

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing Submissions and Further Submissions on the Proposed Waikato District
Plan (Stage 1)

**JOINT MEMORANDUM BY THE DEPARTMENT OF CORRECTIONS AND COUNCIL
TO HEARING COMMISSIONERS RELATING TO
HEARING 15 DESIGNATIONS
SPRING HILL CORRECTIONS FACILITY DESIGNATION (P1)**

4 May 2020

May it please the Hearing Commissioners:

1. This memorandum is filed on behalf of the Department of Corrections (“the Department”) and the Council on Hearing 15 Designations, outlining agreements reached at the Designations Hearing (held on 20 and 24 April 2020) on the Department’s designation for the Spring Hill Corrections Facility.

Background

2. Pursuant to Schedule I (clause 4) of the Resource Management Act 1991, the Department gave a Notice of Requirement to Waikato District Council (“Council”) requesting that its existing designation PI for the Spring Hill Corrections Facility in the Waikato Section of the Operative Waikato District Plan be included in the Proposed Waikato District Plan (PWDP). In rolling over this designation, the Department also requested that a number of existing conditions be amended or deleted given that they are redundant (i.e. had been given effect).
3. The section 42A report recommended this designation be confirmed but without the requested amendments or deletions of various conditions. The Department filed evidence and the reporting officer (Ms Jane Macartney) in her section 42A rebuttal evidence recommended no change to the s42A recommendations.
4. The Department attended the hearing on 20 April 2020 and sought amended conditions in consultation with the reporting officer. The hearing was reconvened on 24 April 2020 at which point the Department and Council agreed to further refinements.

Panel Directions and Response

5. When the hearing reconvened on 24 April 2020, the Hearings Panel directed the Department and Council to prepare a memorandum outlining the agreement reached on this designation and accompanying conditions.
6. This designation is currently numbered PI in the PWDP. As a result of the National Planning Standards, this number will be replaced with the unique identifier ‘MCOR-1’. The recommended conditions arising from collaboration between the Department and Ms Macartney are contained in Attachment I to this memorandum.

Summary of Amendments

7. The following is a summary of the amendments agreed between the Department and Ms Macartney to the conditions for the Spring Hill Corrections Facility designation, which follows the order of the headings in the existing list of conditions.

Designation

- a. remove an unnecessary heading and the reference to the Environment Court decision in the paragraph that precedes the list of conditions

Description of Works

- b. reorder text in paragraph A so that the legal descriptions for the designation follow the term “the site”

- c. express the acronym 'NOR' in full and refer to the Environment Court decision on 30 June 2004

Documents

- d. rename this heading 'General'
- e. remove references to plans and initial works giving effect to the designation
- f. add reference to the NOR

Limits to scope of designation

- g. add reference to the NOR
- h. reorder text regarding the separation distance of self-care units
- i. refer to 'finished' rather than 'constructed' ground level

Social and Economic

- j. refer to the ongoing coordination, rather than establishment, of the Community Liaison Group
- k. correct grammar as a result of works already completed
- l. remove reference to the Community Liaison Group needing to be formed within 4 months of the designation being confirmed
- m. Refer to the confirmed name of the facility (Spring Hill Corrections Facility)
- n. Refer to any future approved Earthworks Management Plan and Drainage Plan

Cultural and Spiritual

- o. require consultation with the Waikato Raupatu Lands Trust and a nominated Ngati Naho hapu representative (or their successor/s) for any construction works and associated earthworks contemplated beyond the scope of the NOR
- p. make clear that an encumbrance instrument or covenant in gross is to be registered against the title of the designated site to ensure that any person having a controlling interest in the operation of the Spring Hill Corrections Facility is made aware of their obligations to ensure the fencing and protection of the puna (springs)
- q. clarify that tangata whenua shall be allowed ongoing access to the puna, subject to the prior approval of the manager of the corrections facility

Archaeological

- r. update condition to refer to Heritage New Zealand Pouhere Taonga

Landscaping

- s. clarify that landscaping is to be implemented on an ongoing basis in accordance with plans that were approved following the original confirmation of the designation, and that these plans may be modified in the future

- t. remove the requirement for screening works to be completed during the first 12 months of construction
- u. improve the wording of the conditions for the harvesting of exotic species and the implementation of a harvesting strategy

Lighting

- v. clarify that lighting is to be based on design plans as contained in the NOR
- w. refer to Council generally, rather than specific Council staff titles that are now obsolete (N.B. this approach is subsequently followed throughout the remainder of the conditions)
- x. clarify that shielding of light sources over 500cd for houses within 1km of the facility is only required in the context of those that were existing on the date of the original designation confirmation

Acoustic

- y. refer to 'LAeq' noise parameters rather than 'L₁₀'
- z. refer to the current New Zealand Standards for the Measurement of Environmental Sounds (NZS6801:2008) and Acoustics – Environmental Sound (NZS6802:2008)
- aa. improve the wording of the condition for construction noise (NZS6803:1999)

Traffic

- bb. improve the wording of the condition that restricts the use of Hall Road, in terms of referring to future works
- cc. remove references and conditions that refer to works already completed
- dd. clarify that lighting must be provided at the site entrance on an ongoing basis
- ee. add reference to the NOR

Engineering

- ff. delete conditions that refer to works already completed
- gg. require an Earthworks Management Plan for any earthworks contemplated beyond the NOR
- hh. replace reference to 'Groundwater Plan' with 'Drainage Plan' in recognition of the matters that need to be addressed in that plan, unless Council waives that requirement
- ii. require a detailed liquefaction assessment for any new buildings, unless Council waives that requirement

Services

- jj. improve wording
- kk. remove conditions or wording that refer to works already completed
- ll. delete statement referring to now obsolete cost-share agreement with Council for Te Kauwhata wastewater treatment plant
- mm. remove 'wastewater' sub-heading

Signs

- nn. remove the condition as it refers to works already completed

Table I

- oo. delete Vegetation Enhancement Plant List in Table I as it is already contained in the approved landscaping plan.
8. As a consequence of a number of conditions being removed, the conditions package in Attachment I has been renumbered to reflect this.

Post-hearing request to amend wastewater condition

9. Following the adjournment of the hearing, the Department contacted Ms Macartney on 29 April 2020 to request the following amendment to the agreed condition 11.2, as shown in red underlined text below:

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.

10. The Department requested this amendment on the basis that it has an agreement with WDC that allows it to increase the 300m³ daily wastewater flow limit under certain conditions. The agreement, entitled 'Agreement for Provision of Water and Wastewater Services', was signed in December 2005, subsequent to the confirmation of the designation in June 2004. A copy of the agreement was provided to Council (and is appended to this memorandum as Attachment 2), with clause 3.1.6 being highlighted as it sets out the conditions around allowing an increase. The Department sees the amendment to condition 11.2 as a simple addition, which recognises that the agreement is the key governing document in this instance (i.e. rather than repeating text from the agreement verbatim in the designation condition).

11. Council staff agree with the Department that it is appropriate for this condition to reflect the agreement. Clause 3.1.6 in the agreement provides for this daily limit to increase a further 100m³, subject to the following terms and conditions:

- (a) The Department shall be entitled to require the additional wastewater to be accepted at no further capital cost or connection fee.
- (b) Subject to any new or amended Corrections Facility designation conditions, the Department may request the Council to accept the additional 100m³/day of wastewater.
- (c) The obligation in this clause 3.1.6 is subject to the Te Kauwhata Wastewater Treatment Facility having the ability to treat the additional volume at the plant whilst remaining within resource consent limits. If capital expenditure is required to take the additional volume then the Department shall fund that expenditure.

12. Accordingly, Attachment I also shows this amendment to condition 11.2, for consideration by the Hearings Panel.

Dated 4 May 2020



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Attachment I – Designation PI conditions as agreed at Hearing 15

Attachment 2 – ‘Agreement for Provision of Water and Wastewater Services’