

1. KINGSLEA CARE AND PROTECTION RESIDENTIAL CENTRE – DECISION OF MINISTER

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The purpose of this report is to advise the Council of the decision of the Minister of Social Services and Employment on a requirement to designate land at Horseshoe Lake Road for the Kingslea Care and Protection Residential Centre.

A Care and Protection Residential Centre is a facility for the placement of up to 20 children and young persons for the purpose of providing care (including secure care), protection, control and treatment.

The Council received a Notice of Requirement in December 2001 under the Resource Management Act 1991 to designate land at Horseshoe Lake Road for the Kingslea Care and Protection Residential Centre. Under the Act, this was publicly notified. Submissions were received, and a hearing conducted by Mr Kim McCracken who was appointed by the Council as a Commissioner for this matter.

Mr McCracken recommended that the designation be confirmed, subject to a number of conditions. The Council adopted this recommendation on 22 August and it was forwarded to the Minister. Under the Act, the Council has the power of recommendation only on notices of requirement, not decisions. The requiring authority has the right to accept, modify or reject the Council's recommendation. There is a right of appeal against the Minister's decision to the Environment Court. The Council and any submitters may appeal.

The Minister has issued his decision (copy attached) and has modified the Council's recommendations slightly. As required by the Act, this has been publicly notified and the submitters informed by letter. The appeal period closes on Monday 28 October.

The modifications to the conditions are minor; as follows:

Condition 1

Changed to refer to the development being in "general" accordance with the modified plans submitted at the hearing. This allows for minor design changes.

Delete reference to landscaping in this condition as this duplicates condition 6.

Modify the requirement for a maximum fencing height of 1.8 metres, to enable the possible retention of some existing fencing which is higher, but out of sight. The fencing along the frontage is to be no more than 1 metre in height.

Condition 4

This relates to having a security management plan prepared and implemented within six months of the decision. Changed to require the management plan being prepared and implemented prior to the redeveloped centre becoming operational.

Condition 12

This was a review condition allowing the Council to review and change conditions 3 and 4 at a later date if necessary in the light of experience. Condition 3 relates to setting up a Community Liaison Committee and condition 4 to the security management plan. The Minister correctly points out that the Act does not allow for formal review conditions on a designation, unlike the position for resource consents. Instead he proposes a consultation mechanism, under which the members of the Liaison Committee and the Council may advise the Minister of any issues arising under these conditions and propose ways of dealing with the issues. The Minister's proposal achieves the spirit of the original condition as well as can be managed, given the limitations of the Act.

All the Minister's changes to the conditions are considered to be reasonable. In addition, they are all minor matters and would not warrant the expense and effort of an appeal.

Recommendation: That the Council accept the decision of the Minister of Social Services and Employment modifying the recommended conditions for the Kingslea Care and Protection Residential Centre, and that no appeal be lodged by the Council.