform design (including location of retaining walls if any);*
- b) Building design and location (including site plan and elevations for all buildings);*
- c) Carpark design and configuration;*
- d) Alignment and configuration of all Internal roads;*
- e) Internal and external security fencing/wall design and locations;*
- f) Light tower design and locations (including height and luminaire configuration);*
- g) Identification of existing specimen trees within the building zone and within the designated site that are to be retained (for mitigation/amenity purposes).*

The LVMMP must:

- a) retain as many trees existing at [date NoR confirmed] as possible;*
- b) establish the means by which ~~how~~ it is proposed to integrate the height, shape and bulk of the buildings and structures (and any other development) in the Building Zone into the surrounding environment.*

The LVMMP shall provide details of the following:

- a) proposed building materials, reflectivity levels and colour;*
- b) existing and proposed screening and planting including an analysis of how ~~and how~~ such screening and planting will reduce the potentially adverse visual and landscape effects of the proposed facilities 2 years after implementation and 10 years after implementation;*
- c) the name (including botanical name), numbers, location, spacing and size of the plant species, details on the timing of planting, and details of existing planting to be retained;*
- d) proposed pest control measures;*
- e) proposed site preparation and plant establishment;*
- f) ongoing vegetation maintenance and monitoring requirements; and*
- g) provide details of how the LVMMP is integrated with the Ecological Mitigation Plan.*

If you have any questions, please contact me.

Yours faithfully

Dave Mansergh
DipP&RM(Dist), BLA(Hons), MLA, Registered ANZILA
Director

