

Local Board Feedback on Publicly Notified Notice of Requirement process: Alteration to designation 3800 Care and Protection Residential Centre Upper North (Whakatakapokai)

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| Date: | 2 April 2019 |
| Form to be sent to: | unitaryplan@aucklandcouncil.govt.nz |
| Application reference: | Alteration to designation 3800 Care and Protection Residential Centre Upper North (Whakatakapokai) |
| Location: | 398 Weymouth Road, Manurewa |
| Applicant: | Minister for Children |

Brief summary of the proposal:

The proposal will allow:

- The residence to accommodate tamariki/children and rangatahi/young people for either care and protection or youth justice reasons, including those who are placed in the custody of the chief executive of Oranga Tamariki for certain adult jurisdiction reasons, or who are transitioning out of care/custody. The changes will enable the residence to accommodate rangatahi who are aged up to and including 19 years old (although most will be under 18).
- An increase in the number of tamariki and rangatahi who may live at the residence (from 20 to 30).

Local Board Feedback:

The Manurewa Local Board provides the following feedback in relation to the proposed Alteration to designation 3800 Care and Protection Residential Centre Upper North (Whakatakapokai)

1. The board first became aware of the proposed designation change for the Oranga Tamariki Care and Protection Residential Centre Upper North (Whakatakapokai) when the chair was contacted by local residents who had received a letter advising them of the proposal.
2. We are disappointed that Oranga Tamariki did not undertake consultation on the proposal with the board prior to contacting residents. It is our view that, overall, the process of consultation undertaken for this proposal has been rushed and inadequate. In particular, we do not agree with the decision to only notify and engage with residents living within a 500m radius of Whakatakapokai.

3. The board subsequently met with representatives of Oranga Tamariki and was briefed on the proposal. The board has also met with residents in Waimahia and Weymouth to understand their concerns regarding the proposal.
4. The board is broadly in support of the principle that it is beneficial for youth offenders to be placed in youth justice residences rather than adult prisons. We also understand that it is necessary for Oranga Tamariki to find extra capacity to accommodate residents who would previously have been housed in adult prisons and will now be placed in their care. However, the board does not believe that it is appropriate for a youth justice facility to be situated in a suburban area.
5. In addition, the board is also concerned about the breadth of the change to the designation that has been requested. This would allow residents up to 19 years old to be placed at Whakatakapokai with no restrictions in terms of the types of offence they may have committed. Oranga Tamariki has offered assurances to the community that they do not intend to house older offenders or those charged with serious offences at Whakatakapokai. However, there are no guarantees to the community that this policy will not change in future, and the changes to the designation that have been asked for will effectively allow Whakatakapokai to become a suburban prison.
6. There are already two prisons and a youth justice facility within the Manurewa area. Our community feels that they have done their part in shouldering the burden of providing such facilities for the region. To ask them to also accept a fourth prison is not equitable.
7. The board opposes the proposed change of designation for these reasons, and the reasons set out below.

Appropriateness for area

8. The board does not believe that it is appropriate to place a youth justice residence in a predominantly suburban area. The land on which Whakatakapokai is situated, and most of the surrounding neighbourhood, is zoned as Residential – Mixed Housing Suburban.
9. The character of the area is that of a suburban residential neighbourhood. This character has only been strengthened since Whakatakapokai was last used to house youth justice residents.
10. In 2003, when the facility ceased to be used for youth justice purposes, the surrounding area was largely being used as farm land. Since that time, the Waimahia Inlet Special Housing Area, comprising over 290 properties, has been completed on that former farm land.
11. Whakatakapokai is now surrounded by residential properties, many occupied by families with young children. There is no buffer zone of undeveloped land between the facility and the community. Additionally, the zoning of the surrounding area suggests that the further intensification of housing is likely in the future.

12. The board believes that the proposed structural changes to the facility necessary to accommodate youth justice residents are not consistent with maintaining a safe and pleasant family environment.
13. The board understands that all other youth justice facilities are located away from residential neighbourhoods. Korowai Manaaki, the other youth justice facility in our local board area, is located in a Business – Heavy Industry zone. This would indicate an understanding on the part of Oranga Tamariki that this presents a more appropriate setting in which to place such facilities. This being the case, to establish Whakatakapokai as a youth justice facility in a residential neighbourhood would seem to be creating a new precedent for such facilities.
14. The board is concerned that the proposed designation change is motivated more by convenience than a rigorous assessment of the available options. That is, rather than being driven by analysis showing that Whakatakapokai is the best location for a facility of this kind, the designation change is motivated by the fact that it is a site already operated by Oranga Tamariki and that the number of Care and Protection residents will be falling due to changes in policy around where they are housed, meaning that Whakatakapokai will be underutilised if it is not repurposed for youth justice residents.
15. A more rigorous assessment of the options to house the increased number of youth justice residents would suggest that expanding the capacity of Korowai Manaaki or constructing a new facility in a non-residential area would provide a better long-term solution. The board's view is that there is no long-term future for a youth justice facility in an increasingly intensified urban area.
16. The board therefore requests that Oranga Tamariki be required to demonstrate that they have researched all reasonable options available to them to increase their capacity to meet the anticipated need created by the legislative changes.
17. The board suggests that a more reasonable option for Oranga Tamariki to meet this need would be to divest the site Whakatakapokai at 398 Weymouth Road and invest the proceeds in expanding facilities at Korowai Manaaki or developing a new facility in a more suitable location.

Security and safety

18. The proposal makes reference to security upgrades that will be made to the facility, but there is very little detail provided. We presume that, should the change of designation be granted, these structural changes will be subject to a later resource consent process. Regardless, we would like to see some guarantee that there will be opportunities for residents to be consulted on the details of these changes placed in conditions.
19. Even in a secure facility, it is not possible to entirely eliminate the potential for residents to escape. At Korowai Manaaki, a facility that we would expect to be more secure than Whakatakapokai, given that it is a purpose-built youth justice facility, there are still occasional incidents with residents absconding. This is acknowledged in the Minister for Children's s92 response letter, dated 15 March 2019.

20. Additionally, the same letter notes that the number of absconding incidents at Whakatakapokai, while it has been operating as a Care and Protection facility, is higher than the number at Korowai Manaaki. It is not reasonable to suggest that these incidents will become less frequent when Whakatakapokai is used to house youth justice residents, who will potentially be more motivated to escape. It is reasonable to suggest that the higher frequency of absconding incidents is in part due to the lesser security provisions at Whakatakapokai. The lack of detail in the proposal about security upgrades does not give any reason for community to feel that appropriate measures will be taken to ensure their security and safety.
21. The board is also concerned about the potential for other disruptive incidents apart from escapes from the facility to adversely affect the community. The minister's s92 response records a variety of such incidents taking place at Whakatakapokai, including some requiring fire service and police attendance. Again, it is reasonable to suppose that the frequency and intensity of these incidents is more likely to increase than decrease if youth justice residents are housed at the facility.
22. The minister's s92 response also records incidents relating to visitors to the facility being disruptive. As with the other types of disruptive incident raised above, our concern is that this is likely to worsen if the proposed change of use goes ahead due to increased visitor numbers if resident numbers are increased.
23. The cumulative effect of this is that the local residents will feel more unsafe in their homes. Worse, the likelihood is that they will actually be less safe in their homes. The Social Impact Assessment provided as part of the application for the designation change suggests that any perceived changes in safety will be temporary. However, the board is concerned that this assessment is based largely on a literature review that mostly concerns overseas studies does not directly reflect New Zealand experiences. We also feel that the assessment fails to consider the unique situation of Whakatakapokai's suburban location.

Noise

24. The board is concerned at the methodology employed in the noise reports accompanying the application. Mr Hegley, the applicant's noise expert, does not appear to have undertaken any noise monitoring at either Whakatakapokai or Korowai Manaaki as part of the process of making his assessment.
25. We would suggest that a reasonable approach to take would have been to assess the noise levels generated at Korowai Manaaki or other youth justice facilities, and to compare that with the noise currently generated at Whakatakapokai to determine whether there is likely to be any increase in noise from the proposed change of use. Instead, Mr Hegley has relied on a textbook definition of how much noise should be generated by particular activities to make his assessment. We believe this is not sufficient, and that Mr Hegley's findings are therefore unreliable in this respect.
26. Additionally, Mr Hegley has not considered any effect from the increase in resident numbers proposed. The proposal is to increase the number of residents by 50 per cent, from 20 to 30. It does not seem reasonable to suggest that this will have no effect on the noise generated on site.

27. The board understands that, currently, the primary generator of noise on site is during staff shift changes, particularly at night time. Mr Hegley notes that these shift changes occur between 10.30pm and 11.00pm. His assessment (again, not based on actual noise measurement) is that the noise generated will be compliant with the relevant noise limits. However, even if this is the case, the noise generated will still be disruptive for neighbours at a time of night when children will be sleeping.
28. In addition, it is not clear if Mr Hegley's assessment considers the increased staff numbers that will be required under the proposal. The application documents state that current staff numbers are 36-40 staff during school hours, 8-12 at weekend, and 6 on the night shift. The proposed staffing levels are 50-57 during school hours and 13-16 at weekend (no night shift numbers are listed). This will result in a significant increase in staff movements during shift changes, and therefore will also result in an increased potential for disruptive noise.
29. The board notes that there is a reliance on curfews and staff control of children's play after 5.30pm (in winter) or 7.00pm (in summer) to control noise. If this is the proposed mechanism for noise control, we request that the curfews be stated in conditions should the change of designation be granted.
30. We also note that none of the proposed structural changes to be made at Whakatakakopokai because of the designation change relate to sound proofing or noise control. We request that additional sound proofing be required in conditions should the change of designation be granted.
31. The board also requests that requirements to provide neighbours with a system for addressing night time noise complaints (such as a 24-hour contact number) be provided in conditions.

Amenity values

32. As mentioned above, Whakatakakopokai is situated in an area with an established character as a residential neighbourhood. Its presence there cannot fail to adversely affect residential amenity values.
33. Any alterations to the facility to increase security are likely to increase the adverse amenity effects. It is likely that such alterations will lead to increasingly utilitarian buildings and features that are incompatible with a pleasant residential environment, such as security fencing and surveillance cameras.
34. Whakatakakopokai is located on the main road leading into Weymouth. Anyone entering or leaving the neighbourhood will travel past the site. The board believes that the use of the site as a youth justice facility will colour the perceptions of visitors and residents and create a negative perception of the neighbourhood.
35. The amended designation allows for a wide range of rebuilding on the site. This means that development could potentially take place closer to the boundaries of the site next to existing residences. This would have significant amenity impacts including reduction in privacy and increased overlooking. It will also exacerbate the security concerns of neighbours.

Traffic

36. Whakatakapokai is located near a major intersection between Weymouth Road, Roscommon Road and Mahia Road. Roscommon Road feeds into State Highway 20 and sees large volumes of traffic at peak times due in part to residents commuting to and from work at Auckland International Airport. Weymouth Road and Mahia Road are both used by residents to travel to and from Great South Road and State Highway 1. They also experience large volumes of traffic at peak times, particularly Weymouth Road.
37. The board is concerned about the additional traffic caused by the proposed increase in staff, residents and visitors will add to the high volumes of traffic on these roads at peak times. The applicant's traffic experts, Stantec, state that any additional traffic effects will be minor. We believe that the cumulative effect of the additional traffic when added to the existing large volumes at peak times is likely to cause delays and gridlock for local residents and commuters.
38. The board believes this is a further reason to conclude that a facility of this kind is not appropriate in a suburban environment such as Weymouth.
39. In the Auckland Council s92 request for further information, dated 8 March 2019, the council traffic consultants, Flow, raised concerns regarding the adequacy of parking provided at the facility. The board shares these concerns and notes Flow's evidence that during their site visit to Whakatakapokai the car park was full, and parking was overflowing into on street parking. It appears that the parking capacity at the facility is not sufficient for the current staffing and resident levels, and the applicant's proposal does not include any measures to address this when these levels are increased.

Resource Management Act and Auckland Unitary Plan

40. The board considers that the proposal is not consistent with the requirements of the Resource Management Act 1991 or the Auckland Unitary Plan.
41. Specifically, we believe that the use of the site as a youth justice facility is an inefficient use of valuable residential land that is appropriately zoned for housing. It does not promote the sustainable management of resources in accordance with the Resource Management Act or otherwise achieve its purpose. It is also not consistent with section 7 of the Resource Management Act as, overall, it is not an efficient use of land and fails to maintain or enhance amenity values.
42. We also believe that the proposed development fails to achieve the objectives and policies of the Auckland Unitary Plan. The proposal does not sufficiently provide for the health and safety of the neighbouring community. This is contrary to objective B2.3.1 (3) which requires the health and safety of people and communities to be promoted.
43. The proposal is not consistent with the objectives and policies in B2.8 Social facilities, as it fails to address the effects of the facility on the adjoining residential neighbourhood.

44. The proposal is not consistent with the objectives and policies of the Residential - Mixed Housing Suburban Zone, particularly those that provide for residential amenity (H4.2(3)) and those requiring non-residential activities to be compatible with the scale and intensity of development anticipated in the zone (H4.2(4)).

Outcome sought by local board

For the reasons set out above, the board requests that the proposed change of designation be rejected.

If the notice of requirement is confirmed, the board requests the following conditions:

- That no youth justice residents are accommodated on the site.
- That, if youth justice residents are to be accommodated on the site, conditions guaranteeing that serious offenders and offenders over the age of 18 will not be placed there.
- That the facility only be used to accommodate youth justice residents for a limited period until a more suitable facility can be completed.
- That the exterior fence to the property be replaced with a new close boarded acoustic fence together with at least 1.5m of tree landscaping along the fence line.
- That no new buildings be developed outside of the existing security fence on the site and the existing buffer areas be maintained.
- That any new buildings do not contain windows that face towards neighbouring residential properties.
- That the maximum number of people accommodated on the site remain limited to 20.
- That a process for resolving noise complaints be provided.
- That residents will be consulted as part of the process of making any security upgrades to the facility, regardless of whether a notified resource consent is required.
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Attendance at any Hearing:

The Manurewa Local Board seeks an opportunity to speak to this feedback at any hearing on this matter.

This feedback is authorised by:

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Angela Dalton, Chairperson

Email: ManurewaLocalBoard@aucklandcouncil.govt.nz

Date: 2 April 2019