

MCOR – Minister of Corrections

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Designation unique identifier	MCOR-1
Designation purpose	Spring Hill Corrections Facility
Site identifier	Hampton Downs Road, Hall Rd Lots 2 and 3 DPS 45006, Lot 1 DPS 10284, Lot 1 DPS 49015, Lot 1 DPS 18591 and Lot 2 DPS 91891
Lapse date	-
Designation hierarchy under section 177 of the Resource Management Act	-
Conditions	Yes, refer below
Additional information	Area: 214.8155 ha

Description of Works

- A. The designation applies to all of the land comprised in the following lots which together are described as “the site”:
- a). Lot 3 DPS 45006
 - b). Lot 1 DPS 10284
 - c). Lot 1 DPS 49015
 - d). Lot 1 DPS 18591
 - e). Lot 2 DPS 91891
 - f). Lot 2 DPS 45006
- B. The designation is for the construction, operation, maintenance and upgrading of a Corrections Facility and associated and ancillary activities and facilities, including but not limited to:
- Entry buildings
 - Kitchen, laundry, workshop buildings
 - Self-care accommodation (internal and external)
 - Adult residential accommodation
 - Youth residential accommodation
 - Sports field
 - Recreation buildings
 - Education buildings
 - Inmate receiving buildings
 - Health unit
 - Safe cells
 - Separates Unit
 - Visits buildings

- Fale buildings
- Atea
- Visitor / Iwi services building
- Staff facilities / Administration building
- External stores building
- Car parking
- Stormwater management ponds
- Internal roading
- Security fences and lighting
- Landscaping and buffer areas
- Earthworks
- All other associated or ancillary land use activities and structures and facilities associated with a Corrections Facility as more particularly described in Attachment I to the Notice of Requirement confirmed by the Environment Court on 30 June 2004 (“NOR”).

Conditions

1.0 General

- 1.1. Buildings or activities on the site are permitted provided that they are within the scope of the designation as set out in A and B above and the NOR and all of the following conditions of this designation.

2.0 Limits to the scope of Designation

- 2.1. The scope of activities and works covered by the designation are limited in respect of the following:
- a) Except for self-care units, no additional security accommodation shall be located on the site, except within the secure perimeter area/ building platform area identified on Figures 4 and 6 dated December 2003 (as contained in the NOR).
 - b) No additional self-care units shall be located on the site except within the secure perimeter area or the south western part of the land presently described as Lot 3 DPS 45006. Any additional self-care unit shall have a minimum separation distance of 100 metres from the boundary of any adjacent property and shall be landscape planted to assist with mitigation of views from adjacent properties. The nature and extent of the landscape planting required are to be determined as part of the Outline Plan process for any additional self-care units.
 - c) Subject to d), all buildings (including inmate accommodation buildings) shall be constructed to a height no greater than 10 metres above finished ground level except for security buildings (e.g. gate house and watch towers) and lighting.
 - d) All inmate accommodation buildings shall be single storey (excepting the plant rooms).
 - e) The external self-care units shall house only minimum security inmates.
 - f) The site cannot be used as a permanent maximum security facility.

3.0 Social and Economic

3.1. The Minister of Corrections shall co-ordinate a Community Liaison Group which is to comprise a minimum of the following parties:

- a) 1 representative of the Department of Corrections management team b) 1 representative of the Waikato District Council
- b) 1 representative of local iwi / tangata whenua
- c) 2 representatives of local landowners / community e) 1 representative of the New Zealand Police.

The objective of the Community Liaison Group is to facilitate information flow between the Department of Corrections management team and the community, and it will also be an ongoing point of contact between the Minister of Corrections and the community.

For the purposes of this condition, the representative of each group listed in a) - e) will be determined by that group, or in the event that agreement cannot be reached, the Waikato District Council.

3.2. The Minister of Corrections shall be responsible for convening the meetings of the Community Liaison Group and shall cover the direct costs of running those meetings and (unless otherwise agreed by the Community Liaison Group) the costs associated with any actions which are agreed to as a result of the meetings.

3.3. The Minister of Corrections shall provide an opportunity for the Community Liaison Group to meet four times during the course of each calendar year or as otherwise agreed by a majority of the Community Liaison Group.

3.4. As a minimum, matters to be considered by the Community Liaison Group for the purposes of making a recommendation to the Department of Corrections, shall include the following:

- a) Any change to the agreed name of the Spring Hill Corrections Facility
- b) Aspects of any approved Earthworks Management Plan or Drainage Plan which are intended to minimise actual and/or potential adverse effects on surrounding neighbours
- c) The nature and extent of any signage on State Highway 1 associated with the Corrections Facility d) The possible development of a visitor rest area on the Corrections Facility site
- d) Any strategy to be developed by the Department of Corrections to ensure that opportunities are provided to the local community for employment and provision of services associated with any future construction and operation of the Corrections Facility
- e) Any need for local emergency services to be augmented or subsidised as a result of a potentially greater level of demand resulting from operation of the Corrections Facility (e.g. fire, police, ambulance) where these services are not covered by an existing national agreement between the Department of Corrections and the relevant body.

Note: For the purposes of condition 3.4(e), it is acknowledged that the Minister and Department of Corrections are constrained by statutory procedure in entering contracts (including employment contracts and tenders for the provision of services).

3.5. The Minister of Corrections shall not be in breach of Conditions 3.1, 3.2, 3.3, or 3.4 if any of the parties specified in Condition 3.1 do not wish to be members of the Community Liaison Group or attend particular meetings.

3.6. The Minister shall, in consultation with the Community Liaison Group, implement a system to notify nearby neighbours in the event of an inmate escape. Such system shall include a notification network and community response guidelines.

The Department shall not be in breach of this condition if any of the neighbours advise the Department that they do not wish to be advised of an inmate escape.

3.7. The Minister shall provide to the Waikato District Council, Waikato Regional Council and members of the Community Liaison Group, any change to the name of and contact telephone number for the Corrections Facility Site Supervisor.

4.0 Cultural and Spiritual

4.1. Before any construction works and associated earthworks that are beyond those contemplated by the NOR are undertaken on the site, the Minister of Corrections shall consult with the Waikato Raupatu Lands Trust and a nominated Ngati Naho hapu representative (or their successor/s) regarding any cultural/spiritual issues in relation to the site. If those parties wish, they shall be accorded the opportunity to hold an appropriate ceremony on the site.

The Minister of Corrections shall not be in breach of this condition if Ngati Naho hapu (or their successor) does not nominate or agree to a representative.

4.2. The puna (springs) shown on Figure 4 dated December 2003 (as contained in the NOR) shall be fenced off and protected from construction works, including earthworks. There shall be no future building development or earthworks within 5m of any of the puna, unless agreed between the Minister and the Waikato Raupatu Lands Trust, Ngati Naho Co-operative Society Limited and Horahora Marae Trust (or their successor/s).

4.3. The Minister shall register an Encumbrance Instrument or covenant in gross (“Encumbrance”) in favour of the Waikato Raupatu Lands Trust, Ngati Naho Co-operative Society Limited and Horahora Marae Trust (or their successor/s) against the record(s) of title to the site notifying any successors, permitted assignees, successors in title, lessees of the site or any persons taking a controlling interest in the operation or management of the Corrections Facility of the requirements contained in condition 4.2. The Encumbrance shall bind successors in title including any assigns, lessees of the site and any other persons taking a controlling interest in the operation or management of the Corrections Facility.

4.4. Tangata whenua shall be allowed access to the puna, subject to the prior approval of the manager of the Corrections Facility on each occasion. The manager shall not unreasonably withhold approval for such access. In deciding whether to grant access on each occasion, the manager shall take into account operational requirements of the Corrections Facility, and the health and safety of staff, inmates and visitors and may impose such conditions on entry and access as they consider appropriate.

5.0 Archaeological

5.1. If any urupa, traditional sites, taonga (significant artefacts), koiwi (human remains), or other archaeological sites are exposed during site works the following procedures shall apply:

- a) Immediately it becomes apparent that an urupa, traditional site, taonga, koiwi or other archaeological site has been exposed, all site works in the immediate vicinity shall cease

- b) The site supervisor shall immediately secure the area in a way that ensures that any artefacts or remains are not further disturbed
- c) The site supervisor shall notify the Waikato Raupatu Lands Trust and a nominated Ngati Naho hapu representative (or their successor/s), Heritage New Zealand Pouhere Taonga, the Department of Conservation, Waikato District Council, the Waikato Regional Council and, in the case of human remains, the New Zealand Police, so that appropriate action can be taken. This includes such persons being given reasonable time as determined by Heritage New Zealand Pouhere Taonga to record and recover discovered archaeological features before work may recommence. The Minister of Corrections shall not be in breach of this condition if Ngati Naho hapu (or their successor) does not nominate or agree to a representative.

6.0 Landscaping

- 6.1. Landscaping shall be implemented and maintained on an ongoing basis in accordance with the following documentation (referred to as the “Landscape and Visual Mitigation and Monitoring Plan”):
 - a) LA4 Landscape Architects plan titled “Springhill Corrections Facility Landscape and Visual Mitigation”, reference 04 545pp, dated 3 December 2004
 - b) LA4 Landscape Architects plan titled “Springhill Corrections Facility Planting Plan 2005”, reference 04 545pp, dated 15 February 2005
 - c) LA4 Landscape Architects report titled “Spring Hill Corrections Implementation Strategy and Maintenance Regime”, reference 04-545, dated February 2005.
- 6.2. The approved Landscape and Visual Mitigation and Monitoring Plan may be modified by written agreement between the Minister of Corrections and Waikato District Council.
- 6.3. If any harvesting of exotic species is planned, a strategy for the long-term sustainable harvesting and replanting of the areas in questions shall first be prepared and submitted for approval by Waikato District Council, and shall contain the following:
 - a) a progressive harvesting plan which maintains the visual mitigation screening strategy, and shows areas such as gullies, where harvesting (other than of old or wind fallen trees) will not occur
 - b) time frames for replanting harvested areas.
- 6.4. The approved harvesting strategy referred to in condition 6.3 shall be implemented for the full course of harvesting and replanting.

7.0 Lighting

- 7.1. The detailed lighting design for the site shall be based on the performance criteria contained in Figure 19 dated December 2003 and Plan Number NRI6 (as contained in the NOR).
- 7.2. Calculations of the final lighting design to show compliance with AS4282:1997 Obtrusive Effects of Outdoor Lighting Table 2.1, for the maximum luminous intensity emitted by the luminaries of 500 cd for 'Dark Surrounds' during curfew hours, shall be submitted to Waikato District Council for approval prior to construction.
- 7.3. Any light source on the site that exceeds 500 cd shall be shielded from the view of all dwelling houses in the immediate vicinity that were existing at the date of confirmation of the designation on 30 June 2004, except those located more than 1 kilometre from the site.

- 7.4. All street lights for the on-site access road and the T-intersection entrance at Hampton Downs Road shall be of the aero-screen flat-glass type with zero upward light output.

8.0 Acoustic

- 8.1. The Corrections Facility shall be designed and operated to ensure that noise from activity within the site does not exceed the following limits:
- (i) when measured at or within the notional boundary of any dwelling outside of the designated site which has existed since 12 June 2003
 - (ii) when measured within Pt Lot 2 DP28756, Pt Allot 384 Whangamarino Parish, Pt Allot 385 Whangamarino Parish, excluding noise generated by farming, agricultural, horticultural and forestry activities which were permitted by the Waikato District Plan at 1 May 2004.

Monday to Friday	7:00am - 7:00pm	50dBA (LAeq)
Saturday	7:00am - 6.00pm	50dBA (LAeq)
At all other times including public holidays		40dBA (LAeq)

Noise levels shall be measured in accordance with the requirements of 'NZS6801:2008 Measurement of Environmental Sound' and assessed in accordance with the requirements of 'NZS6802:2008 Acoustics – Environmental Sound'.

- 8.2. Noise from any construction, maintenance or demolition activity must be measured, assessed and managed in accordance with the requirements of 'NZS 6803:1999 Acoustics Construction Noise'.

9.0 Traffic

- 9.1. For any construction works, all access to the Corrections Facility site shall be via Hampton Downs Road, avoiding the use of Hall Road. Access to the site via Hall Road may only be permitted where it is necessary for the construction and/or upgrade of any services located within Hall Road, and the prior written approval of Waikato District Council has been obtained.

Any proposal by the Department of Corrections to use Hall Road shall include a Traffic Management Plan and a record of consultation with the New Zealand Transport Agency. If the use of Hall Road is permitted, the standard of this road pre-construction shall be maintained to the satisfaction of Waikato District Council once construction is complete and all associated maintenance costs shall be borne by the Department of Corrections.

- 9.2. Hall Road may be used for access in emergency situations or for boundary and other necessary inspections. For the purposes of this condition an "emergency situation" is when vehicular access is required by the Department of Corrections, New Zealand Defence Force, New Zealand Police, Fire and Emergency New Zealand, an ambulance, or other organisations which assist in emergencies; such as the escape of an inmate.
- 9.3. The entrance to the site off Hampton Downs Road shall be provided with street lighting in accordance with Condition 7.4.
- 9.4. All parking associated with construction activities shall be provided within the site.
- 9.5. On-site car parks for at least 120 staff vehicles and 180 visitor vehicles shall be provided generally in the location shown on Figure 6 dated December 2003 (as contained in the NOR).

10.0 Engineering

- 10.1. Prior to undertaking any earthworks beyond those contemplated by the NOR, an Earthworks Management Plan shall be prepared and submitted to Waikato District Council for approval prior to earthworks commencing on site. The Earthworks Management Plan shall detail the following:
- a) The proposed earthworks methodology
 - b) Material sources, use/disposal and treatment
 - c) Dust and noise control methodologies
 - d) The process for managing any instabilities that may occur within the areas affected by earthworks
 - e) The remedial measures to be adopted and, where the effect of the instability extends outside the site, the means of remedying the effect on affected property owners.
- 10.2. Prior to undertaking any construction activities beyond those contemplated by the NOR, a Drainage Plan shall be prepared and submitted for approval by Waikato District Council, unless Council agrees to waive this requirement. The Drainage Plan shall include:
- a) final designs for the drainage systems
 - b) methods of site assessment by suitably qualified personnel to determine the need for the installation of further drainage during the site works
 - c) planned access, cleaning and monitoring of subsoil drainage pipes in cut and fill slopes
 - d) certified as-built drawings and a Drainage System Maintenance Procedure detailing timing, action and maintenance when defects are identified in respect of subsoil drainage pipes in cut and fill slopes.
- 10.3. A detailed liquefaction assessment for any new buildings shall be submitted to the Waikato District Council for approval prior to construction, unless the Council agrees to waive this requirement.

11.0 Services

- 11.1. Prior to the commencement of earthworks for any new buildings on the site, the Minister of Corrections shall provide written confirmation to Waikato District Council that all necessary resource consents and approvals for wastewater disposal and a potable water supply have been obtained.
- 11.2. Wastewater flows from the Corrections Facility shall not exceed a maximum of 300m³/day, unless otherwise agreed with Waikato District Council. The Minister shall maintain an appropriate flow meter at the Corrections Facility and shall provide to the Council and Community Liaison Group in spreadsheet form, the relevant data from this flow meter at 6 monthly intervals. The raw data upon which the spreadsheet is based shall also be provided upon request of either the Council or the Community Liaison Group.

12.0 Recovery of Council Costs

- 12.1. Pursuant to section 36 of the Resource Management Act 1991, the actual and reasonable costs incurred by Waikato District Council in monitoring conditions of this designation shall be paid by the Minister of Corrections.