

Appendix N: Kaitiaki Plan

The Kaitiaki Plan with Ngati Te Ata dated 1 March 2011 is appended to this Agreement in accordance with Designation condition 123. Its attachment to this Agreement does not impose contractual obligations on either party and is not intended to alter either party's rights or obligations under this Agreement.

Kaitiaki Plan

*Whatungarongaro te
tangata, toitu te whenua*

*People come and go, the land
remains*

For the Purpose of
the PPP Prison
Project at Wiri

Ngāti Te Ata
1 March 2011

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1. Purpose of the Kaitiaki Plan

1.1 Mana whenua and the Wiri site

Ngāti Te Ata and Te Ākitai are the recognised mana whenua iwi of the Wiri prison site¹ and surrounding land including Matukutureia, the maunga (mountain) directly adjacent to the site.

As we understand it during the procurement process for the Public Private Partnership (PPP) of the men's prison at Wiri (PPP Prison Project), there is an expectation that the Department of Corrections (the Department) and the firms bidding for the prison contract (Bidders) will engage with us as mana whenua iwi in order to establish the nature of relationships if the proposed prison goes ahead.

The recognition of our mana whenua status acknowledges the special ancestral, cultural and spiritual association that we have to the Wiri site and the surrounding land. Our relationships with the Department and Bidders should observe our role as mana whenua or 'Kaitiaki', guardians over the land. The Kaitiaki role carries certain obligations regarding kaitiakitanga and manaakitanga – guardianship and protection of the land and certain hosting and welfare responsibilities for the people that occupy the land (our manuwhiri or visitors).

From Ngāti Te Ata and Te Ākitai's perspective, an ongoing relationship with both the Department and the firm contracted to design, build and operate the prison (Contracted Firm), will go some way towards upholding the Crown's responsibility to Māori under the Treaty of Waitangi. Of course, the nature of these relationships, and therefore how well the Crown is discharging its Treaty of Waitangi obligations with regards to the activity at Wiri, is yet to be determined.

1.2 Why a Kaitiaki Plan?

This Kaitiaki Plan is a result of the joint efforts of individuals affiliated to both Ngāti Te Ata and Te Ākitai. We have drafted this Kaitiaki Plan to ensure that our views as mana whenua iwi are clearly expressed and well understood by the Department and the Bidders with regard to the PPP Prison Project. We believe that this Kaitiaki Plan should be used as a starting point to inform further discussions on the nature of any relationships established going forward. This is important given that there is a Request for Proposal (RFP) requiring the Contracted Firm to establish and maintain a relationship with us.

At a practical level the Kaitiaki Plan can:

1. Be used by Bidders to inform further discussions with us on the nature of any relationship we may have with the Contracted firm and the prison;
2. Enable Bidders to build kaitiakitanga suggestions included in the plan into their proposals where appropriate;
3. Allow visibility around what is important to us as the mana whenua iwi participating in New Zealand's first PPP; and
4. Enable the Department to ensure a level playing field for the Bidders by distributing this plan to all Bidders.

¹ See Appendix One for reasons for recognising Ngāti Te Ata and Te Ākitai as mana whenua for the purpose of the PPP Prison Project.

1.3 Relationship between this Kaitiaki Plan and the Land Designation (RMA) process

The proposed prison site is located on land that is currently designated under the Resource Management Act 1991 (RMA) for the current Auckland Region Women's Correctional Facility (ARWCF). To enable the proposed men's prison to be constructed and operated, an amendment to the existing RMA designation is required. This involves a publicly notified process under the RMA, and a hearing will be held in May 2011.

As part of that process, consultation on various mana whenua and cultural issues has occurred, resulting in a Cultural Impact Assessment Report being submitted with the Department's RMA application in October 2010. Since that time, evidence has been prepared in January 2011 to provide an update on this process and a further draft cultural impact report has been prepared in consultation with members of Ngāti Te Ata and Te Ākitai.

While this Kaitiaki Plan has been informed by that RMA consultation process, and is consistent with it, the predominant focus of this plan is to address the perpetual Kaitiaki practices at the site, and the relationships arising with the Contracted Firm.

2. What's important to us

"The prison should be an asset to the community".

2.1 Meaningful relationships

The Department has specified in the RFP that the Contracted Firm must have a meaningful relationship with mana whenua iwi. In our view any relationship established requires discussion and understanding about what is important to both parties.

We set out below what is important to us in having a relationship with the Contracted Firm:

1. The Contracted Firm ought to acknowledge Ngāti Te Ata and Te Ākitai as the iwi who have mana whenua status of the Wiri site for the purpose of the prison development and operation; and
2. Any relationship established with the Contracted Firm is genuine and is for the life of the contract. We believe that the following matters ought to be discussed at the outset:
 - a. Relationship parameters and guiding principles;
 - b. Possibility for acknowledgement of our tikanga, to be included in the prison's operating philosophy; and
 - c. Possibility for strategic input into the development and operational aspects of the prison, including taking into consideration the ideas for expressing kaitiakitanga as stated in Part 7 of this Kaitiaki Plan.

2.2 Kaitiakitanga outcomes

The kaitiakitanga outcomes that we are seeking to achieve as mana whenua iwi of the Wiri site, beginning with discussions of this Kaitiaki Plan include:

1. That our tikanga (traditional cultural practices) be observed on the site to:
 - a. Support the wellbeing of manuwhiri (visitors) including those occupying the site (prisoners and staff); and
 - b. Acknowledge the special ancestral, cultural and spiritual association that we have to the site.
2. That the natural and cultural landscape in and around the Wiri site is preserved and managed appropriately during the design, build and long-term operation of the prison;
3. That as much as possible, the surrounding land, waterways and wāhi tapu are restored to their natural state, possibly through Kaitiaki-themed programmes with prisoners and other initiatives to be explored with the Contracted Firm;
4. That those prisoners who reside at the prison are released as better people and are reintegrated successfully back into their communities; and
5. That wherever possible and without usurping our tikanga, we are able to support the achievement of better outcomes for Māori prisoners, and indeed all prisoners, through:
 - a. The expression and practice of kaitiakitanga; and
 - b. Ensuring that our tikanga are appropriately reflected in the prison's management philosophies.

3. Protocols and assumptions guiding engagement

3.1 Guiding principles

The principles stated below have guided our thinking in drafting this Kaitiaki Plan:

1. Mahi Tahi / Collaborative Approach: We are the twin pou of Wiri and we welcome a collaborative approach;
2. Te tika / Respect: Our involvement in the PPP Prison Project is for the purpose of ensuring that our mana whenua status is consistently expressed, well understood and respected to ensure effective kaitiakitanga outcomes are achieved during development and operation of the prison;
3. Te Pono / Ensure Fairness: The Kaitiaki Plan allows for the Department and all Bidders to carry out their engagement with us where information shared is consistent and provides a “level playing field” for all Bidders;
4. Whai i ngā mātāpono o Te Tiriti / Uphold the Principles of the Treaty: We acknowledge the principles of the Treaty of Waitangi and are of the view that the Crown, through the Department, has an obligation to ensure Ngāti Te Ata and Te Ākitai’s interests as mana whenua are protected;
5. Manaaki Tangata / Caring for Visitors: Ensure all manuwhiri (prisoners and staff) to the Wiri site are welcomed on to the land, are hosted appropriately and are made aware of our role as Kaitiaki.
6. Hononga Ake / Authentic Relationships: That any relationships established with the Contracted Firm will be authentic and will support effective management philosophies that will lead to more effective outcomes for Māori prisoners.

3.2 Assumptions

1. That the Department and all Bidders will engage with us during the PPP procurement process;
2. That all Bidders will have access to a copy of this Kaitiaki Plan;
3. That for the purpose of clarity and consistency the Kaitiaki Plan provides information that can inform discussions between us and the Bidders;
4. That this Kaitiaki Plan deals specifically with our role as mana whenua iwi, as distinct from any role as service providers;
5. That any discussions between us and the Bidders regarding future provision of services other than mana whenua and Kaitiaki-related activities fall outside the scope of this Kaitiaki Plan and should be carried out separately; and
6. That we will not bind ourselves exclusively to any Bidders through contractual arrangements during the PPP procurement process.

3.3 Mana whenua engagement in the process

As we understand, the Department will facilitate formal engagement between us and all Bidders at the release of the RFP. We have already been approached by a number of Bidders and informal discussions have taken place.

We see there being four distinct stages through the life of the PPP Prison Project:



The Kaitiaki Plan will inform Stage One and will be used as a starting point for further discussions through the other stages. The Kaitiaki Plan does not attempt to go into detail – any detail will come after further discussion with the Department and / or the Bidders and will be at a later stage.

4. Whakapapa – genealogy and association to the land

Ngāti Te Ata and Te Ākitai are Waiohūa, the original inhabitants of Tamaki Makaurau and mana whenua of Matukutūreia. The traditional ties of Ngāti Te Ata and Te Ākitai to Matukutūreia, the ancient fortification, are unique.

“Ka pa taua ko ngā kuri rangaunu, ko nga kahupokere o Tamaki e kore e Ngaro i te hinapouri –
Our Chieftainship in Tamaki will never be lost to darkness”.

Nā Te Raangi Hahautu, Tupuna nō Ngāti Te Ata

4.1 Ngāti Te Ata and Te Ākitai's common ties to Matukutūreia



Huakaiwaka

The founding ancestor of Waiohūa is Huakaiwaka. Wai o Hua literally means the waters of Hua Kai Waka. Matukutūreia was one of twin pou of Manukau, the other is named Matukutururu. Together they were referred to as Matukuturua and situated squarely within the Waiohūa domain.

4.2 Pepeha

Ko Matukutūreia te Maunga

Ko Puhinui te Awa

Ko Manukau te Moana

Ko Kaiwhare te Taniwha

4.3 Te Kaitiakitanga o Matukutūreia

The maintenance of kaitiakitanga by Ngāti Te Ata and Te Ākitai of Matukutūreia has continued through to the present day. The Ngāti Te Ata Claim to Tamaki Makaurau and in particular to Matukutūreia is registered as Wai 1231 and was lodged by Ngāneko's son Roimata Minhinnick on 5th January 2005. The traditional evidence of Ngāti Te Ata to Matukutūreia and surrounds was submitted to the Waitangi Tribunal Hearing in March 2007. The Tribunal's Report on Tamaki Makaurau in June 2007 recommended that the Crown negotiate with Ngāti Te Ata and other claimant groups regarding their Treaty of Waitangi claims. Both Ngāti Te Ata and Te Ākitai are currently represented on the Waiohū Collective which is one of the groupings responsible for settling the Treaty of Waitangi claims with the Crown over Tamaki Makaurau. Matukutūreia will be settled by Ngāti Te Ata and Te Ākitai.

Ngāti Te Ata and Te Ākitai are also represented on the new Auckland Council through the same Waiohū Collective as mana whenua of the area and Treaty partners. This will enable Ngāti Te Ata and Te Ākitai to maintain kaitiakitanga of Matukutūreia within the framework of regional and local government policy development.

Ngāti Te Ata and Te Ākitai continue to exercise rangatiratanga (chieftainship) and kaitiakitanga of Matukutūreia and its surroundings, for those that love it or live within its boundaries.

5. Te Ao Māori (Māori worldview)

5.1 Mana whenua

The RMA defines mana whenua as “customary authority exercised by an iwi or hapū in an identified area”. The reality of legal title to the land cannot remove the mana whenua “title” to the land. Mana whenua status brings with it obligations and responsibilities for iwi, one of which is ensuring that kaitiakitanga is exercised over the land.

5.2 Kaitiakitanga

Expressing kaitiakitanga is the way in which iwi maintain their “mana of the whenua”. Kaitiakitanga is defined in the RMA as “the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship”.

In Māori worldview, kaitiakitanga runs with the land, it is about managing natural resources in a sustainable way to provide for future generations and in particular, protecting and enhancing the few remaining remnants of what used to be. Natural resources such as, in this case the land, are not seen simply as resources to be commercialised. Our people are intrinsically linked to the Wiri site through whakapapa. This is expressed and acknowledged in a number of ways. As an example, when we introduce ourselves to people, we refer to the landmarks that have been important to us for generations– “ko Matukutūreia te maunga”.

5.3 The evolution of kaitiakitanga

We understand that we must work within the New Zealand legal framework when attempting to express kaitiakitanga. We do not have “legal title” to the site proposed for the prison and therefore we cannot express kaitiakitanga as we have traditionally done. The concept of kaitiakitanga has evolved and we must now express kaitiakitanga in other ways. As Kaitiaki in this day and age, we should not be boxed in the “conservationist” corner.

There are two obvious ways that we can express kaitiakitanga in its modern sense at the Wiri site:

1. Form meaningful relationships with those who have legal title to the land and those who lease / licence the land and for those people to assist us in expressing kaitiakitanga over the land; and
2. Ensure that those people respect and acknowledge our tikanga.

6. Relationship expectations

“We would like to work with the Contracted Firm to ensure that our iwi interests are catered for in a way that fits in with the Contracted Firm’s business model. We envisage this relationship with the Contracted Firm as one of reciprocity – with mutual benefits to both the Contracted firm and to our iwi”.

6.1 Ngāti Te Ata / Te Ākitai and the Department

The Department has consulted and will continue to consult with Ngāti Te Ata and Te Ākitai as mana whenua iwi of the Wiri site through the RMA process. It is envisaged that our relationship with the Department will continue irrespective of who is contracted to run the prison. By virtue of the principles of the Treaty of Waitangi, the Crown has an obligation to ensure that our mana whenua interests are protected.

6.2 Ngāti Te Ata / Te Ākitai and the Contracted Firm

Ngāti Te Ata and Te Ākitai are mana whenua iwi of the Wiri site and we carry obligations as Kaitiaki. By forging a strong relationship with us, the Contracted Firm will be respecting our status as mana whenua, ensuring that appropriate tikanga and kawa is applied at the site. The strength of our relationship with the Contracted Firm will determine the basis of a positive working relationship that we hope is mutually beneficial. We envisage that a strong relationship with us can contribute towards the Department’s goal of achieving effective outcomes for Māori prisoners.

In our view, mana whenua and any Māori input should not be nominal or tokenistic. We see real opportunities for long-term, positive outcomes for both us and the Contracted Firm if our relationship is genuine.

6.3 The Contracted Firm and sub-contractors

We recognise that the Contracted Firm may require relationships with other Māori groups throughout this project and in the operation of the prison.

While we acknowledge the importance on having appropriate advice and contracted services to ensure the prison achieves better outcomes for Māori prisoners, we must emphasise that we are the recognised mana whenua. Our responsibilities as mana whenua, with respect to other Māori groups being involved in operations situated on our traditional whenua, require that we have visibility of what tikanga and kawa is observed and applied by our manuhiri, in this case the other Māori groups.

7. Expressing kaitiakitanga at Wiri

“Our koha to the prisoners, our manuwhiri, will be to assist them on their path of rehabilitation and in particular, to assist them in leaving the prison as a better person with a better understanding of who they are, their culture and their connection to the land”.

7.1 Our approach to kaitiakitanga suggestions

In developing this Kaitiaki Plan, we have endeavoured to express what is important to us and make this applicable to the prison proposed for our traditional whenua. As mentioned above, we believe that by working together, in a genuine relationship based on mutual respect with the Contracted Firm, that we can achieve outcomes consistent with our own iwi strategic directions, the Contracted Firm's priorities and the PPP Project's requirements, in particular achieving effectiveness with Māori prisoners.

7.2 Ideas are the starting points for future discussions

We intend to express kaitiakitanga at Wiri in a way that reflects who we are as mana whenua. We believe it is important for the Contracted Firm to understand what is important to us and how we see our own beliefs fitting with the prison.

We want to understand what is important to the Bidders and we believe there is value to be gained for the prison through Bidders understanding what is important to us.

The suggested ideas for expressing kaitiakitanga at Wiri are based on this transparent and up front approach. Of course, they are just a starting point for future discussions we intend to have with the Bidders.

We have attempted to group our ideas under helpful headings for Bidders:

- Incorporating Tikanga;
- Rehabilitation and reintegration programmes for prisoners; and
- Contribution to community capacity building and partnerships.

We are aware that any suggestions made in regards to giving expression to kaitiakitanga ought to be compatible with:

- The Departments policies and practices;
- The Contracted Firm's business model including its operating philosophy; and
- Any legal obligations that the Department or the Contracted Firm have.

Nevertheless, the suggestions as outlined below are extremely important to us and we look forward to further discussions with all Bidders about how we can work together to achieve mutual benefits.

7.3 Incorporating tikanga

Tikanga is the “right” (tika) way of doing things according to Māori tradition and culture², it is the set of fundamental traditional practices that are important to Māori and have been practiced for generations.

² Hirini Moko Mead. *Tikanga Māori, Living by Māori Values* (Huia Publishers, Wellington. 2003) pg 6.

From a Māori perspective, the landowner of the Wiri site, lease / licence holder, construction workers, prisoners, staff, visiting whānau members – are all our manuwhiri. We have an obligation to protect all manuwhiri according to our tikanga.

With this in mind, the table below sets out some fundamental practices that could be incorporated into the development of the prison's operations:

Incorporating tikanga		
Suggestion	Benefit to the Prison and/or Prisoners	Benefit to Ngāti Te Ata / Te Ākitai
Turning of the soil before construction starts. Kaumatua blessing.	Respecting our tikanga.	Kaitiaki status acknowledged.
Whakatau (official welcome) for construction workers, staff and prisoners.	Understand and acknowledge the significance of the environment they're working in.	Kaitiaki status acknowledged.
Ensure manaaki tangata (caring for people) is practiced (manaaki of those entering the Wiri site including construction workers, staff, prisoners and whānau).	A possible approach for rehabilitation. Whānau involved in the rehabilitation / reintegration process.	Kaitiaki status acknowledged.
On release - the prisoner should be able to have the option of removing noa (loss of mana and tapu) from themselves and have their tapu (sacredness) restored. This should also be an option for manuwhiri leaving the premises.	Respecting our tikanga. Cleansing of te taha wairua (spiritual side), washing away of raruraru (troubles) so prisoners do not take those raruraru home.	Kaitiaki status acknowledged.
It is important to us that our prisoners who are whānau are based at this prison. Prisoners who are from iwi affiliated to Auckland should be moved to the Wiri prison if their classification allows.	Respecting our tikanga. More prisoner - whānau contact could lead to calmer prisoners – possible approach towards rehabilitation.	Kaitiaki status acknowledged.
Mana whenua should be consulted for advice on design features of the prison to ensure that tikanga is appropriately recognised. For example, it should be ensured that the prison is not looking down on the women's prison.	Respecting our tikanga.	Kaitiaki status acknowledged.

7.4 Rehabilitation and reintegration for prisoners

Manaaki tangata and ensuring manuwhiri who enter the site are cared for and protected in accordance with tikanga is an integral part of ensuring our kaitiakitanga obligations are met.

The table below sets out a number of ideas for consideration, to ensure that manuwhiri are cared for in a way that is consistent with our tikanga:

Rehabilitation and reintegration of prisoners		
Suggestion	Benefit to the Prison and/or Prisoners	Benefit to Ngāti Te Ata / Te Ākitai
Provide opportunities for Ngāti Te Ata and Te Ākitai to have meaningful input into the development and operation of the prison and the development of the prison's operating philosophy.	Close working relationship with a key group of the community – mana whenua iwi.	Kaitiaki status acknowledged.
Provide opportunities for the local community, Ngāti Te Ata and Te Ākitai in particular, to assist in a prisoner's rehabilitation and reintegration.	Possible approach to support a prisoner's rehabilitation and reintegration. Creating links with businesses in the local community.	Prisoners could assist in the upkeep of the local environment. This will assist Ngāti Te Ata and Te Ākitai to fulfil their obligations as Kaitiaki and benefit the community.
Kaitiaki induction for staff, subcontractors and prisoners.	Understand and acknowledge the significance of the environment they're working in. Can align protocols and practices inside the prison to mana whenua tikanga.	Kaitiaki status acknowledged.
Ensure that staff do not smoke on the site where prisoners can see.	Prevents temptation. Respect shown for the prisoners, assists with their rehabilitation.	Kaitiaki status acknowledged.
Involve whānau in the case management process of the prisoners. This will ensure ongoing contact between the prisoner and his whānau through his prison sentence.	Possible approach to support a prisoner's rehabilitation and reintegration. Whānau involvement a possible approach to support a prisoner's rehabilitation and reintegration.	Kaitiaki status acknowledged.
If double bunking of prisoners is an option, ensure appropriate pairings taking into consideration the prisoner's cultural background.	Prisoners are bunked with appropriate people.	Kaitiaki status acknowledged.
Continually update the prisoner on how his immediate whānau are doing without him there.	Possible approach to support a prisoner's rehabilitation and reintegration.	Kaitiaki status acknowledged.
Have a process for allowing prisoners to be released to attend tangi (those prisoners with the appropriate classification).	Whānau involvement a possible approach to support a prisoner's rehabilitation and reintegration.	Kaitiaki status acknowledged.
If prison staff includes people who have worked at other prisons – ensure that those staff adhere to the men's prison's operating	This will ensure that staff are not bringing bad/old habits from their previous role.	Kaitiaki status acknowledged.

philosophy.		
Form relationships with the Operators of the ARWCF Prison and the Child Youth and Family office at Wiri.	Information sharing relationship.	Kaitiaki status acknowledged.
Prisoners could have access to waka ama training.	Prisoners can have access to cultural and physical activities. Possible approach to support a prisoner's rehabilitation and reintegration.	We will enjoy seeing prisoners participating in cultural activities around their cultural landscape.

7.5 Contribution to community capacity building and partnerships

We are particularly interested that Bidders understand our relationship to the land on which the proposed prison will be built. This relationship is characterised by inter-generational hard work and tenacity, with little reward other than ensuring that we are recognised as the kaitiaki at Wiri. Our iwi members continue to focus on ensuring that our local environment is protected and used in an appropriate manner. We have worked tirelessly for decades to ensure that the environmental and cultural landscape surrounding the proposed prison site is protected according to our tikanga.

The Manukau Harbour Claim (heard in 1984) and the Tamaki Makaurau and Matukutureia Urgency Claim (heard in 2007) were both claims led by Nganeko Minhinnick, an esteemed kaumatua from Ngāti Te Ata, and were claims that included discussion regarding the protection of the Wiri site. The *Watercare*³ case saw the creation of a major sewage pipeline to transport human waste right through an archaeological site of importance to us and we vehemently opposed this. The construction of the sewage pipe still went ahead.

Nevertheless, we have worked with and continue to work with surrounding businesses on projects to care for our natural landscape and as much as possible, restore it to its true natural and cultural value. One example of a partnership we have with a local business is to rejuvenate the Puhinui stream, which runs through the Wiri site. We are also in the process of entering an agreement with the Department of Conservation for the co-management of Matukutureia. These examples show our ongoing efforts to exercise kaitiakitanga at Wiri, sometimes in conjunction with our Pākeha or private sector partners.

Needless to say, any assistance by the Contracted Firm to ensure that we carry on this legacy of protecting and growing the cultural awareness at the Wiri site would be welcomed.

See the table below for ideas around how the Contracted Firm can contribute to community capacity building and genuine community partnerships that compliment the Contracted Firm's own efforts to reduce reoffending:

³ *Watercare Services Ltd v Minhinnick* [1998] NZRMA 133 (CA).

Contribution to community capacity building and partnerships		
Suggestion	Benefit to the Prison and / or Prisoners	Benefit to Ngāti Te Ata / Te Ākitai
<p>Establishment of a “Kaitiaki Centre” close to the prison and Matukutureia to assist us in becoming meaningful contributors to the prison and to achieve their own Kaitiaki priorities at Wiri.</p> <p>Mana whenua should advise on an appropriate site for this centre.</p>	<p>Genuine partnership relationship with mana whenua iwi.</p> <p>Capacity-building for a key community contributor to the Prison.</p> <p>Could be a ‘workplace’ for suitable prisoners, a place where prisoners feel valued for their contribution.</p>	<p>A working base cemented close to all landmarks that are important to Ngāti Te Ata and Te Ākitai iwi.</p>
<p>Creation of a RMA / Kaitiaki programme for prisoners, which could include:</p> <ul style="list-style-type: none"> • Class-room style learning • Practical learning opportunities on whenua in need of restoration, maintenance <p>Allow low risk prisoners to assist in the upkeep of the local environment including the Puhinui stream, or restoration efforts including Matukutureia.</p> <p>Prisoners in the programme can carry out research on how to restore the Manukau harbour to its original state (i.e. no pollution).</p>	<p>Possible approach to support a prisoner’s rehabilitation and reintegration.</p> <ul style="list-style-type: none"> • Employment skills / work ethic • Understanding of the cultural / environmental landscape. • Prisoners leave prison with Kaitiaki / environmental skills. <p>Prisoners can contribute to the upkeep of the local environment and learn the tikanga principles around why it is important to do so.</p> <p>Kaitiaki programme can help with building pro-social, rehabilitated prisoners. RMA advisor jobs are in demand from many iwi around the country. Māori prisoners can take these skills home to their rohe to become Kaitiaki for their own iwi.</p>	<p>Sense of accomplishment and iwi pride in assisting prisoners to become rehabilitated.</p> <p>Restoration of our awa. Restoration of our moana. Restoration of our maunga.</p> <p>Contribution to Kaitiaki efforts of other Iwi – should prisoners go on to become Kaitiaki in their own rohe.</p>
<p>Part of the Kaitiaki programme could be whakairo (carvings), in particular, carving poupou (posts) that depicts a message that is connected to the prisoner’s path of rehabilitation.</p> <p>For example, if there is a prisoner who has been involved in domestic violence, he could work towards carving a poupou that illustrates a message like “I am a Māori male – I love my whānau and I will never again hurt them in any way”. There could also be poupou that depict certain Kaitiaki values important to Ngāti Te Ata and Te Ākitai. These Poupou could be placed around the prison and an explanation of them could be part of the induction for prisoners.</p>	<p>The poupou, when placed around the prison, could assist other prisoners to strive towards their individual goals. Possible approach to support a prisoner’s rehabilitation and reintegration.</p> <p>The prisoners can:</p> <ul style="list-style-type: none"> • Work on something that is assisting them express personal issues • Understand the cultural / environmental landscape. 	<p>Sense of accomplishment and iwi pride in assisting prisoners to become rehabilitated.</p> <p>Some poupou (the ones that depict Kaitiaki values) could be placed around the local environment.</p>
<p>Consider establishing an annual fund to be used for environmental and cultural projects directly related to the Wiri area.</p>	<p>Genuine partnership relationship with mana whenua iwi.</p> <p>Capacity-building for a key community contributor to the Prison.</p>	<p>Assist us in our efforts to restore and enhance our physical and cultural landscape.</p>

“Whatungarongaro te tangata, toitu te whenua
People come and go, the land remains”

8. Glossary of Māori terms used

Term	Meaning
Kaitiaki	Guardian
Kaitiakitanga	The exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship
Koha	Gift
Manaaki tangata	Caring for others
Mana whenua	Customary authority exercised by an iwi or hapū in an identified area
Manuwhiri	Visitors
Noa	Loss of mana and tapu
Raruraru	Troubles, problems
Rohe	Region
Poupou	Posts
Tangata whenua	Indigenous people of the land
Te taha wairua	Spirituality of a person
Tapu	Sacredness
Tikanga	The right way of doing things according to Māori tradition and culture
Wāhi tapu	Sacred place
Whānau	Family
Whakapapa	Family ties, genealogy, history
Whakatau	Officially welcome
Whakairo	Carving

APPENDIX ONE – Recognition of mana whenua

Recognition by the Department

The Department has recognised Ngāti Te Ata and Te Ākitai as mana whenua iwi on the Wiri site and this has been conveyed to us.⁴

This recognition has been tested in various forums and with a range of representatives from the wider Auckland Māori community and key public sector agencies. The Project's RMA process has also identified Ngāti Te Ata and Te Ākitai as mana whenua iwi at Wiri.

Both Ngāti Te Ata and Te Ākitai have maintained a close association with the Wiri site and were consulted throughout the previous development of the ARWCF. We have continued to be identified as the iwi with whakapapa links to Matukutureia – the mountain at Wiri – and we are currently pursuing Treaty of Waitangi settlements that take into consideration our strong connection to the mountain and the Wiri site. See whakapapa details at Part 4 of this Kaitiaki Plan for detail on Ngāti Te Ata and Te Ākitai's connection to the Wiri site.

⁴ See page 20 for the letter confirming this.



DEPARTMENT OF CORRECTIONS

ARA POUTAMA AOTEAROA

From: Jeremy Lightfoot - PPP Director

Date: 7 December 2010

Subject: Procurement of a New Men's Prison at Wiri through a Public Private Partnership (PPP)

The Department of Corrections recognises Ngāti Te Ata and Te Ākitai as mana whenua of the Site where the new men's prison is proposed to be developed at Wiri.

In preparation for the release of the Request for Proposals (RFP) documentation, the Department intends to work with Ngāti Te Ata and Te Ākitai in the development of requirements regarding their mana whenua status over the Site. These requirements will be addressed by bidders in their responses to the RFP stage of the procurement process.

The Department has adopted an outcomes-based focus to specifying its objectives for the Prison and the outcomes it requires the Prison to deliver. One of the nine primary outcomes is achieving effectiveness with Māori prisoners which makes Māori involvement in the Project crucial.

The Department of Corrections will continue to engage with other iwi and Māori groups on how to best achieve the outcome of achieving effectiveness with Māori prisoners.

APPENDIX TWO – Mandate from Ngāti Te Ata

Te Ara Rangatu o Te Iwi o Ngāti Te Ata Waiohū



Pouaka 451
Waiuku 2341
Aotearoa

To Whom It May Concern

17th Kohitātea 2011

Tena koe

This letter serves to advise that Tahuna Minhinnick is the authorised spokesperson for Ngāti Te Ata Waiohū regarding our tupuna Maunga Matukutureia and the proposed Corrections Projects.

Naaku noa na


Ngāneko Minhinnick

Chair


Josie Peita

Secretary

Te Ara Rangatu O Te Iwi O Ngāti Te Ata Waiohū

Appendix O: Mandatory International Prison Standards

Mandatory International Prison Standards

This is the list of Mandatory International Prison Standards, as defined in the Project Agreement, as at the Execution Date. For the avoidance of doubt, the Contractor will only need to comply with a standard to the extent such standard is relevant to the Project:

- (1) Universal Declaration of Human Rights 1948;
- (2) United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (and the Optional Protocol to the Convention 2002);
- (3) International Covenant on Economic, Social and Cultural Rights 1966;
- (4) International Covenant on Civil and Political Rights 1966 (and the Optional Protocol to the Covenant 1966);
- (5) International Convention on the Elimination of All Forms of Racial Discrimination 1965;
- (6) United Nations Convention on the Rights of the Child 1989;
- (7) Convention of the Rights of Persons with Disabilities 2006;
- (8) International Labour Organisation Convention 29 on Forced Labour 1930;
- (9) United Nations Basic Principles for the Treatment of Prisoners 1990;
- (10) United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment 1988;
- (11) United Nations Standard Minimum Rules for the Treatment of Prisoners 1955;
- (12) United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Healthcare 1991;
- (13) United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981;
- (14) United Nations Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1982;
- (15) International Labour Organization Occupational Safety and Health Convention (No. 155) 1981;
- (16) United Nations Declaration on the Rights of Indigenous Peoples 2007;
- (17) Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or degrading Treatment or Punishment 1975;
- (18) United Nations Convention on the Elimination of all Forms of Discrimination against Women 1979 and the Optional Protocol to the Convention on the Elimination of Discrimination Against Women 1999;
- (19) United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985;
- (20) United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990;

- (21) United Nations Code of Conduct for Law Enforcement Officials 1979;
- (22) United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990;
- (23) United Nations Basic Principles on the Role of Lawyers 1990;
- (24) United Nations Standard Minimum Rules for Non-Custodial Measures 1990;
- (25) United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985;
- (26) United Nations Convention Relating to the Status of Refugees 1951;
- (27) International Labour Organization Abolition of Forced Labour Convention (No. 105) 1957;
- (28) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000;
- (29) United Nations Declaration on the Rights of Disabled Persons 1975; and
- (30) United Nations Declaration on the Rights of Mentally Retarded Persons 1971.

Appendix P: Outline Plan

14 June 2012

Department of Corrections
C/o SecureFuture
Wiri Project D & C Office
Private Bag 92060
Auckland 1142

Attention: Tom Halpin

Dear Sir,

OUTLINE PLAN OF WORKS - SECTION 176A OF THE RESOURCE MANAGEMENT ACT 1991, FOR THE DESIGN, CONSTRUCTION AND OPERATION OF A MEN'S CORRECTIONAL FACILITY AT 20 HAUTU DRIVE, WIRI, PROPOSAL 40134 (MANUKAU)

I wish to advise that the above Outline Plan of Works (OPW) has been considered under Section 176A of the Resource Management Act 1991 and the Auckland Council's Code of Delegation. The proposal has been accepted with no changes and numbered Proposal 40134 by Council. Council advises:

General

1. The Council's administrative charges for receiving and processing this Outline Plan of Works or for any specified or additional matter in accordance with section 36 of the Act or any regulation under the Act, or as necessary to enable Council to recover its actual and reasonable costs in respect of this application, must be paid in full within 20 days of receipt of the invoice for this decision and this approval will not be exercised prior to such payment.
2. The development will be in accordance with the information and plans (including all supplementary reports and amended plans) submitted with the Outline Plan of Works, "*Outline Plan of Works, Proposed Men's Correctional Facility at Wiri*" prepared by SecureFuture dated May 2012 and numbered Proposal **40134** by Council.
3. The Requiring Authority is advised that the proposed Men's Correctional Facility outlined in this OPW will be designed and constructed to accommodate a total of 960 prisoners. In the event of any change or addition to the correctional facility and/or increase to the maximum prisoners being 1060 prisoners as required in Condition 78 of the Designation, the Requiring Authority is advised that a separate Outline Plan of Works is required by Council.
4. The Requiring Authority is required to ensure the information for compliance of all relevant designation conditions are forwarded to the Manager – Resource Consents South. All information should demonstrate that the conditions are achieved on an ongoing basis.
5. A District land use resource consent is required for any construction, installation and signalisation works within Roscommon Road and Kiwi Tamaki Road intersection. It is advised that a pre-application meeting is essential and involve the Requiring Authority, Auckland Council and Auckland Transport.

6. The Requiring Authority will undertake the mitigation measures contained within the Outline Plan of Works. Such measures are required to be included within any contracts awarded to carry out the works authorised under this OPW and in particular, to ensure the Construction Management Plan as required in Condition 115 of the designation are implemented accordingly. The Construction Management Plan should be submitted to the Manager – Resource Consents prior to the commencement of any construction work for the establishment of the Men's Correctional Facility.
7. It is understood that the Requiring Authority has been granted an Archaeological Authority, dated 24 Feb 2011, referenced number 2011/216, by the New Zealand Historic Places Trust to undertake works that may affect an archaeological site within the boundary of the Designation. The protocols for accidental discovery of unrecorded archaeological materials are included in the conditions of the Authority, and should be detailed in the Construction Management Plan.
8. The stormwater diversion and discharge from the subject site including the wetlands reclamation and associated earthworks must be undertaken in accordance with Council's Manukau Engineering Quality Standards and in compliance with all conditions of Auckland Regional Council Permit No. 37740 & 38011 dated 16 August 2010. In particular, Condition 7 of the Resource Consent referenced 37740 by Council requires a detailed stormwater design report to be submitted for approval by the Manager – Resource Consents.
9. It is advised that a resource consent for earthworks and sediment control is required under Auckland Council Regional Plan (Air, Land and Water). Furthermore, National Environmental Standards (NES) consent for contamination is applicable. Therefore, the Requiring Authority must communicate with Integrated Consents Team Manager - Natural Resources & Specialist Input to ensure the implementation of the consenting process. Please note, prior to the commencement of any works within the subject site, all relevant consents should be obtained.
10. According to the information submitted to the Council, the site poses no significant risk in terms of the discharge of contaminants and that the proposed development can be undertaken as a Permitted Activity under Rule 5.5.41 of the Auckland Regional Plan: Air, Land and Water. The implementation of the Contaminated Land Management Plan will ensure that proper procedures are followed in the event of discovering previously unidentified ground contamination.
11. It is advised that the proposed wastewater drainage connection and water supply have been accepted by Watercare Limited. The final designs will be subject to Council's District Plan (Manukau Section) Engineering Performance Standards and subject to Watercare's final approval at Building Consent Stage.

Transportation & Traffic

12. That all new driveways, 283 parking spaces (192 staff plus 91 visitors), traffic islands, roundabout and manoeuvring areas on site should be formed, sealed, marked and drained in accordance with the Council's "Manual of Engineering Quality Standards" and the plan referenced Proposal 40134 by Council.

13. All seven accessible parking spaces on site should be identified and marked in accordance with New Zealand Standards NZS4121-2001 with ramp and/ or pram access.
14. The items in the following should be constructed/installed in accordance with the Council's "Manual of Engineering Quality Standards" and the approved plan;
 - (a) New footpaths along pedestrian desire lines as per clause 6.B.5.1;
 - (b) Pram crossing at the new footpath and road kerb interface as per drawing R8 (refer update Feb 2007) and finished complete with tactile pavers;
 - (c) New vehicle crossing on Kiwi Tamaki Road as per drawing R10 (refer update Sept 2009); and
 - (d) Existing catch pit and lamppost within the vehicle crossing should be relocated in consultation with Auckland Transport.
15. All traffic signs and marking should be installed/marked in accordance with the "Manual of Traffic Signs and Markings" of New Zealand Transport Agency;
 - (a) Directional arrows on the driveway surface and within the site to indicate the direction traffic flows;
 - (b) Give Way marking and RG6 & RC 7 signs, for the roundabout; and
 - (c) Sign posts for Truck and Bus parking areas.
16. As per condition 92, the total number of covered bicycle stands/racks with lockers and showers must be provided for minimum of 10 staff and 5 for visitors. The provision of such facilities must be in accordance with Australian Standard AS 2890.3-1993, Parking Facilities Part 3 – Bicycle Parking Facilities.
17. Traffic Management
 - a. Construction traffic
 - (i) The intersection of Kiwi Tamaki Road and Roscommon Road should be signalised prior to the commencement of traffic associated with the development of the subject site and the building works on the site.
 - (ii) All vehicular movements for site development works should use the signalised intersection of Kiwi Tamaki Road and Roscommon Road at all times upon the construction completion.
 - (iii) During construction, the Requiring Authority must facilitate safe pedestrian and vehicular movements at all times and that all traffic must be managed under an approved Construction Traffic Management Plan (TMP) as required in condition 115 of the designation.

b. Traffic Management Plan (TMP)

The Requiring Authority will ensure the preparation of a Construction Traffic Management Plan (TMP) in accordance with the Code of Practice for Temporary Traffic Management (COOPTTM) at least 10 working days prior to works commencing on each site/access point for all works within the road reserve. The TMP should address the temporary diversion of pedestrian and vehicular traffic during the construction period and that the TMP must be submitted to Auckland Transport.

18. Post Operation Monitoring

- (a) The items in condition 89 listed (a) to (f) of the Designation should be implemented to the satisfaction of the Manager Resource Consents and Auckland Transport.
- (b) On going demand for car parking for staff and visitors should be monitored annually at regular intervals. In the event that the parking demand exceeds the parking provision, the Requiring Authority must make alternative arrangements to meet the parking demand either by implementing Travel Demand Management Plan (TDM) as stated in condition 91 of Designation and/or provide additional parking spaces. This should follow the "TDM" framework submitted with the OPW and approved by Auckland Transport.
- (c) Normal day staff operation should be in accordance with the additional operational information provided as part of the OPW. This should ensure the shift operation is outside the peak hours from 7.00pm to 7.00am.
- (d) In the event the monitoring survey identifies any operational issues at the Kiwi Tamaki Road and Roscommon Road intersection, further capacity mitigation works including restricted operation control on visiting hours at the Men's Prison should be implemented.

19. The Requiring Authority must request for CAR approval for:

All works within the legal road corridor (boundary to boundary) including modification to form the temporary access off Kiwi Tamaki Road and Hautu Drive require a 'Corridor Access Request (CAR) approved by Auckland Transport. All works include inter alia open cut trenching and trenchless techniques for utility installations.

Application for a CAR is made online to www.beforeudig.co.nz where relevant background details are required including resource consents, traffic management plans etc.

- 20. The Requiring Authority should apply for a vehicle crossing permit, prior to any physical works commencing for the construction of the vehicle crossing on Kiwi Tamaki Road, to Auckland Transport (Ph 355 3553 ext 5770). This includes works within the road reserve (berm areas, footpath and road kerb and channel).
- 21. The Requiring Authority should verify the location of the existing fence (on either side of the new vehicle crossing) on the road frontage boundary at Kiwi Tamaki Road to comply with the designation boundary. The total road berm width should be 5.7m (Road Kerb to boundary with a rear berm of 1.8m as per drawing R5 of the EQS). To note, the existing fence location falls short of this distance.

Landscape

22. It is advised that the Minister should continue to work with the Department of Conservation to achieve a more integration along the fenced western boundary of the MCF.
23. It is recommended that Figure 6 - Draft Pest Proof Fencing Plan as prepared by Boffa Miskell within the OPW be implemented accordingly.
24. It is noted that all materials and colours used in the development on site, are to be non-reflective and visually recessive.

Hazardous Substances

25. The Requiring Authority should report the following events to the Manager - Resource Consents:
 - (a) All incidents concerning the accidental or unintentional release of hazardous substances and any adverse effects of such incidents on the environment including the health and safety of people and property, this should be reported immediately upon the incident occurring.
 - (b) All changes to the type and quantity of hazardous substances stored, this should be reported one month prior to any change taking place.
26. At Building Consent stage, a 'Health, Safety and Environmental Management Plan(s)', including the site Emergency Response Plan, should be submitted for the proposed storage of hazardous substances. A copy of the Environmental Management Plan should be forwarded to the Manager - Resource Consents prior to the commissioning of the facility and should be made available for inspection by Council's Officers at all times. Copies of these plans must be held on site at all times and supervisory staff be made familiar with the procedures of the plans.

Lighting

27. In accordance with Condition 94 of the Designation, it has been agreed that the Requiring Authority would provide a Producer Statement or Certification once all external lighting has been installed in terms of complying with the lighting standards, to the Manager of Resource Consents.

Noise

28. It is acknowledged that Condition 96, as originally written, seeks to control the ingress of noise into the sleeping areas by specifying a required acoustic performance of the building façade. Unfortunately the measurement protocol in the designation condition was defined in inappropriate terms. Council's Policy Unit has received an application under section 181(3) to alter the designation condition. In summary, this OPW has been reviewed and assessed under an amended noise condition, by the Department of Corrections in consultation with Auckland Council.

Reserve Contribution

29. It is advised that the Minister should demonstrate in detail the calculation of reserve contribution in accordance with Condition 124 of the Designation to the Manager of Resource Consents, prior to the release of any relevant building consent(s) for the MCF development.

Documentation

30. It is advised that the Requiring Authority should document all information for the compliance of conditions in relation to Community Impact Forum, Social Impact Monitoring Plan, Tanugata Whenua Committee, Maori Stakeholder Consultation, Community Liaison Officer, Emergency Management Plan, Community Safety Management Plan and Quantitative Risk Assessment. It is understood that those conditions are not part of this OPW, but, it is the duty of the Requiring Authority to ensure the compliance of all designation conditions and that all relevant information are well documented.

Reasons for the Acceptance

1. The Outline Plan of Works has been assessed under and meets the provisions of Section 176A for the works to be accepted as being in accordance with the purposes of the Designation 288, 'Comprehensive Corrections Facilities' contained in the Auckland Council District Plan (Manukau Section).
2. The Requiring Authority has provided and recommended specific mitigation measures within the Outline Plan of Works, which have been derived in consultation with Auckland Council, Auckland Transport and assessed appropriately.
3. The Outline Plan of Works provided a comprehensive 'Traffic Impact Assessment' and 'Travel Demand Management Plan' in accordance with the designation conditions to demonstrate the operation effects of the prison can be mitigated.
4. The development has been well designed with high quality mixture of residential, cultural and industrial elements. An urban design and landscape review of the MCF in Wiri considers that the proposal represents a well designed and responsive facility, which achieves an integrated harmony between the well illustrated constraints and opportunities both within and external to the site.
5. The overarching principles as set out in the Integrated Design and Mitigation Strategy have been well addressed in the accompanying drawings and documentation. There has been a thorough process by which all interested and affected parties have been consulted and concerns and issues have been addressed in the design, layout and construction of the facility.

6. Overall, most significantly, the facility has acknowledged the sensitivity of Matukutureia, the adjacent correctional facility, the Department of Conservation walkway, the wetland area contained in the southern portion of the site and the residential area of Clendon Park.

Please direct all enquiries to Tommy Lai, the Consent Co-ordinator, on 261 8269 and quote reference number P40134.

Yours faithfully



Alice Iuli-Tay
Team Leader - Resource Consents

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ACRONYMS AND ABBREVIATIONS

ARC	Auckland Regional Council
ARP: ALW	Auckland Regional Plan: Air, Land and Water
ARP:SC	Auckland Regional Plan: Sediment Control
ARWCF	Auckland Regional Women's Corrections Facility
CHSP	Contractor Health and Safety Plan
CLMP	Contaminated Land Management Plan
CMP	Construction Management Plan
CNVMP	Construction Noise and Vibration Management Plan
CTMP	Construction Traffic Management Plan
CYF(S)	Child, Youth and Family (Services)
District Plan	Auckland Council District Plan (Manukau Section)
Designation Site	The 47.2278 hectares covered by Designation 288 of the Auckland Council District Plan (Manukau Section)
E&SC	Erosion and sediment control
IDMS	Integrated Design and Mitigation Strategy
ITA	Integrated Transport Assessment
LPG	Liquid petroleum gas
MCF Site	Men's correctional facility
NoR	Notice of Requirement
OPW	Outline Plan of Works

PQP	Project Quality Plan
RMA	Resource Management Act 1991
Site	MCF lease boundary
Stonefields	Matukuturua Stonefields Historic Reserve
TDMP	Travel Demand Management Plan
WOSL	Wiri Oil Services Limited
WSL	Watercare Services Limited

GLOSSARY OF TERMS

Candela	Unit of luminous intensity
dBA	Decibel (relative measure of sound intensity)
Lux	Unit of illuminance and luminous emittance
Mana whenua	Iwi recognised as having authority over the land in an area
Maunga	Mountain
Sally Port	Secure / controlled entryway
TP10	Technical Publication 10: Design guideline manual stormwater treatment devices
TP90	Technical Publication 90: Erosion and sediment control guidelines for land disturbing activities in the Auckland Region
Wāhi Tapu	Sacred place
Wharekai	Dining hall
Wharekura	Education building

1 INTRODUCTION

1.1 PURPOSE OF DOCUMENT

This Outline Plan of Works (OPW) has been prepared by SecureFuture on behalf of the Minister of Corrections for the design, construction and operation of a men's correctional facility (MCF) at 20 Hautu Drive, Wiri, Manukau. The site is legally described as Lot 1 DP 391946. A copy of the Certificate of Title for the site is provided at Appendix 1 of this report.

The subject site was designated (Designation 288) for 'Auckland Region Women's Correctional Facility' under the then Operative Manukau District Plan. The Auckland Region Women's Correctional Facility (ARWCF) was opened in 2006.

In November 2010 the Department of Corrections lodged a Notice of Requirement (NoR) for an alteration to Designation 288 with the Environmental Protection Authority. The NoR sought to amend the purpose of the designation to 'Comprehensive Corrections Facilities' to allow for the construction and operation of a MCF on the site. The alteration to designation was confirmed under the Auckland Council District Plan (Manukau Section) (the District Plan) and a suite of altered conditions applying to the ARWCF, MCF and the balance of the Designation Site issued in September 2011 (attached at Appendix 10).

1.2 REQUIREMENT FOR OUTLINE PLAN OF WORKS

The subject site is designated for 'Comprehensive Corrections Facilities' under the District Plan, with an underlying Quarry zoning.

Rule 5.12.4.1 of the District Plan states:

All works on designated land shall be subject to Section 176A of the Resource Management Act 1991, except as provided for in rule 5.12.4.3.

This OPW is submitted to the Auckland Council prior to works commencing on the site in accordance with Section 176A 'Outline Plan' of the Resource Management Act 1991 (RMA). Under Section 176A(1) of the RMA, an OPW is required to be submitted unless the clauses under 176A(2) are relevant. Section 176A(2) is not relevant because the work is not otherwise permitted under the RMA nor detailed sufficiently in the designation, and the requirement for an OPW has not been waived by Auckland Council.

In accordance with the above Rule, this OPW is structured according to the requirements listed in Section 176A(3) of the RMA. A detailed assessment of environmental effects pursuant to Section 88 and Schedule 4 of the RMA is therefore not applicable.

For the purposes of this OPW, the men's prison is referred to as 'the MCF Site' and refers to the MCF lease boundary. 'Designation Site' refers to the entire 47 ha area included under Designation 288.

1.3 PUBLIC PRIVATE PARTNERSHIP

The Department of Corrections (Corrections) is the Requiring Authority for Designation 288 and has entered into a contractual arrangement with the SecureFuture consortium to design, build, operate and maintain the proposed MCF for a period of 25 years. SecureFuture is currently the preferred bidder for the project, but remains bound by the competitive tender arrangement until financial close is achieved. As such, all information relating to the project and the proposed design of the facility is confidential and commercially sensitive.

Corrections is submitting this Outline Plan of Works as the Requiring Authority, however it is the SecureFuture design, operating procedures, commitments and compliance with the Designation conditions that are described in this OPW.

2 OTHER STATUTORY REQUIREMENTS

2.1 EXISTING CONSENTS

Consent has been obtained from the former Auckland Regional Council (ARC) for the reclamation of the entire upper wetland and a small part of the lower wetland in the southern portion of the site (Permit no. 38011).

Consent to discharge and divert stormwater has also been granted by the ARC (Permit no. 37740). The SecureFuture design complies with the conditions of the regional consents by incorporating appropriate erosion and sediment controls and stormwater treatment to TP90 and TP10 standards, respectively. These consent documents are attached at Appendix 2.

An Archaeological Authority has been obtained from the New Zealand Historic Places Trust and is attached at Appendix 3.

2.2 ADDITIONAL APPROVALS REQUIRED

Land use consent from Auckland Council will be obtained for bulk earthworks on the site under the Auckland Regional Plan: Sediment Control.

Consent is required under the District Plan for the signalisation of the Kiwi Tamaki Road/Roscommon Road intersection, which is deemed necessary by the Operational Traffic Impact Assessment (TIA) attached at Appendix 15.

These resource consent applications will be lodged in due course. No other consents are required under the RMA.

2.3 COMPLIANCE WITH DESIGNATION AND CONSENT CONDITIONS

Extensive pre-lodgement consultation has been undertaken with Auckland Council regarding this OPW. It has been agreed that issues relating to compliance of conditions not relevant to the OPW will be dealt with separately, and outside the OPW. A Compliance Schedule identifying the conditions that are excluded from specific discussion in this OPW will be provided to Council independent of the OPW.

Appendix 10 specifies the Designation Conditions within the scope of this OPW and states how each of these is satisfied within this OPW. For the absence of doubt, Appendix 10 also specifies other Designation Conditions to be satisfied prior to commencement of construction but that are not within the scope of the OPW, and states how and when each of these will be satisfied outside of the OPW process.

3 SITE LOCATION AND DESCRIPTION

Location:	20 Hautu Drive, Wiri, Auckland
Legal Description:	Lot 1 DP 391946
Designation Site:	46.8829 ha (entire site)
MCF Site:	19.807 ha (MCF)
District Plan:	Operative Auckland Council District Plan: Manukau Section
Underlying Zoning:	Quarry
Designation:	Designation No. 288 – Comprehensive Corrections Facilities
Other Features:	Waahi Tapu – Wiri North Stonefields Proposed Road/Services Lane/Road Widening

3.1 THE WIDER ENVIRONMENT

The site is located at Wiri, a suburb within the Manukau District of the Auckland Region. Auckland falls within the Prison Services Northern Region, which extends from the top of the country to the northern Waikato area.

3.1.1 Surrounding Land Use and Activities

The Designation Site is located amongst a variety of land uses, the majority of which are zoned Quarry or Business 5 or 6. There are two existing correctional facilities adjacent the MCF site: the Auckland Regional Women's Corrections Facility (ARWCF) and the CYF Korowai Manāki Youth Justice Residence.

A number of open space areas are located to the west beyond the Stonefields Historic Reserve (Stonefields) between the Manukau Harbour and the Puhinui Stream. Public access is provided to and along the Puhinui inlet and Manukau Harbour via the network of open space and reserve land. Further north and west the land falls within the Mangere Puhinui Rural Zone and is largely used for production and farming activities. Auckland International Airport is located approximately three kilometres west of the prison site, and Manukau City centre is three kilometres directly east.

Business and industrial land use

Immediately north of the Designation Site is Wiri Oil Services Limited (WOSL), which operates a fuel storage and distribution terminal. Petroleum is piped to WOSL via pipeline from the Marsden Point Oil Refinery and an additional pipeline connects WOSL to Auckland International Airport. The WOSL site consists of nine large storage tanks, various supporting infrastructure and administration buildings and a truck loading terminal. The Liquigas Limited Bulk Liquid Petroleum Gas (LPG) depot is located alongside WOSL on McLaughlins Road. This facility receives LPG via tanker truck or ship and then

stores and distributes it by road. WOSL and Liquigas are regionally and strategically important infrastructure for Auckland, and are heavy industry activities provided for by the District Plan Business 6 zone.

At the eastern boundary of the Designation Site there are a number of properties clustered around Hautu Drive and Ha Crescent. These properties are zoned Quarry but are used largely for commercial/industrial purposes, including a steel factory, a packaging facility, warehousing and storage. Kiwi Steel at 12 Hautu Drive is the closest of these properties to the site, sharing a boundary with the proposed Non-Secure area of the MCF. Visy Board, a packaging operation, abuts the Korowai Manāki boundary on the northern side of Kiwi Tamaki Road and is zoned Business 5.

Child, Youth and Family Korowai Manāki Youth Justice Residence

The CYF Korowai Manāki Youth Justice Residence is located to the south of the Designation Site. Korowai Manāki consists of a series of buildings laid out in a radial arrangement within a secure area and a non-secure area of open grass and shrubland extending to the estuarine edge. The Residence has capacity for 52 young offenders between the ages of 14 and 16. It is a 24 hour facility with approximately 120 full time staff. It is accessed via Kiwi Tamaki Drive and has the notation of Designation 278 in the District Plan.

Auckland Regional Women's Corrections Facility

Established in 2006, the ARWCF is located within the extent of Designation 288, to the north-east of the MCF boundary. It has capacity for 480 women prisoners (refer to Condition 79).

The ARWCF is characterised by a collection of low-rise buildings, predominantly single-storey with limited two-storey development, arranged in an arc in the northern section of the Designation Site. The ARWCF consists of accommodation blocks, mother and babies units and secure facilities located within a double-fenced secure perimeter. In the non-secure area are entrance buildings, visitor and staff facilities, and staff and visitor car parking areas accessed off Hautu Drive.

Matukutūreia and Stonefields Historic Reserve

Maunga Matukutūreia and the Matukutūreia Stonefields Historic Reserve adjoin the western boundary of the Designation Site. The land is owned by the Crown and administered by the Department of Conservation. The land is classified under the District Plan as Public Open Space for Heritage Purposes, with an underlying Quarry zoning. It currently provides for passive recreation and access to the coast, including the provision of land for a public walkway (Designation 197). At the northern end of the reserve, and extending into part of the MCF site, the maunga is subject to Designation 177 of the District Plan. This designation is for Water Supply Purposes and encircles the maunga, upon which Watercare Services operated a reservoir until it was removed in 2010.

Residential areas

There is no residential land use within the immediate vicinity of the site. Clendon Park, to the south of the site, lies across the Puhinui Creek. At a distance of approximately 0.5 kilometres across the inlet or 1.6 kilometres by road, it is the closest residential settlement to the prison site. Other established residential areas including Papatoetoe to the north and Manurewa to the southeast are separated from the site by industrial and commercial land uses.

3.2 SITE DESCRIPTION

The site is included under Designation 288 under the District Plan for 'Comprehensive Corrections Facilities' and has an underlying Quarry zoning. It is located at 20 Hautu Drive, Wiri. The entire Designation Site covers approximately 47 ha of land, 13 ha of which comprises the building area of the ARWCF. The MCF Site covers 19.807 ha, being a lease over part of Lot 1 DP 391946. It consists of

slightly undulating, low-lying land that has been partially developed. The MCF Site contains some small artificial wetlands created from remnant quarry pits that discharge into the Puhinui Creek, an estuarine environment that flows into the Manukau Harbour. The Designation Site is surrounded by a variety of land uses, including open space, justice facilities, industrial operations and commercial establishments.

3.2.1 Existing environment and site history



Figure 3.1: MCF site location

The ARWCF is located in the northern portion of the Designation Site and is bounded by mixed land uses, including industrial and commercial, with some open space. The western boundary abuts Maunga Matukutureia and the Matukuturua Stonefields Historic reserve towards the south, and industrial and commercial land near the northern edge. The Puhinui Creek forms the southern boundary of the Designation Site, and the adjoining land to the east is occupied by predominantly commercial and industrial operations.

A small area at the north-western extent of the Designation Site is currently leased by Brian Perry Civil and utilised for storage. This area is fenced and retains separate access. The lease will be terminated at the end of May 2012 and the land will be reclaimed by Corrections.

Prior to the development of the ARWCF, the Designation Site was subject to basalt quarrying between 1960 and 2001. As a result, the site has been extensively modified. The quarried basalt was a product of the two mountains, Matukutururu and Matukutureia, which were located to the east and west of

the site, respectively. The former has been completely destroyed through quarrying, but the cone of Matukutūreia, though heavily modified, still stands at the western boundary of the Designation Site. The remains of Matukutūreia now fall within Department of Conservation land as part of the Stonefields. After the quarry was remediated in 2001, construction works for the ARWCF filled and flattened most of the site, leaving it to slope toward the south-west corner where the wetland drains into the Puhinui Creek inlet.

Before becoming a quarry, the Designation site was predominantly used for farming, an activity which has occurred on the site since pre-European times. The site formed part of an extensive area of Māori horticulture and gardening connected with the pa sites at Matukutururu and Matukutūreia. Archaeological investigations in the areas surrounding the Designation site have dated pre-European occupation and activity within the vicinity to around 1500AD. The majority of pre-European features have been destroyed by quarrying, save those located within the Stonefields. Archaeological remnants have been recorded at the south-western corner of the Designation site, including a midden and parts of an historic stone wall. This is identified as Area C on the Heritage Areas Plan (at Appendix 4).

The South Western Interceptor wastewater pipeline operated by Watercare Services Limited (WSL) crosses the Designation Site to the south of the MCF lease boundary. South of the pipeline lies an artificial wetland, which is fed by stormwater drains and swales that convey runoff from the ARWCF and other areas to the north. The wetland drains into the Puhinui Creek via a culvert located beneath the wastewater pipeline, and ultimately to the Manukau Harbour via the estuarine inlet. The wetland area comprises an upper wetland of reeds and sedge and a lower wetland of raupo and open water. Both wetlands and their margins are largely overcome with aquatic and terrestrial weeds.

3.2.2 Transport network

The boundary of the Designation Site adjoins Ha Crescent and Hautu Drive to the east, Kiwi Tamaki Road to the south and McLaughlins Road at the north. These roads are all classified as Local Roads under the District Plan. Both Hautu Drive and Ha Crescent terminate at cul-de-sacs on Corrections' property. The principle access to the ARWCF is from Hautu Drive; Korowai Manāki is accessed via Kiwi Tamaki Road.

Hautu Drive and Kiwi Tamaki Road intersect with Roscommon Road, a Regional Arterial under the District Plan and part of the primary road network. The Hautu Drive/Roscommon Road intersection is signalised, but the Kiwi Tamaki Road/Roscommon Road intersection is not. McLaughlins Road has recently been upgraded to provide a link between the proposed new industrial area at McLaughlins Quarry and Roscommon Road.

Roscommon Road connects to State Highway 20 approximately one kilometre north of Hautu Drive and links to Auckland International Airport by way of State Highway 20B. Manukau City Centre and State Highway 1 are approximately three kilometres to the north-east along Wiri Station Road, which intersects with Roscommon Road at the WOSL terminal. The North Island main trunk railway line passes by the site approximately 1.5 kilometres to the east of the proposed Prison boundary.

3.3 PLANNING FRAMEWORK

Designation 288 was established for the purposes of the ARWCF and amended in 2011 to allow for the development of the MCF on a separate lease site within the designation boundaries. A suite of conditions were developed to ensure that adverse effects on the environment are avoided, remedied or mitigated in accordance with Part 2 of the RMA. SecureFuture's design for the MCF complies with all relevant conditions of designation.

WSL holds a separate designation (Designation 171) overlying part of Designation 288 for the South Western Interceptor wastewater pipeline, which runs beneath the Designation site towards the southern extent of the designation.

Two Wāhi Tapu notations apply to the Designation Site in the District Plan (refer to the District Plan maps at Appendix 6). A segment of the western part of the Designation Site (approximately 0.7 ha) adjacent to Maunga Matukutūreia is noted as “Heritage Resource 13 Matukutūrua Stonefields” as Wāhi Tapu. The south-western part of the Designation Site (approximately 23 ha) is identified as “Heritage Resource 15 Maunga Matukutūreia (McLaughlins Mountain)”, and is subject to a Wāhi Tapu special site rule. These notations have been addressed through Conditions 3 and 19 of the designation conditions requiring no accommodation buildings to be built in an identified heritage area and consultation with iwi, respectively.

It was noted in the Assessment of Environmental Effects supporting the NoR that these Wāhi Tapu notations in the District Plan are incorrectly mapped and their respective references are transposed. Planning Map 19 of the District Plan shows Wāhi Tapu 13 over the area covered by Maunga Matukutūreia and Waahi Tapu 15 over the area occupied by the Matukutūrua Stonefields. This discrepancy was also noted by the Environment Court in its decision *A043/2004 Nganeko Minhinnick v The Minister of Corrections*. No action has been taken yet by the Council to amend this apparent error, which necessitates a minor correction under section 20A of Schedule 1 of the RMA.

Two “Indicative Roads” are shown over the Designation Site in the District Plan, as extensions of Hautu Drive and Kiwi Tamaki Road. The indicative Hautu Drive extension intersects with Kiwi Tamaki Road extension within the MCF Site. Neither of the indicative roads is designated and the position of the proposed Prison would prevent these roads from being formed. Council are now no longer intending to pursue the indicative roading network and the District Plan will be amended to remove these indicative roads within the Designation Site in due course.

The site falls within the jurisdiction of two Regional Plans: The Auckland Regional Plan: Air, Land and Water and the Auckland Regional Plan: Sediment Control (ARP:SC). As discussed above in Section 2.2, additional consent will be required under the ARP:SC for bulk earthworks on the site.

4 PROPOSED WORKS

4.1 SITE DEVELOPMENT AND EARTHWORKS

The proposal involves the establishment of a prison on the site to accommodate up to 1060 prisoners. The site is accessed off Kiwi Tamaki Drive. The MCF will house low, medium and high security prisoners. The master plan is contained in Appendix 7 and the proposal consists of “precincts” containing buildings and areas required for the health and safety of the prisoners and are consistent with the designated purpose of the site, being Comprehensive Corrections Facilities.

These precincts are broadly:

Accommodation

- Residences 1-10
- House Blocks 1,2 and 3 and Management unit

Cultural

- Whare
- Fale Pasifika
- Wharekura

Industry and vocational training

- Industry
- Kitchen and Laundry

Health and education

- Health, Education and Programmes (with a separate Spiritual centre)
- Visitor centre

Administration

- Staff Training Centre
- Visits and Administration

FM (Facilities Management)

- FM and bulk store
- Fire pump room
- Staff car park
- Visitor car park
- Waste and recycling

Recreation

- Gymnasium and sports Hall
- Sports fields

Correctional/operational

- Gatehouse
- Prisoner reception and storage

The MCF has been divided into two distinct areas: the Secure Area and the Non-Secure Area. The Non-Secure Area is located outside the secure perimeter and primarily houses external buildings for receiving visitors and staff into the MCF and maintaining security at the interface with the public realm. The Secure Area comprises all buildings within the secure perimeter, including prisoner accommodation, cultural buildings, operational facilities and education and training areas.

The entire MCF site is located on Crown owned land and will be subject to 24-hour security surveillance and monitoring.

4.1.1 Non-Secure Area

On entering the site from Kiwi Tamaki Road, the access road curves away from the existing stormwater pond on the eastern boundary of the site. Pedestrian access is provided with a continuous footpath from Kiwi Tamaki Road on the west side of the entry road to the visitor car park, from which a footpath leads directly to the Whare and Visitor Centre.

The Non-Secure Area contains the Fire Pump Room, Staff Training Centre, Visitor Centre, Whare and Marae Atea (the assembly space in front of the Whare) and visitor and staff parking areas. The Gatehouse is located on the threshold between the Secure and Non-Secure areas.

The first vehicle entry off the access road is to the visitor car park, continuing on to a truck waiting bay and a parking bay for buses. To the north of the visitor car park, the staff car park is accessed separately from the right branch of a roundabout. An earth bund and planted screen wall to the rear of the staff car park will visually screen the ARWCF from the Non-Secure Area. An independent access for vehicles to the Sally Port also branches off the roundabout.

Direct access is provided from the visitor car park to the Visitor Centre and Whare. After registration, visitors continue to the Gatehouse via a walkway bridging over the natural swale. The Gatehouse is a two storey structure approximately 8 metres high with a single sloping roof and a large overhang to give protection for those entering the foyer waiting area.

4.1.2 Secure Area

From the Gatehouse waiting area, glazed screens provide a direct visual link to the cultural heart of the prison, which is bounded by the Visits & Administration and Health, Education & Programmes buildings, the Wharekura and Fale Pasifika. The existing rock escarpment is retained but reduced in height for health and safety reasons.

The Health, Education & Programmes building and Visits & Administration building are two storey structures no more than 9.5 metres high. The elevations (refer Appendix 5) have been articulated horizontally with concrete block veneer at the base, painted fibre cement weatherboards in the middle zone and painted fibre cement flat sheets in the top zone. Separate entries are provided for visitors and prisoners to the Visits & Administration building. The minimum 4.8 metre high precast concrete security wall provides visual and acoustic privacy for the Youth Justice Residence to the east of the MCF, especially from the prisoner access to the Visits & Administration area. To ensure visual and acoustic privacy for the ARWCF, the precast concrete secure wall has also been provided at the interface between the two facilities, as shown on the Master Plan at Appendix 7.

The Reception is located close to the Gatehouse and the Health, Education & Programmes building. It is a two storey building with secure storage for prisoners' personal belongings located above prisoner reception.

The Kitchen and Laundry, Industries 1 and 2, FM & Bulk Store, and Waste & Recycling buildings have also been located to the south of the “prisoner free zone” to provide further separation between the accommodation facilities in the MCF and the ARWCF.

The Industry buildings and Kitchen & Laundry are generally single storey buildings, 6.2 metres to the eaves. Storage of materials is provided for in each building, and delivery access is from the prisoner-free zone at the rear of the buildings, adjacent to the secure perimeter. Natural lighting is provided to all workshops within the Industry buildings and the bulk store facilities. Precast concrete panels form the ‘base’ of these buildings with pre-coated profiled aluminium wall cladding above.

The house blocks and Residences are located along the length of the site toward the western and southern boundaries, respectively. Colour and articulation has been used to breakdown the mass of the two storey house blocks.

There are ten Residences consisting of four self-contained apartments, with each apartment housing six prisoners. The Residences will house prisoners who have progressed through requisite training and education programmes and are being encouraged to self-manage. The buildings are two storeys, 5.8 metres high to the top of the eaves and 7.3 metres to the top of the ridge. To the east of the Residences, at the southern extent of the site, is the horticultural area, housing a nursery for native trees and vegetable gardens.

Landscaping is provided within both the Secure and Non-Secure Areas as shown on the Landscape Plan in Appendix 14. The Integrated Design and Mitigation Strategy (IDMS), attached at Appendix 8, provides additional information on landscaping within the MCF and ARWCF sites and the balance of the designation.

4.2 CONSTRUCTION PERIOD

Mobilisation for bulk earthworks will commence on site on 1 September 2012. This is subject to a separate application for earthworks consent required under the Auckland Regional Plan: Sediment Control that will be lodged with Auckland Council separately. Construction is due for practical completion in December 2014, with the first prisoners moved on to the site in April 2015 with a total of 960 prisoners at the facility in September 2015. Details of construction phasing are provided in Section 4.2.1 below.

4.2.1 Construction phasing

Construction of the MCF will be phased, allowing progressive development of the site and construction of buildings and facilities. A table detailing the activities occurring in each construction phase is attached at Appendix 9. It is anticipated that practical completion of the MCF will be achieved in late 2014.

5 RESOURCE MANAGEMENT ACT 1991

Pre-lodgement discussions with Auckland Council and the Board of Inquiry process have provided the basis of what matters might reasonably be addressed in further detail as part of the OPW. Where effects were not able to be resolved as part of that process, conditions were imposed to ensure that the effects would be addressed, if appropriate, at the OPW stage. At this stage of the project the OPW addresses the public work and the adverse environmental effects during construction and operation of the MCF. It is considered this OPW is limited to those matters that Auckland Council might reasonably request to change prior to construction starting, and those changes necessary to give effect to the purpose of the RMA.

Sections 5 to 11 of the OPW provide assessments of the proposal as required by section 176A of the RMA. Subsection (3)(a) to (e) are largely prescriptive in the detail. Subsection (3)(f) contains those effects that may result from the construction and/or operation of the MCF that may have an adverse effect on the environment. These effects are identified, assessed against industry accepted standards, quantified and appropriate avoidance, remedies and mitigation identified.

5.1 SECTION 176A OUTLINE PLAN

Section 176A of the RMA sets out those matters to be addressed in an OPW.

S176A Outline Plan

(3) An Outline Plan Must Show

- (a) the height, shape, and bulk of the public work, project, or work;*
- (b) the location on the site of the public work, project, or work;*
- (c) the likely finished contour of the site;*
- (d) the vehicular access, circulation, and the provision for parking;*
- (e) the landscaping proposed;*
- (f) any other matters to avoid, remedy, or mitigate any adverse effects on the environment*

(4) Within 20 working days after receiving the outline plan, the territorial authority may request the requiring authority to make changes to the outline plan

(5) If the requiring authority decides not to make the changes requested under subsection (4), the territorial authority may, within 15 working days after being notified of the requiring authority's decision, appeal against the decision to the Environment Court.

(6) In determining any such appeal, the Environment Court must consider whether the changes requested by the territorial authority will give effect to the purpose of this Act.

(7) This section applies, with all necessary modifications, to public works, projects, or works to be constructed on designated land by a territorial authority.

5.2 DESIGNATION 288

The Designation 288 conditions confirmed by the Board of Inquiry in September 2011 do not specifically require the submission of an OPW. However, the lack of detailed design information provided in the NoR necessitates that an OPW be submitted to clarify the full scope of potential works as they are now known. Appendix 10 specifies the Designation Conditions within the scope of this OPW and states how each of these is satisfied within this OPW. For the absence of doubt, Appendix 10 also specifies other Designation Conditions to be satisfied prior to commencement of construction but that are not within the scope of the OPW, and states how and when each of these will be satisfied outside of the OPW process.

6 HEIGHT, SHAPE, AND BULK

6.1 DEVELOPMENT CONTROLS

The Board of Inquiry thoroughly canvassed the potential effects of the construction and operation of the MCF, and subsequently confirmed the modification to the designation subject to a number of conditions. Many of these conditions address potential adverse effects relating to the building bulk, location and scale. The MCF site has been divided into two distinct development areas (Area 1 and Area 2). Conditions 81 to 85 contain the development controls for the MCF site, including height restrictions, site coverage and gross floor area.

The SecureFuture design complies with all of the relevant development controls contained in Conditions 81 to 84 as set out in Table 6.1 below.

Table 6.1: Development Control Compliance

Condition Number	Development Control	Area 1	Area 2	SecureFuture	
				Area 1	Area 2
81	Building heights	RL 24.5 (or 4 storeys) + 3m	RL 19.5 + 2m	Maximum RL24.9m (including sloping roofs)	Maximum RL20.82m (including sloping roofs)
	Perimeter wall height	6m or RL27.5	6m or RL21.5	Maximum 6m	Maximum 6m
82	Perimeter wall Location	No closer than 13.5m to external boundaries		Minimum 13.5m	
83	Site coverage	32%	20%	18.53%	18.47%
84	Gross floor area	75,000m ²		Indicative- 44,354m ² *	

* Refer to Table 6.2 for a breakdown of individual building GFA.

Table 6.1: Indicative GFA of Individual Buildings

Building	Indicative GFA (m²)
Fire Pump Room	157
Staff Training Centre	331
Visitor Centre	345
Whare	231
Gatehouse	1,710
Visits & Administration	2,166
Fale Pasifika	270
FM & Bulk Store	1,303
Health, Education & Programmes	2,550
Horticulture	109
Industries	5,566
Kitchen & Laundry	1,645
Officer Post	112
Reception	1,233
Sports Hall	1,095
Waste & Recycling	87
Wharekura	231
House Block 1	6,591
House Block 2	5,972
House Block 3	5,972
Residences	666 each 5,994 total
Residence (Accessible)	684
TOTAL GFA	44,354

The indicative GFA of 44,354m² will accommodate 960 prisoners.

The building heights, site coverage and gross floor areas proposed were developed to comply with the development controls prescribed by the designation conditions and to provide an environment that facilitates the safe and secure operation of a prison. Consultation on a compliant Master Plan was undertaken as part of the IDMS process, and additional changes to the layout of the MCF were initiated that have provided a greater degree of compliance with the development controls. The design rationale is explained further in the IDMS, attached at Appendix 8.

A copy of the Master Plan and building elevations are contained in Appendices 7 and 5. The Security Camera Pole Plan shows the layout of the camera poles at the MCF site. These drawings clearly illustrate the height, shape and bulk of the MCF.

7 LOCATION ON THE SITE

The location of the buildings, structures, walls and fences on the MCF Site are shown on the Master Plan contained in Appendix 7 of this report. Cross sections showing the relationship between the built form of the MCF Site and the surrounding development are contained in Appendix 12.

The locations of the Secure and Non-Secure facilities comply with Conditions 1(e) and 1(f). The northernmost section of the MCF Site has been excluded from development and will remain outside the extent of the secure perimeter. Development in the northern area is not considered necessary and has been avoided to preserve the relationship of the ARWCF with the maunga and to remove the risk of disturbing any archaeological or heritage remains beneath the existing stockpile. Areas A and C identified on the Heritage Areas Plan at Appendix 4 have been excluded from buildings in accordance with Condition 3 and Area C is also exempt from earthworks, as required by Condition 37. The landscaping requirements required by Condition 10(e)(i) also require a minimum 8m planting strip along all boundaries of the Designation Site, which has been incorporated into the design.

Buildings have been located and designed to ensure complete visual separation between prisoners in the MCF and prisoners in the ARWCF, and to block direct views to the Youth Justice Residence from accommodation areas in the MCF, as required by Conditions 101 and 102. Further discussion on the building placement on the MCF Site is contained in the IDMS (Appendix 8).

8 LIKELY FINISHED CONTOURS

Approximately 17ha of earthworks are proposed for the MCF Site, as shown on the cut and fill contours plan at Appendix 12. In order to achieve the required final ground levels, cutting will be required from the western boundary and south eastern boundary of the MCF Site. There will be an area requiring filling between these two, with the greatest depth of fill placed at the southern end of the MCF Site adjacent to the wetland area. Proposed ground levels are shown on the likely finished contours plan contained in Appendix 12.

The cross sections contained in Appendix 12 clearly illustrate the likely finished contours of the MCF Site in context with neighbouring properties and demonstrate how the MCF Site will relate to the AWRCF, Youth Justice Residence and Stonefields. The likely finished contour of the MCF Site will result in the MCF lying slightly lower than surrounding sites. As a result, the MCF buildings will sit at a comparable level to development on the neighbouring ARWCF and Korowai Manāki sites.

9 VEHICULAR ACCESS, CIRCULATION, AND PROVISION FOR PARKING

9.1 SITE ACCESS

The principal access to the MCF will be via Kiwi Tamaki Road. This access has been designed in accordance with the Engineering Quality Standards of the District Plan, and comprises a concrete commercial crossing and formed and sealed roadway extending from Kiwi Tamaki Road to the MCF Site. A separate access will avoid disruption to adjacent properties and businesses and minimise effects created by increased traffic on the local road network.

A Operational Traffic Impact Assessment (TIA), Appendix 15, has been conducted in accordance with Condition 87 of the designation. The TIA has concluded that the intersection performance can be maintained to a level of service by signalisation works at the Kiwi Tamaki Road/Roscommon Road intersection. Construction of this intersection will be undertaken prior to the MCF becoming operational. Consultation regarding the TIA and the signalisation with Auckland Transport and the New Zealand Transport Agency has been conducted.

Hautu Drive will be used as a temporary access during the initial stages of construction, primarily to move machinery and materials onto the site for the construction of the permanent sealed access from Kiwi Tamaki Road and for the early establishment of the construction site offices.

9.2 PARKING AND LOADING

The MCF parking area has been designed to provide adequate onsite parking, loading, access and manoeuvring areas for the number of anticipated users of the site. Full engineering drawings of the parking and access are attached at Appendix 13 that demonstrate compliance with the Council's quality engineering design standards, as contained in Chapter 8 of the District Plan.

91 visitor spaces and 192 staff car parking spaces are provided in the north-east section of the site, as shown on the Master Plan in Appendix 7. There is a central roundabout in the parking area to facilitate traffic movement through the Non-Secure Area of the site.

The provision of 192 spaces for staff parking is based on the staffing requirements for the Prison. At any point during the day, the maximum number of staff that will be present is 192 between 12:00pm – 4:00pm. Providing 192 spaces ensures that even if every individual employee drove their own vehicle to the Prison, there would still be sufficient parking available on site. In reality there is likely to be some car pooling and some people will ride share and get dropped at the MCF, meaning that the 192 spaces will be more than sufficient to cater for staff car parking requirements. It will also be sufficient to cater for the occasional maintenance vehicle that will be required to visit the site.

In the staff parking area, 20 of the spaces will be dedicated for multi-occupancy vehicles and located close to the staff entrance to encourage rideshare and car pooling. Ten covered and secured cycle

stands will be provided for staff, with an additional five spaces for visitors' cycles. These spaces are located under the eaves of the staff training centre and visitor centre, respectively. Two men's and two women's showers are available for staff use in the staff training centre. Further discussion on the access and parking layout is contained in the Traffic and Transport Effects section of this report (Section 11.1).

A flat parking rate has not been applied to the MCF due to the nature of the facility, its operating procedures and the absence of a specific rate for prisons or a comparable land use in the District Plan.

The visitor parking provision of 91 spaces for visitor parking is based on the likely visiting operations provided by SecureFuture. Up to 90 visitors could be expected at any one time. The 91 parking spaces provided is considered to be adequate to cater for expected visiting demand given that visitor car parking demand can be strictly managed through procedures outlined in Section 7.2.2 of the TIA.

10 LANDSCAPING

Extensive landscaping is proposed across the Designation Site, including within the MCF secure perimeter, around the boundaries of the MCF and ARWCF sites, and within the balance of the Designation Site. The objectives of the landscaping are to integrate the Designation Site with the surrounding environment, provide visual screening of the MCF from adjacent areas and to increase amenity within the security and operational constraints of a prison environment.

The landscaping proposed for the MCF site and the balance of the Designation Site has been informed by the Landscape and Visual Assessment attached at Appendix 14 and has been further developed through the preparation of a draft IDMS and subsequent consultation with six identified stakeholder groups.

10.1 INTEGRATED DESIGN AND MITIGATION STRATEGY (IDMS)

Condition 10 requires an IDMS to be prepared and submitted with the OPW.

The IDMS sets out the overarching principles that shape the proposed approach to visual mitigation, ecological planting and landscape planning, addresses building placement, scale and form and outlines the ways in which the MCF will be integrated into the surrounding environment and landscape context. The key components of the IDMS are:

- Visual Mitigation Strategy
- Ecological Planting Strategy
- Comprehensive Landscape Report by a suitably qualified landscape architect and urban designer on how the design achieves the principles of the IDMS

The IDMS also includes a summary of the outcomes of consultation with the six stakeholder groups, including stakeholder comments and responses to issues identified throughout the IDMS process.

The final IDMS is attached at Appendix 8 with details of the proposed landscaping and a landscape plan for the Designation Site.

10.2 LANDSCAPING

Extensive perimeter planting is proposed in excess of the 8 metre buffer around the external boundaries of the MCF site required by Condition 10(e)(iii) as part of the Comprehensive Landscape Plan. Planting will consist of a mixture of indigenous coastal species with an informal edge where possible to promote a more organic integration into the surrounding landscape.

Around the eastern, southern and western boundaries groves of fast growing eucalyptus trees will help to manage the visual impacts of the facility in the short term. The use of such rapid growth exotic species is intended as a visual sacrificial mitigation measure, which will be removed once the native vegetation has established sufficiently to provide adequate screening and visual mitigation. A strategy for the management and removal of the eucalyptus is included in the IDMS, attached at Appendix 8.

The contextual design influences have been integrated with the requirements of the conditions and the IDMS to develop a comprehensive approach to landscape improvements on the Designation Site.

This approach seeks to achieve a suitable integration of the facility as well as significant ecological enhancement and a reasonable level of landscape amenity for the site and the surrounding area.

The Ecological Planting Strategy will seek to restore the ecological values of the wetland and enhance the whole of the Designation Site.

The Comprehensive Landscape Plan for the Designation Site considers cultural as well as amenity values and draws on the surrounding landscape for inspiration. Plantings include fast growing exotics, specimen trees, cabbage trees, shrubs and groundcover to provide amenity, wetland and swale plantings and indigenous coastal species at the perimeter. Much of the planting is concentrated around the MCF entrance to provide an attractive and welcoming space so that visitors feel comfortable entering the MCF.

Plant selection consists of hardy, low maintenance species with an emphasis on native plants suited to the coastal environment. Irrigation is proposed for specimen trees and gardens in the Non-Secure Area at the entrance as well as the sports field. Elsewhere within the Secure Area, watering requirements would be carried out manually. Extensive planting of native wetland species is proposed for the stormwater swales throughout the site to assist in regulating flows, treating stormwater and reducing maintenance requirements in these areas.

Due to operational requirements, particularly security within the Secure Area of the MCF, the opportunities for planting within the facility are more restricted. Consequently planting within this area is limited to the use of low growing shrubs and smaller growing tree species to ensure sightlines are maintained and to avoid opportunities for concealment and climbing onto buildings.

10.3 CONCLUSION

The Landscape and Visual Assessment undertaken for the design concludes that the MCF will significantly alter the Designation Site, but that this change will be consistent with the nature of the existing development in the area, the designated purpose and its underlying zone as a quarry. The landscape quality and sensitivity values of the area are recognised to be relatively low, with the exception of the cultural landscape values associated with Maunga Matukutureia and the Stonefields.

The design will give rise to overall minor effects from any of the viewpoints assessed and the overall visual effects of the MCF will be minor. The proposed mitigation planting will quickly diminish the majority of visual effects, integrating the MCF into the landscape and creating the desired transition from open space to built form. Planting will enhance the ecological and landscape values of the Designation Site and the surrounding area once it has become properly established, reducing long-term effects to less than minor.

11 OTHER MATTERS

Pre-lodgement discussions with Auckland Council and the Board of Inquiry process have provided the basis of what matters might reasonably be addressed in further detail as part of the OPW. Where effects were not able to be resolved as part of that process, conditions were imposed to ensure that the effects would be addressed, if appropriate, at the OPW stage. At this stage of the project the OPW addresses the public work and the adverse environmental effects during construction and operation of the MCF. It is considered this OPW is limited to those matters that Auckland Council might reasonably request to change prior to construction starting, and those changes necessary to give effect to the purpose of the RMA.

Sections 5 to 11 of the OPW provide assessments of the proposal as required by section 176A of the RMA. Subsection (3)(a) to (e) are largely prescriptive in the detail. Subsection (3)(f) contains those effects that may result from the construction and/or operation of the MCF that may have an adverse effect on the environment. These effects are identified, assessed against industry accepted standards, quantified and appropriate avoidance, remedies and mitigation identified.

11.1 TRAFFIC AND TRANSPORT

Traffic from construction and operation of the MCF site has been identified as having the potential for adverse effects. The following section outlines the methods that will be implemented to avoid, remedy or mitigate adverse effects on the transport network.

11.1.1 Construction traffic

Sinclair Knight Merz (SKM) has prepared a Construction TIA (attached at Appendix 15) for the MCF, which employs a methodology that is in line with the Operational Traffic Impact Assessment required by Condition 88.

Condition 88 states that *“a TIA of the potential construction effects of the MCF on the Hautu Drive/Roscommon Road, Kiwi Tamaki Road/ Roscommon Road/ Bolderwood and/or McLaughlins Road (Vogler Drive)/ Roscommon Road intersection shall be undertaken (whichever is used for construction traffic) by a qualified traffic engineer and submitted to the Council with the Outline Plan of Works”*.

As provided by Condition 87 a TIA has been completed. Therefore, condition 86 (including operational controls) are no longer relevant.

This is an assessment of the potential effects of construction traffic associated with the MCF on the road network based on the current construction methodology and programme. The anticipated number of vehicles accessing the site per day during the construction period is shown in Table 11.1.

Table 11.1- Daily construction traffic estimates

Phase of construction	Number of vehicles (per average weekday)
Bulk Earthworks Phase	31 – 89* trucks per day (no back-loading)
	32 trucks per day (with back-loading)
	10 –25 cars (at peak periods)
Building and Site Development Phase	20 – 40 trucks per day
	100 – 400* cars (mainly at peak periods)

*The significant variation in daily vehicle numbers is due to the different construction stages within each development phase. This also assumes that a large percentage of construction personnel will travel to site in multi-occupancy vehicles.

11.1.2 Effects of Construction Traffic

The intersection of Hautu Drive / Roscommon Road is currently signalised, while the intersection of Kiwi Tamaki Road / Roscommon Road is give way controlled. The 'base case' for assessing the traffic effects of construction at the Kiwi Tamaki Road / Roscommon Road intersection is that the intersection is signalised.

It is concluded that the overall effects on traffic during construction are considered to be no more than minor based on the current construction methodology. There is no change to the overall intersection levels of service with only small increases in average delay per vehicle expected. The level of service for through traffic on Roscommon Road is maintained at level of service A.

It is considered that any arising adverse effects can be sufficiently mitigated through management of the construction activities on site or through the early implementation of the mitigation identified for the prison so that any effects are maintained as being no more than minor.

It is concluded that the access routes for construction traffic (Roscommon Road, Hautu Drive and Kiwi Tamaki Road) are suitable for carrying construction traffic in terms of road design, build condition, capacity and surrounding land uses.

11.1.3 Management of construction traffic and activities

Construction TIA demonstrates that the effects of construction traffic will be sufficiently mitigated through appropriate scheduling and management of construction activities and the early completion of the signalisation works at the Roscommon Road/Kiwi Tamaki Road intersection.

11.1.4 Operational Traffic Impact Assessment

The intersection of Hautu Drive / Roscommon Road is currently signalised, while the intersection of Kiwi Tamaki Road / Roscommon Road is give way controlled. The 'base case' for assessing the traffic effects of operational at the Kiwi Tamaki Road / Roscommon Road intersection is that the intersection is signalised.

SKM has prepared an Operational TIA (attached at Appendix 15) for the MCF, which employs a methodology that is in accordance by Condition 87. The report draws on information provided by Traffic Design Group in the Integrated Transport Assessment submitted with the NoR in November 2010, which has been updated to reflect the SecureFuture design and operational parameters.

Condition 87 requires that *"a traffic impact assessment ("TIA") of the potential traffic effects of the MCF operation...shall be undertaken by a qualified traffic engineer and submitted to the Council with the Outline Plan of Works.*

In accordance with the designation conditions, the Operational TIA has concentrated on the relevant Roscommon Road intersection, in this case the Roscommon Road/Kiwi Tamaki Road intersection.

11.1.4.1 Traffic flows

Detailed information regarding traffic flows along Roscommon Road and at the Roscommon Road/Kiwi Tamaki Road intersection is provided in the Operational TIA, attached at Appendix 15.

11.1.4.2 Staff

Information from SecureFuture's operational procedures regarding staff numbers and shift changeovers has been used in the ITA to project staff movements at the MCF, shown in Table 11.2. The table assumes that all staff will arrive in single-occupancy private vehicles.

Table 11.2: Day time staff arrivals and departures

Time	Vehicles arriving	Vehicles departing
6:45 – 7:45	38	10
8:00 – 9:00	186	0
16:45 – 17:45	1	99
16:00 – 17:00	15	124

The Operational TIA shows that a number of vehicles arriving and/or departing will not have adverse effects on local transport networks (as shown in the modelling results in the Operational TIA attached at Appendix 15).

11.1.4.3 Visitors

Visiting hours will be determined by prison management. The latest proposed operational plan provides for visiting from 8:30am – 4:15pm.

The Operational TIA concludes that the maximum average number of visitors for the MCF will be 81 per hour and that the maximum vehicle movements will therefore be 162 per hour.

11.1.4.4 Effects of operational traffic

The amount of traffic generated by the prison is based on information provided by SecureFuture which details staff numbers and shift times for the operation of the prison. The additional traffic created by the prison has been shown to have no more than a minor effect upon the intersection of Roscommon Road / Kiwi Tamaki Road when the following mitigation improvements are implemented:

1. Signalisation of the Roscommon Road / Kiwi Tamaki Road intersection
2. The lengthening of the right turn bay out of Kiwi Tamaki Road to be 50m long
3. The lengthening of the right turn bay on the Roscommon Road north approach to 100m.

Analysis of this intersection using SIDRA shows that during the existing situation, the turning movements from Kiwi Tamaki Road and Roscommon Road are under pressure with large delay and associated queuing. This highlights the need for improvements at the intersection in the near future. The 2015 base case which includes signals operates well with an overall level of service (LOS) A in both the AM and PM peak periods. The intersection is predicted to continue to perform well in 2015 after the prison is fully occupied, operating at LOS A in the morning and evening peaks, which is similar to the base case LOS at the intersection. Average vehicle delays would still be low, averaging 7 seconds in the morning and 5 seconds in the evening.

The through movements along Roscommon Road would continue to have a LOS of A in both the morning and evening peak periods when the prison is operational. This LOS is in accordance with condition 89(d) which requires the intersection to operate at LOS C or better for Roscommon Road through movements at a time after opening when the prison is operating at capacity if the existing LOS is C or better.

A total of 283 car parking spaces are to be provided on site. 192 of these will be allocated for staff, with 20 of these spaces dedicated to multi-occupancy vehicles and will be located close to the staff entrance. There are 91 visitors car park provided in a separate area to the staff car parking to cater for the visitors to the men's prison. These numbers of car parks are considered to be adequate to cater for the expected demands.

This TIA concludes that with the proposed mitigation, the adverse traffic effects of the men's prison would be less than minor.

11.1.5 Travel demand management

In accordance with Condition 91 a Travel Demand Management Plan (TDMP) is submitted with the OPW:

91. *The Minister or their nominee shall submit a framework Travel Demand Management Plan ("TDMP") with the Outline Plan of Works for the MCF, for the purposes of encouraging increased use of public transport and active modes (such as walking and cycling) and ride share schemes as a means of travel to the site...*

In addition, Condition 92 requires the allocation of at least 10 covered and secured cycle stands for staff and 5 cycles stands for visitors and 20 parking spaces for multi-occupancy vehicles. The use of these parking spaces is to be monitored, reviewed and supply adjusted as part of the Travel Demand Management Plan.

The TDMP is attached at Appendix 15.

A TDMP provides a way to assess how and when people are travelling to and from the site. It also provides ways to change existing patterns by encouraging safe and sustainable travel for staff at the men's prison. The framework for a TDMP for the men's prison is detailed below.

The fundamental steps to establish a TDMP for the MCF include:

- formation of a TDMP working group;
- review of existing travel patterns;
- setting goals and targets;
- development and implementation of methods for achieving goals and targets; and
- monitoring and feedback.

The SecureFuture car parking area has been designed to comply with Conditions 7 and 92 in that adequate onsite parking, loading, access and manoeuvring areas are provided for the number of anticipated users of the site.

Furthermore, the TDMP provides a summary of physical transportation infrastructure that is already established or which is planned to be established and outlines the followings aspects:

- how SecureFuture will work with Auckland Transport to promote sustainable travel;
- promotion of safe and sustainable travel for all users of the prison facility;
- monitoring, review and amendment as appropriate of the facilities for active modes, public transport and ride share schemes; and
- how active modes, public transport and ride share will be encouraged and promoted.

The TDMP is, thus, consistent with Condition 91.

11.1.6 Conclusion

The Operational TIA concludes that traffic volumes generated by the MCF operating at full capacity will not give rise to any effects on the movement of traffic at the Roscommon Road/Kiwi Tamaki Road intersection, nor any reductions in levels of service for through traffic on Roscommon Road.

Parking and loading facilities have been appropriately considered through the design of the MCF and the provision of both parking and loading areas in SecureFuture's design meets the relevant design standards. The SecureFuture design complies with Condition 7 in that these areas have been designed to the appropriate specification and standards as set out in the District Plan and Condition 91 through the provision of 20 multi-occupancy spaces. Further management of visitor parking and access for delivery and service vehicles will be enabled by the operating procedures of the MCF.

Construction traffic will access the site through the primary access at Kiwi Tamaki Road, with initial temporary access from Hautu Drive to establish plant and machinery for road construction. The Construction Traffic Management Plan (CTMP) (to be submitted as part of the Construction Management Plan prior to the commencement of works) will provide details of construction traffic activity and it is considered that the MCF can be constructed with no more than minor effects on the surrounding road network.

Overall, the TIAs have concluded that, with the implementation of the proposed mitigation measures, the adverse effects of the construction and operation of the MCF on the roading network will be no more than minor and the development can proceed in compliance with the designation conditions.

11.2 CULTURAL HERITAGE AND ARCHAEOLOGY

11.2.1 Cultural Heritage

The Board of Inquiry has imposed conditions on the designation to give effect to cultural heritage concerns raised to it outside of the OPW process. At 571 of their decision the Board said

We consider the conditions should be varied to include a condition for the appointment of iwi monitors. Subject to our amendments to this and a number of other conditions concerning the establishment of a tangata whenua committee, and the variation to proposed condition 3, we are satisfied that the cultural effects on Ngati Te Ata and Te Akitai Waiohau may be mitigated.

Conditions that sit outside the OPW are not addressed (such as those relating to the Community Impact Forum and the Social Impact Monitoring Plan). Relevant to the OPW are Conditions 3, 10, 37 and 38 as detailed in Appendix 10. Condition 3 is relevant due to the location of the buildings, which have avoided and mitigated effects on cultural areas. Condition 10 addresses the IDMS and the consultation that has been undertaken regarding cultural heritage. Conditions 37 and 38 relate to Cultural and Archaeological matters.

Subsequently, comprehensive consultation has been undertaken with Ngati Te Ata and Te Akitai regarding the layout of the MCF as part of the IDMS process. Specific consultation in relation to works within the area identified as Remnant Cultural Landscape Feature (see Heritage Areas Plan attached at Appendix 4) is ongoing with the latest meeting with Te Akitai representatives being held on Friday 27 April.

The remnant basalt lava outcrop will be retained and visible within the cultural heart of the MCF, giving reference to the cultural, historical and geological significance of the area.

Mana whenua representatives will be invited to monitor any earthworks in the vicinity of the recorded archaeological site and the Remnant Cultural Landscape Feature. Earthworks protocols will be developed in consultation with mana whenua to ensure that any adverse effects on cultural or heritage values are less than minor.

11.2.2 Geological Heritage

Maunga Matukutureia, or McLaughlin's Mountain, is recognised as a feature within the surrounding environment and is considered to have significant landscape, cultural and heritage features. As a volcanic cone, Matukutureia is also of geological importance and forms part of the Auckland Volcanic Field. The cone is significantly altered as a result of intensive quarrying carried out between 1960 and 2001.

The location and configuration of the MCF has endeavoured to preserve the influence and mana of the maunga by minimising the degree to which viewshafts toward the cone from surrounding areas are obstructed. The shoulder of the mountain has been excluded from any built development to preserve the integrity of Matukutureia as an important geological feature. The Volcanic Cones Society have been consulted through the IDMS process and feedback received and design responses to that feedback are addressed in Section 9 of Appendix 8.

11.2.3 Archaeology

The Board of Inquiry heard extensive evidence from Dr Clough on the issue of archaeology and the following conclusion drawn:

[497] Having reviewed the evidence, we find that provided the now enlarged Heritage Area C is avoided, the construction and operation of the proposed men's prison will have less than minor effects on any known archaeological features. To avoid confusion, we note that the Heritage Area C is that which the NoR proposes; that is, Area C covers both the existing area of the archaeological remains on the coastal side of the Watercare pipeline as well as the new triangular area identified by Dr Clough, also containing the remnant stonefields.

The "Area C" of the Heritages Areas Plan (contained in Appendix 4) has been extended to reflect Dr Clough's evidence and the Master Plan demonstrates that the MCF is well clear of that area in accordance with Condition 37.

The Department of Corrections has been granted an Archaeological Authority by the New Zealand Historic Places Trust to undertake works that may affect an archaeological site within the boundary of Designation 288. The proposed works for the MCF will be undertaken in the vicinity of a recorded archaeological site (R11/25 – the Stonefields and the remnants of the Matukutureia cone), which is also of cultural significance to mana whenua. The Authority is attached at Appendix 3.

Protocols for accidental discovery of unrecorded archaeological materials are included in the conditions of the Authority, and will be detailed in the Construction Management Plan.

Accordingly any potential effects on archaeology within the MCF Site have been adequately considered and subject to compliance with conditions on the HPT authorisation and the protocols for accidental discovery the works will have less than minor adverse effect on the environment.

11.3 HAZARDOUS SUBSTANCES

Generator diesel fuel will be stored in a 5,000L above-ground double-skinned Supervault tank. The tank is located adjacent to the generators within the Gatehouse utility plant space. It has a four hour fire rating.

Any use, delivery and storage of hazardous substances will occur in a manner compliant with relevant HSNO regulations.

Condition 65 states "Any safe areas identified in the EMP as being outside the ARWCF and necessary for the emergency evacuation for women prisoners, shall be identified on the Outline Plan of Works for the MCF and reserved during both construction and operation of the MCF." To note, there are no safe

areas identified within the MCF for women prisoners (refer to Operational EMP for ARWCF as submitted independently to Auckland Council).

11.4 LIGHTING

11.4.1 Operational Requirements

The basic requirements for external fence lighting on a prison are to ensure that adequate illumination is available to allow correct coverage by CCTV cameras, the detection and identification of people approaching the outer fence, and the detection of any object likely to be thrown over the fence, as well as provision for an increased light level should an emergency event occur.

The external building and path lighting needs to provide sufficient illumination for safe movement at night for staff and prisoners. The lighting has been designed to enable prison wardens to complete their duties, provide security and assist in the detection of attempted intruders and escapees.

To some extent, the specific functionality of exterior prison lighting is at odds with normal commercial practice and some compromises between abnormal cost, functionality, and the obtrusive light effects on the immediate environment needs to be reached.

Plans of the SecureFuture lighting design and a schedule of the lighting to be used are attached at Appendix 16. The lighting scheme comprises of:

- fence perimeter lighting, at a nominal 4.8 metre height at the top of the main security fence
- path lighting, on 4 metre high poles;
- building mounted bulkhead lighting; and
- car park lighting, on 8.6 metre poles.

Further description of the lighting scheme can also be found in Appendix 16.

11.4.2 Effects

Condition 94 states:

42. *All external lighting shall be designed by an appropriately qualified illumination engineer to comply with Australian Standard AS4282, and the final external lighting design plan shall be submitted to the Manager – Resource Consents for approval prior to the commencement of Construction Work in relation to the MCF.*

In the context of the lighting scheme, the following points influence the potential adverse effects of the exterior lighting on the surrounding environs :

- The nearest sensitive receivers are the ARWCF and the Korowai Manāki Youth Justice Residence, both of which have external pole mounted security lighting around their perimeters.
- The Auckland International Airport flight path is located north of the site.
- The nearest residential properties are off Kopara Place, on the other side of Puhinui Creek, over 580 metres from the fence line.
- There is significant shielding of the exterior lighting from viewing by these residences due to the natural ground contours, the intended re-contouring of the site, planting of vegetation and the physical barrier presented by the buildings of the existing Youth Justice Centre.
- The lamp sources have been intentionally kept to low value (50 watt and 70 watt sodium) HID lamps to minimise the light emission levels.

Condition 94 does not indicate under which conditions AS 4282 are to be applied, there being three background viewing categories that could be applicable:

- in areas where the site is viewed against a commercial (well lit) illuminance background;

- in residential (only) areas where the site is viewed against a residential background, generally with a (lit) surround background illuminance; and
- in residential (only) areas where the site is viewed against a residential background, with a dark background illuminance.

Although it is more appropriate to apply the commercial criteria, the design has addressed the most onerous of these categories, (residential against a dark background) and compliance is demonstrated by reference of the design criteria against Column 5, Table 2.1, AS 4282 refer to Appendix 16:

- Illuminance in the vertical plane (curfewed hours) of < 1.0 lux. It can be demonstrated by the SecureFuture drawing series STE-TBE-0011 to 0014 (refer Appendix 16) that the one lux spill light isolux line falls well short of any windows or boundaries of any residential properties.
- Luminous intensity (curfewed hours) of < 500 candelas (cd) per luminaire in the direction of viewing from the residential buildings approximately 560m from the site boundary. The 70 Watt SON luminaire used emits an averaged 487 cd from the aforementioned residential buildings, and therefore compliance is achieved. The 50 Watt luminaire emits even less light and will be installed adjacent to the 70 Watt luminaire as detailed on the drawings.
- Threshold increment (TI) of < 20% on adaptation luminance of 0.1 cd/m². This is not applicable as it relates to vehicle traffic movement (Clause 2.7.4.2 (c) (i)) and not to glare evaluation to residential properties; however, given the distance involved between the fence lighting and the nearest residential property, this definition of glare limitation will be met.

11.4.3 Conclusion

The exterior lighting can be demonstrated to pass the tests contained within AS4282 to determine whether a lighting scheme can be deemed obtrusive and produces no more than a minor effect on the surrounding environment. The lighting is shielded and effects on the nearest residential properties are mitigated through the combined effect of shielding by the land form profile (between the MCF and the residential properties), proposed vegetation planting, the large distance to the nearest residential property and the existing buildings.

The effect of the lighting on the adjacent Quarry and Business land and the adjacent roading network cannot be considered obtrusive or such that it will cause nuisance or inhibit functionality. Where the lighting runs adjacent to the ARWCF or Youth Justice Residence, no mitigation or shielding is warranted.

Condition 94 requires that an external lighting design plan shall be submitted to the Manager – resource consents for approval prior to the commencement of construction works. Appendix 16 contains the documentation demonstrating compliance with AS4282 for that purpose.

11.5 NOISE AND VIBRATION

11.5.1 Construction and Operational Noise Report

Norman Disney and Young have prepared an Environmental Noise Assessment and Construction Noise and Vibration Management Plan (CNVMP) for the MCF.

The Environmental Noise Assessment addresses noise produced during the operational phase of the MCF, and car park noise and noise ingress into the MCF from other sources. An assessment of operational noise is provided against the noise limits in Condition 95, and potential noise in sleeping areas has been modelled to assess compliance with Condition 96.

The CNVMP addresses noise produced on site during the construction phase of the MCF and outlines mitigation measures for achieving compliance with Conditions 97 – 100 of the designation.

The Environmental Noise Assessment and CNVMP are attached at Appendix 17.

11.5.2 Construction noise and vibration

Conditions 98-100 of Designation 288 require:

98. *Construction noise shall not exceed the limits specified in and shall be measured in accordance with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”.*
99. *Construction vibration shall not exceed the limits specified in Table 3 of the German standard DIN 4150-3:1999 “Structural Vibration – Effects of Vibration on Structures” and shall be measured in accordance with these standards.*
100. *A Construction Noise and Vibration Management Plan showing how construction activities will comply with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise” and German Standard DIN 4150-3:1999 “Structural Vibration – Effects of Vibration on Structures” shall be prepared and submitted for the approval of the Manager – Resource Consents prior to the commencement of Construction Work in relation to the MCF.*

The CNVMP is attached at Appendix 17.

Construction is to occur during daytime hours Monday to Saturday (defined as 0630-0700 in NZS 6803:1999 for construction noise). Construction activities will therefore need to comply with the 70 dBA Leq noise limit.

As outlined in Table 11.3 below, some equipment will exceed this noise limit.

Table 11.3: Expected Noise Levels

Activity /Machinery	Leq Sound Pressure Level at 10m (dBA)	Source
Concrete cutting saws	91	DEFRA
Hand held breaking equipment – electric and pneumatic	95	DEFRA
Excavators with rock breakers	90	DEFRA
Truck loading and movement	63	DEFRA
Concrete pumps	75-80	DEFRA
Structural bolt rattling	87	NDY Measurements
Poker Vibrator	69-78	DEFRA
Rotary Bored Piling	75-83	DEFRA
Mobile Crane	Up to 77 dBA	DEFRA
General Excavators	83	DEFRA

The adoption of mitigation measures will ensure that construction noise levels are reduced to well within the limits of NZS 6803:1999. A 4.8m perimeter wall is to be built around parts of the prison site to screen the ARWCF and the Youth Justice Residence from the prison. This wall will be built at the beginning of the construction phase and will be in place prior to the construction of all major buildings. The wall will result in a noise reduction of approximately 10dBA, and will remain in place until construction is complete and the solid concrete security wall along the ARWCF and Youth Justice Residence boundaries has been erected.

There are no activities planned that will produce vibration in excess of the 5 mm/s peak particle velocity limit set in Table 3 of DIN 4150-3:1999 to the ARWCF and the Youth Justice Residence.

11.5.3 Operational noise

Condition 95 outlines the criteria for operational noise generated by activities at the MCF site:

95. The noise levels from activities within the MCF measured within the boundary of the following receiving locations, shall not exceed:

Receiving location	Average maximum level dBL _{Aeq}		Maximum dBL _{Amax}
	Mon – Sun 7am – 10pm	At all other times	
At the boundary of any residential zone, at the boundary of Child Youth and Family Services' Korowai Manaaki Youth Justice Residence and at the inner security area of the ARWCF	50	40	65

The nearest residential properties are located beyond the Youth Justice Residence and therefore any activities that comply with the prescribed limits at the Youth Justice Residence boundary will readily comply at these properties.

The Environmental Noise Assessment has assessed the following:

- noise due to prisoner activities
- noise from activities within industry buildings
- noise due to prison plant
- car park noise; and
- noise ingress into the MCF.

The majority of prisoner activities and accessible locations will be shielded from receiving locations by the buildings, the solid security wall and the natural fall in parts of the site. The greatest noise from prisoners will be generated at the Fale Pasifika, but all prisoner activities will readily comply with the 50 dBA daytime noise limit. Prisoners will be confined to sleeping areas at night time and the facades of the accommodation buildings will be more than adequate to ensure that the 40 dBA night time limit noise limit is complied with at the ARWCF and Youth Justice Residence boundaries.

The Industry buildings are located adjacent to the ARWCF boundary. The exact nature of the activities that will take place in the Industry buildings is not yet known. NDY have undertaken modelling based on the size, location and materials of the Industry buildings and have concluded that levels of up to 91 dBA within the buildings can comply with the 50 dBA daytime limit at the ARWCF boundary. NDY recommend setting a standard level of 80-85 dBA as a reverberant sound pressure level within the Industry buildings, which is the upper limit of what humans can be exposed to for eight hours without hearing damage.

The majority of plant within the MCF will be located a significant distance from any receiver and will be shielded sufficiently by the solid security wall. Two chillers and two generators will be located in the plant area, approximately 180m from the ARWCF boundary. With adequate screening and careful operation, these items can operate within the daytime and night time noise limits. The fire pump is located at sufficient distance from the ARWCF boundary and enclosed within a concrete block construction and will readily comply with the relevant limits. Further discussion regarding these specific plant items is contained in the Environmental Noise Assessment attached at Appendix 17.

The Environmental Noise Assessment has considered noise from cars entering and exiting the staff car park via the access road, and noise from traffic movement within the staff car park. A 1.5m bund at

the rear of the staff car park will provide visual and acoustic screening to the ARWCF. Car park noise has been modelled on a worst-case scenario to give a prediction of 40 dBA at the ARWCF boundary. This complies with the daytime and night time noise levels, but would likely be lower at night given the lower traffic volumes.

11.5.4 Noise in sleeping areas

Condition 96 requires that

96. External facades to all sleeping areas in the MCF shall be designed with an airborne sound insulation rating of $D_{N,TW}$ 40 decibels or greater with external doors and windows closed. These spaces shall also be provided with alternative ventilation in accordance with the requirements of the New Zealand Building Code to the satisfaction of the Manager – Resource Consents.

The rating and standard used in Condition 96 applies to internal walls and is not intended to be applied to facades. The Environmental Noise Assessment suggests nominating an R_w40 rating as the performance criteria for external facades at the MCF.

The house blocks (including the Management Unit) will be designed and constructed of heavy concrete and will readily comply with the R_w40 requirement. The walls and roofs of the Residences will be suitable to meet the required R_w40 level, and all ceiling penetrations will be kept to a minimum and backed where required. Appropriate glazing for the house blocks, Management Unit and Residences will be selected to ensure that the overall rating will be R_w40 or better.

11.5.5 Conclusion

Noise from the construction and operation of the SecureFuture design has been assessed against the relevant designation conditions.

Operational noise sources have been identified and assessed against the prescribed daytime and night time limits at the relevant receiving locations. . Analysis of each source has demonstrated that noise from the operation of the prison can comply with the operational noise limits of the designation conditions and from this, it has been concluded that the effects of operational noise will be no more than minor on the surrounding environment.

The sleeping areas within the MCF have been designed to control noise ingress to internal levels that are appropriate for residences and which will allow undisturbed sleep. As a result, the effects of noise ingress into sleeping areas of the MCF will be no more than minor.

Noise from construction activities has been assessed using reference noise levels of activities/items of equipment used during construction. Overall, it is anticipated that the construction of the MCF can occur in accordance with the construction noise and vibration criteria of Conditions 98 and 99.

11.6 EROSION AND SEDIMENT CONTROL

An approximate area of 17ha of earthworks will be required in the construction of the Secure and Non-Secure areas of the MCF.

As stated in Section 2.2 of this OPW, the MCF requires regional resource consent for bulk earthworks. The earthworks methodology and proposed erosion and sediment control methods will be detailed in the application for this consent. As such it is considered any potential adverse effects can be avoided, remedied or mitigated through the resource consent process.

11.7 CONTAMINATED LAND MANAGEMENT

A Contaminated Land Management Report was produced by SKM in April 2012 to assess land contamination effects specifically associated with the SecureFuture design. This report has drawn on information presented in the Opus Factual Site Investigation Report (December 2010) produced for the Notice of Requirement and other previous contamination investigations and reports for the MCF site. A copy of the report will be submitted to Council separate to the OPW at the time of lodgement, in accordance with Condition 103.

11.7.1 Earthworks and development

The proposed earthworks are a cut and fill operation involving a cut volume of 119,200m³ and a fill volume of 107,600m³. 11,600m³ of excess cut will be reused on site to make up the required volume for compaction.

A site plan showing the proposed earthworks in terms of cut and fill is contained in Appendix 12.

11.7.1.1 Reuse of spoil on-site

The vast majority of the spoil created by the earthworks can be reused on-site since the soil contaminant levels are below the guideline values presented in Schedule 10 of the Auckland Regional Plan: Air Land and Water (ARP: ALW). Schedule 10 sets out safe values for human health in relation to contamination from historic land uses.

On 1 January 2012 the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health came into effect. The NES criteria are for the protection of human health only and some criteria are higher, i.e. less stringent, than the Schedule 10 criteria presented in the APR:ALW.

Table 11.4 below shows the NES criteria, Schedule 10 criteria and the site soil test results from the OPUS report. It shows that where individual test results exceeded the Schedule 10 criteria, they comply with the NES criteria.

Table 11.4: Cadmium & BaPequivalent Soil Contamination Criteria

Criteria/Sample Location	Contaminant	
	Cadmium	BaP(equivalent)
Schedule 10	1	0.27
NES	3	70
CP1- 3m	1.73	0.05
CP1- 4m	1.22	0.04
CS4	0.15	0.27
CS5	0.18	0.37
Cs17	<0.10	0.99
MB1- 2m	0.16	0.75

It is possible that the north-western deep section of the stockpile to the north of the Secure Area cannot be reused on site, as some of the samples taken from this area indicated Cadmium levels above those set out by Schedule 10. However, since the average soil-Cadmium value was well below the limit, it is unlikely that the reuse of the stockpiled fill elsewhere on site will result in an unreasonable human health risk to future site workers and occupiers.

11.7.1.2 Off-site disposal of spoil

Off-site disposal of spoil can be at one of the following three licensed landfill sites (pending contaminant levels):

- cleanfill;
- managed fill; and
- solid waste landfill.

If the 11,600m³ of excess spoil cannot be reused elsewhere on site then it is recommended that contaminant levels in the spoil are tested to determine the most appropriate off-site disposal option. Two soil/spoil samples will be taken and tested for a range of organic and inorganic contaminants, the results of which will determine the appropriate off-site disposal location.

11.7.2 Potential contamination risks

SecureFuture's assessment of the suitability of the site with regards to contamination has shown that there is little risk of harm to human or environmental health from the current levels of contamination on the site and the earthworks and development to be undertaken. The SecureFuture design does not give rise to any specific or additional effects regarding land contamination. The assessment has confirmed that no consents are required under the ARP: ALW for discharging contaminants.

The risk of encountering ground contamination during earthworks at the site is low, based on a review of the Opus 2010 report and earlier SKM involvement at the site.

The potential environmental and human health effects of soil contamination at the site are two-fold:

- the potential for discharges during future earthworks; and
- exposure of construction personnel to soil contamination.

Condition 103 requires that a CLMP be prepared and approved by Auckland Council prior to the commencement of any development works. The contents of the CLMP *"shall make reference to the site investigations undertaken, and provide procedures and methods for the management (ie, treatment and/or removal) of any contaminated soils or water on the site, during and post construction)."*

The effects described above can be mitigated by adherence to a CLMP, which will be prepared by SecureFuture for Council approval prior to the commencement of construction. The CLMP will contain procedures for excavation of contaminated soils and off-site disposal at licensed facilities, and ensure compliance with Condition 103 and relevant resource consent conditions.

It is recommended that the Contractor incorporates the CLMP in the Project Quality Plan (PQP) and the Contractor Health & Safety Plan (CHSP).

11.7.3 Conclusion

Contamination within the site is limited to localised areas of fill mounds. The levels of contamination are generally well within the guidelines prescribed in the ARP: ALW and the site is considered fit for the land uses and activities associated with a Prison.

A balanced cut and fill methodology is proposed. A CLMP for the site will include protocols and procedures relating to earthworks and the management of contaminated materials to ensure that any effects concerning land contamination are appropriately avoided, remedied or mitigated.

11.8 SERVICE CONNECTIONS

The MCF will be connected to the following network utility services:

- wastewater;
- water supply;
- electricity;
- natural gas; and
- telecommunications.

An Infrastructure Report detailing the arrangement of services on the site is attached at Appendix 11.

Wastewater and water supply infrastructure will connect into the public systems, as shown the Auckland Council Infrastructure Connections plan attached at Appendix 11.

Electricity and natural gas will be connected to existing supplies. An additional communications connection will be provided by the Network Service Provider.

12 CONCLUSION

This Outline Plan of Works has been prepared for the proposed MCF located on land subject to Designation 288 for Comprehensive Corrections Facilities. It addresses in detail all of the matters set out under Section 176A(3) 'Outline Plan' of the RMA. The design of the MCF recognises and provides for the matters identified in the RMA. The principles of the Treaty of Waitangi have been taken into account throughout the design and development of the MCF.

The OPW demonstrates that the works appropriately give effect to the designated purpose of the site and promote the sustainable management of natural and physical resources, thereby achieving the purpose of the RMA.

There is sufficient information contained in this report to demonstrate to Auckland Council the scope and extent of the proposed public work and methods to avoid, remedy or mitigate potential adverse effects on the environment.

The drawings appended to the Outline Plan of Works Application have been removed from this document due to file size restrictions. If you wish to obtain a copy of these drawings, please contact pppatwiri@corrections.govt.nz

29 August 2012

Department of Corrections
C/o SecureFuture
Wiri Project D & C Office
Private Bag 92060
Auckland 1142

Attention: Tom Halpin

Subject: Advice Notes - Outline Plan of Works, Proposal 40134

Thank you for the letter dated 09 August 2012, prepared by Russell McVeagh regarding the advice notes to the Outline Plan of Works for the design, construction and operation of a Men's Correctional Facility, located at 20 Hautu Drive, Manukau

The following changes are read in conjunction with the original Outline Plan of Works referenced Proposal 40134 accepted on 14 June 2012 by Auckland Council.

NOTE: Deletions are shown as ~~striketrough~~ and amendments as ***bold and italic***.

Advice Note 3 has been amended to read:

The Requiring Authority is advised that the proposed Men's Correctional Facility outlined in this OPW will be designed and constructed to accommodate a total of 960 prisoners. In the event of any ~~change or~~ addition to the correctional facility and/or increase to the maximum prisoners being 1060 prisoners as required in Condition 78 of the Designation, the Requiring Authority is advised that a separate Outline Plan of Works in required by Council.

Explanation

The intention of Advice Note 3 is to outline that any physical addition to the accepted men's correctional facility within the OPW referenced Proposal 40134 and/or increase from 960 to the maximum number of prisoners being 1060, may require a new Outline Plan of Works. In addition, the Requiring Authority may exercise and request the Consent Authority to waive the requirement for an outline plan pursuant to Section 176A(2)(c) of the Act for any minor alteration ***or changes***, subject to Council's agreement.

Advice Note 4 has been amended to read:

The Requiring Authority is required to ensure the information for compliance of all relevant designation conditions are forwarded to the Manager – Resource Consents ~~South~~. All information should demonstrate that the conditions are achieved on an ongoing basis.

Explanation

The intention of Advice Note 4 is to advise that the Minister is obliged to provide compliance information to the Council, Manager of Resource Consents. The Requiring Authority should provide sufficient information to ensure the Designation Conditions are complied with and/or under ongoing monitoring.

Advice Note 9:

It is advised that a resource consent for earthworks and sediment control is required under Auckland Council Regional Plan: (Sediment Control); contaminated land consent in association with the Contaminated Land Management Plan is a permitted activity under the Auckland Council Plan: (Air, Land and Water). However, ~~Therefore~~ National Environmental Standards (NES) consent for contamination is applicable. Therefore, the Requiring Authority must communicate with Integrated

Consents Team Manager - Natural Resources & Specialist Input to ensure the implementation of the consenting process. Please note, prior to the commencement of any works within the subject site, all relevant consents should be obtained.

Comments / Explanation

With reference to James Fuller's comments that National Environmental Standards (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health are applicable for the development. Therefore, minor change to Advice Note 9 clarifying the relevant contamination issues under the *Auckland Council Plan: (Air, Land and Water) and the NES contaminated land*.

Advice Note 16 has been amended to read:

*As per condition 92, the total number of covered bicycle stands/racks ~~with lockers and showers~~ must be provided for minimum of 10 staff and 5 for visitors. **Minimum 2 lockers and changing rooms should be provided within staff facilities.** The provision of such facilities must be in accordance with Australian Standard AS 2890.3-1993, Parking Facilities Part 3 – Bicycle Parking Facilities.*

Explanation

Advice Note 16 has been amended as requested.

Advice Note 17 has been amended to read:

Traffic Management

a. Construction traffic

- (i) ~~The intersection of Kiwi Tamaki Road and Roscommon Road should be signalised prior to the commencement of traffic associated with the development of the subject site and the building works on the site. In accordance with the OPW, Construction Traffic Assessment, Table 3.1, initial site access for construction traffic will be from Hautu Drive, which will be temporarily utilised during the bulk earthworks phase.~~*
- (ii) **Once the intersection of Kiwi Tamaki Road and Roscommon Road has been signalised; All vehicular construction traffic** movements for site development works should use the signalised intersection of Kiwi Tamaki Road and Roscommon Road **as the primary construction access point** at all times upon the construction completion. **Huatu Drive access will be gated as an emergency or secondary construction access for the site after this period.***
- (iii) During construction, the Requiring Authority must facilitate safe pedestrian and vehicular movements at all times and that all traffic must be managed under an approved Construction Traffic Management Plan (TMP) as required in condition 115 of the designation.*

b. Traffic Management Plan (TMP)

The Requiring Authority will ensure the preparation of a Construction Traffic Management Plan (TMP) in accordance with the Code of Practice for Temporary Traffic Management (COOPTM) at least 10 working days prior to works commencing on each site/access point for all works within the road reserve. The TMP should address the temporary diversion of pedestrian and vehicular traffic during the construction period and that the TMP must be submitted to Auckland Transport.

Explanation

Advice Note 17 has been amended to advise that Hautu Drive temporary construction access will be formed for the initial site access to be utilised temporarily to bring machinery and material on site prior the construction of the permanent access from Kiwi Tamaki road. Hautu Drive access will be primarily used for the bulk earthworks phase only.

Advice Note 18 has been amended to read:

Post Operation Monitoring

- (a) **The Requiring Authority is advised the items in condition 89 listed (a) to (f) of the Designation should be implemented and submitted to the satisfaction of the Manager Resource Consents and Auckland Transport.**
- (b) **On going demand for car parking for staff and visitors should be monitored annually at regular intervals. In the event that the parking demand exceeds the parking provision, the Requiring Authority must make alternative arrangements to meet the parking demand either by implementing Travel Demand Management Plan (TDM) as stated in condition 91 of Designation and/or provide additional parking spaces. This should follow the "TDM" framework submitted with the OPW and approved by Auckland Transport.**
- (c) **Normal day staff operation should be in accordance with the additional operational information provided as part of the OPW. This should ensure the shift operation is outside the peak hours from 7.00pm to 7.00am.**
- (d) **In the event the monitoring survey identifies any operational issues at the Kiwi Tamaki Road and Roscommon Road intersection, further capacity mitigation works including restricted operation control on visiting hours at the Men's Prison should be implemented.**

Explanation

Advice Note 18 has been amended as requested.

Advice Note 26 has been amended to read:

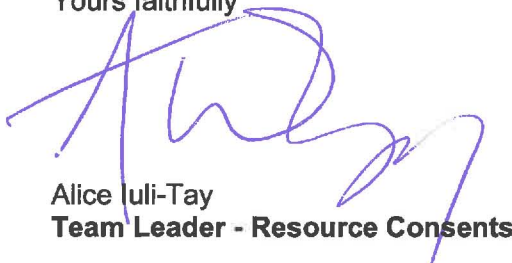
~~At Building Consent stage, a 'Health, Safety and Environmental Management Plan(s)', including the site Emergency Response Plan, should be submitted for the proposed storage of hazardous substances. A copy of the Environmental Management Plan should be forwarded to the Manager Resource Consents prior to the commissioning of the facility and should be made available for inspection by Council's Officers at all times. Copies of these plans must be held on site at all times and supervisory staff be made familiar with the procedures of the plans.~~

Explanation

Advice Note 26 has been deleted as this matter is not applicable.

Please direct all enquiries to Tommy Lai, the Consent Co-ordinator, on 261 8269 and quote reference number P40134.

Yours faithfully



Alice Iuli-Tay
Team Leader - Resource Consents

Appendix Q: Pre-approved Lender List

Pre-approved Lender List

This is the Pre-approved Lender List, as defined in the Project Agreement, as at the Execution Date. Persons may be added to or removed from this list at any time by agreement of the parties (each acting reasonably). The Department may, on written notice to the Contractor, require the removal of persons from the Pre-approved Lender List if a person on that list:

- (a) becomes, in the Department's reasonable opinion, an Unsuitable Third Party within paragraph (b) of the definition of that term;
- (b) becomes, in the Department's reasonable opinion, a person to whom paragraphs (c) and/or (d) of the definition of Reputable applies; and/or
- (c) ceases to provide senior debt financing in the international or domestic loan markets or to undertake fixed income investments or management, or announces its intention to do so.

The Pre-approved Lender List is as follows:

- (1) Access Capital and/or funds managed or advised by Access Capital;
- (2) Accident Compensation Corporation;
- (3) Agricultural Bank of China;
- (4) Allied Irish Banks;
- (5) AMP and/or funds managed or advised by AMP;
- (6) ANZ managed funds;
- (7) AON managed funds;
- (8) Australian Super and/or funds managed or advised by Australian Super;
- (9) Banco Bilbao Vizcaya Argentaria;
- (10) Banco Espirito Santo SA (BES);
- (11) Banco Santander;
- (12) Banesto;
- (13) Bank of China;
- (14) Bank of India;
- (15) Bank of Ireland;
- (16) Bank of Taiwan;
- (17) Brook Professional managed funds;
- (18) CaixaBank SA;
- (19) Canada Pension Plan Investment Board (Canada);

- (20) Challenger Infrastructure Fund (Challenger) and/or funds managed or advised by Challenger;
- (21) Chinatrust Commercial Bank;
- (22) Citibank;
- (23) Citic Bank International;
- (24) Craigs Investments managed funds;
- (25) DBS Bank;
- (26) Export Credit Guarantee Department;
- (27) Export Development Corporation of Canada;
- (28) Export Finance and Insurance Corporation (EFIC);
- (29) Export-Import Bank of the United States;
- (30) Fisher Funds managed funds;
- (31) Forsyth Funds managed funds;
- (32) Gareth Morgan managed funds;
- (33) Grosvenor managed funds;
- (34) Guardians of New Zealand Superannuation and its owned or managed funds;
- (35) Hadrian's Wall Capital (UK);
- (36) Hastings Funds Management (HFM) and/or funds managed or advised by HFM;
- (37) HSH Nordbank;
- (38) Hua Nan Commercial Bank;
- (39) Industrial & Commercial Bank of China Ltd;
- (40) Industry Funds Management (IFM) and/or funds managed or advised by IFM;
- (41) Investec and/or funds managed or advised by Investec;
- (42) Kiwibank managed funds;
- (43) Kreditanstalt für Wiederaufbau (KfW) – IPEX;
- (44) Mega International Commercial Bank Co Limited;
- (45) NZ Funds managed funds;
- (46) Ontario Teachers Pension Fund (Canada);
- (47) Overseas-Chinese Banking Corporation Limited (OCBC);

- (48) Portigon AG (ex WestLB);
- (49) Public Sector Pension Investment Board (Canada);
- (50) Shinsei Bank;
- (51) Smartshares managed funds;
- (52) Standard Bank;
- (53) State Bank of India;
- (54) Super Trustee Fund managed funds;
- (55) Superlife managed funds;
- (56) Taiwan Business Bank;
- (57) UniSuper Limited (UniSuper) and associated funds;
- (58) United Overseas Bank Limited;
- (59) Victorian Fund Management Corporation;
- (60) Westbourne Capital; and
- (61) Westpac managed funds.

Appendix R: Prison Manager Table

Prison Manager Table

The following table sets out a summary of the powers and functions of a Prison Manager under the Corrections Act 2004 and the Corrections Regulations 2005.

1 Corrections Act 2004

Subject	Source of Power / Function	Summary of Power / Function
Powers and functions of prison managers	Corrections Act, s 12	<p>The prison manager has, in relation to his/her prison, the following powers and functions:</p> <ul style="list-style-type: none"> ▪ To ensure that the prison operates in accordance with the purposes set out in s 5 and the principles set out in s 6. ▪ To ensure the safe custody and welfare of prisoners received in the prison. ▪ To carry out the functions conferred on the manager by s 33. ▪ To establish and maintain processes to: <ul style="list-style-type: none"> – identify the communities significantly affected by policies and practices at the prison; and – provide opportunities for those identified communities to give their views on those policies and practices; and – ensure those views are taken into account. ▪ Any other powers and functions conferred under the Corrections Act or regulations made under the Act.
Delegation of powers and functions of prison managers	Corrections Act, s 13	To delegate to permitted persons, either generally or particularly, any of the prison manager's powers under the Corrections Act or any regulations made under the Corrections Act, except the power to make rules under s 33 or the power to delegate under s 13(1).
Powers and functions of officers	Corrections Act, s 14	To provide directions to officers in the exercise of their powers and functions under s 14(1).
Functions of probation officers	Corrections Act, s 25	To receive from any probation officer all of the reports and information that the prison manager requires under any enactment.
Manager may make rules for prison	Corrections Act, s 33	If authorised by the chief executive, to make rules consistent with s 33 that the prison manager considers appropriate for the management of the prison and for the conduct and safe custody of the prisoners, and to revoke such rules.
Certain information to be given to recently received prisoners	Corrections Act, s 42	<p>On the reception of a prisoner in the prison, or reasonably promptly after the prisoner is received, to ensure that the prisoner is given, in writing, relevant information on the operation and rules of the prison made under s 33 and the entitlements of prisoners (s 42(1)).</p> <p>If the prisoner is a citizen of another country, to ensure that the prisoner is given, in writing, advice that the prisoner can require</p>

Subject	Source of Power / Function	Summary of Power / Function
		the manager to inform a consular representative of the prisoner's country of the detention and that any correspondence from the prisoner to the representative will be forwarded without delay (s 42(2)).
Authorised property	Corrections Act, s 43	<p>To impose special conditions relating to the use of authorised property that prisoners are issued with or allowed to keep (s 43(1)).</p> <p>To refuse to issue or allow a prisoner to keep an item of property if the prison manager has reasonable grounds to believe that the item can be used for purposes set out in this subsection (s 43(2)).</p> <p>To refuse to issue, or allow to keep, any item of authorised property in relation to a prisoner to whom s 43(3)(a) applies or in any other circumstances specified in the regulations (s 43(3)).</p>
Standard conditions of issue and transfer of issued items	Corrections Act, s 44	To provide prior approval for issued items to be transferred to another prisoner.
Disposal and destruction of prisoner property	Corrections Act, s 45	<p>To approve the disposal or destruction of an item of prisoner property on the stated grounds (s 45(1)).</p> <p>To approve the disposal or destruction of an item of prisoner property, in a manner approved by the prison manager, if the prison manager requires the item to be removed from the prison in accordance with regulations and the prisoner fails to comply with that request reasonably promptly (s 45(2)).</p>
Security classifications	Corrections Act, s 47	To determine if, in the opinion of the prisoner manager, a prisoner has either done anything that involves serious misconduct or there is an event or change in a prisoner's circumstances or behaviour that indicates the prisoner's present security classification may be inappropriate.
Further provisions relating to security classifications	Corrections Act, s 48	To promptly inform prisoners held in the prison manager's prison, in writing, of that prisoner's security classification (or changed security classification) and the reasons for the assignment of that classification (or changed security classification).
Information about reasons for transfer	Corrections Act, s 56	To receive, and respond to, valid requests under this section from prisoners who are transferred from their current prison to another prison under s 53(1) specifying the reasons for the prisoner's transfer, such responses to be in writing and be provided reasonably promptly and in any case no later than one month, after receiving the request.

Subject	Source of Power / Function	Summary of Power / Function
Segregation for purposes of security, good order, or safety	Corrections Act, s 58	<p>To direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if the prison manager considers the security or good order of the prison would be endangered or prejudiced or the safety of another prisoner or person would be endangered (s 58(1)).</p> <p>To promptly provide to the prisoner concerned, in writing, the reasons for the direction and any subsequent directions and also to inform the chief executive of the direction and the reasons for it (s 58(2)).</p> <p>To revoke such a direction if there ceases to be any justification, under s 58(1), for continuing to restrict or deny the prisoner opportunity to associate with other prisoners (s 58(3)).</p>
Segregation for purposes of protective custody	Corrections Act, s 59	<p>To direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if requested by the prisoner and the prison manager, having regard to information supplied by the prisoner or otherwise available, considers that it is in the best interests of the prisoner to give that direction (s 59(1)(a)).</p> <p>To direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if the prison manager is satisfied that the safety of the prisoner has been put at risk by another person and there is no reasonable way to ensure the safety of the prisoner other than giving that direction (s 59(1)(b)).</p> <p>To make a direction under s 59(1)(b), if applicable, when a direction made under s 59(1)(a) ceases to have effect because a prisoner has withdrawn his/her consent to the giving of the direction.</p> <p>To inform the prisoner (in writing) and the chief executive of a direction made under s 59(1)(b) and the reasons for it (s 59(3)).</p> <p>To revoke a direction given under s 59(1)(b) if there ceases to be any justification under that section for continuing to restrict or deny the prisoner's opportunity to associate with other prisoners (s 59(4)).</p>
Segregation for the purposes of medical oversight	Corrections Act, s 60	<p>To direct that the opportunity of a prisoner to associate with other prisoners be restricted or denied if a medical officer recommends that such a direction is desirable in order to assess or ensure the prisoner's physical or mental health (including without limitation, the risk of self-harm) (s 60(1)).</p> <p>To inform the prisoner (in writing) and the chief executive of a direction made under this section and the reasons for it (s 60(2)).</p> <p>To revoke such a direction only if the medical officer advises that there has ceased to be any justification for continuing to restrict or deny the prisoner the opportunity to associate with other prisoners (s 60(4)).</p> <p>To ensure, while such a direction is in force, that a registered health professional visits the prisoner concerned at least once per day or at least twice per day if the prisoner is assessed to be a risk of self-harm (s 60(5)).</p>
Temporary	Corrections Act,	To direct, at any time, the return to a prison of any person

Subject	Source of Power / Function	Summary of Power / Function
release from custody	s 63	temporarily released from custody under s 62.
Removal of prisoner for judicial purposes	Corrections Act, s 65	<p>To remove, or direct the removal of, a prisoner from one prison to another, or from one place of confinement to another, for the purposes of trial, summary hearing or sentence (or for any bail application, remand, adjournment or other ancillary proceeding) (s 65(1)).</p> <p>To, if required by any court, Judge or Registrar by order in writing, bring a prisoner to which ss 65(2) and (3) applies, or to ensure the prisoner is brought, before the court or to arrange for the attendance of the prisoner for those judicial purposes, as often as necessary (s 65(3)).</p>
Work and earnings	Corrections Act, s 66	<p>To direct, or provide for, prisoners to be employed in any work while in custody (s 66(1)).</p> <p>To ensure that in the operation of any industry which provides work to prisoners under s 66, there are adopted only those accounting methods that are from time to time approved by the chief executive (s 66(4)).</p>
Minimum entitlements	Corrections Act, s 69	To direct that a prisoner be denied the minimum entitlements under s 69(1)(k) if a direction under ss 58 or 59 is in force and the prison manager considers that the prisoner is likely to damage prison property.
Legal advisor may visit prison	Corrections Act, s 74	<p>To agree to a time for a prisoner's legal advisor to visit the prisoner, if the purpose of the visit is to discuss the prisoner's legal affairs (s 74(1)).</p> <p>To nominate an alternative time that is reasonable in the circumstances, if the manager does not agree to a particular time for the legal advisor's visit (s 74(2)).</p> <p>To allow an interview between a prisoner and a legal advisor to be held out of sight of any other person (s 74(3)).</p>
Information and educational needs of prisoners	Corrections Act, s 78	To allow a prisoner to have access to further education if the prison manager believes it will assist in the prisoner's rehabilitation, a reduction in the prisoner's reoffending or the prisoner's reintegration in the community.
Religious and spiritual needs	Corrections Act, s 79	To expressly authorise a prisoner to consume a small quantity of wine provided at a service by a prison chaplain or minister of religion for the purposes of the Eucharist, Holy Communion, Mass or Communion, or to consume a small quantity of wine or other alcohol provided at the service as part of the ritual of the religion in question, by the person conducting the service.
Search of prisoners and cells	Corrections Act, s 98	To approve an officer to conduct a strip search of a prisoner.
Search of	Corrections Act,	To approve the conduct of a rub-down search of a person who is

Subject	Source of Power / Function	Summary of Power / Function
persons other than prisoners	s 99	in a prison or visiting a prisoner including outside a prison and who refuses to consent to a rub-down search.
Search of staff lockers and other places	Corrections Act, s 100	<p>To provide prior approval an officer to search any place set aside in a prison for the exclusive use of any person other than a prisoner (for example a staff member's locker) for the purposes of detecting an unauthorised item.</p> <p>To require that the search goes ahead without the person who has the exclusive use of that space present during the search if the prison manager considers that deferring the search will involve an unacceptable delay.</p>
Reporting of unauthorised items discovered, certain searches, and placement in dry cells	Corrections Act, s 102	<p>To receive a report of the details of the discovery of any unauthorised item discovered by an officer or staff member from any search (s 102(1)).</p> <p>To receive a report of the details of a strip search from an officer (s 102(2)).</p> <p>To ensure that a record is made and details kept of any placement of a prisoner in a cell or other facility designed to prevent the concealment or disposal of unauthorised items including whether any unauthorised item was discovered as a result (s 102(3)(a)).</p> <p>To receive details of the discovery of any unauthorised items following the placement of a prisoner in a cell or other facility designed to prevent the concealment or disposal of unauthorised items (s 102(3)(b)).</p> <p>To ensure that a record of any report made to the prison manager under s 102 is made and kept.</p>
Restriction on sending mail to other prisoners	Corrections Act, s 105	To receive notifications from prisoners of their intentions to send mail to another prisoner at the prison.
Opening of mail	Corrections Act, s 106	To authorise any unauthorised item found in any mail to a prisoner to be withheld from that prisoner.
Withholding mail	Corrections Act, s 108	<p>To withhold mail between a prisoner and another person on the stated grounds in s 108(1).</p> <p>If mail or an unauthorised item found in any mail is withheld, to inform the prisoner to or from whom the mail was directed that the mail or item has been withheld (s 108(2)).</p>
Mail between prisoners and legal advisors	Corrections Act, s 110	<p>To examine, in the prisoner's presence, any email between a prisoner and his/her legal advisor which appears to contain an unauthorised item, or any correspondence or document not related to the prisoner's legal affairs (s 110(3)).</p> <p>To read, in the prisoner's presence, any correspondence or document (or any part of either) contained in any mail between a prisoner and his/her legal advisor examined under s 110(3) that appears not to be related to the prisoner's legal affairs but to stop</p>

Subject	Source of Power / Function	Summary of Power / Function
		<p>reading the correspondence or document (or part of either) as soon as it appears to be related to the prisoner's legal affairs (s 110(4)).</p> <p>To withhold any unauthorised item contained in any mail to a prisoner from his or her legal advisor that has been examined under s 110(3) (s 110(6)).</p> <p>To withhold any correspondence or document contained in any mail between a prisoner and his or her legal advisor if the manager has read it under s 110(4) and it (or any part of it) appears to the manager not to be related to the prisoner's legal affairs (s 110(6)).</p> <p>To provide prior written approval for mail between a prisoner and his/her legal advisor to contain any item other than correspondence or documents relating to the prisoner's legal affairs (s 110(9)).</p>
Prisoners may be required to submit to drug or alcohol tests	Corrections Act, s 124	To require a prisoner to submit to a drug or alcohol test if the prison manager believes, on reasonable grounds, that the prisoner has committed an offence against s 129 or s 130(1) or, if the prison manager believes on reasonable grounds, that a previously provided sample was dilute, tainted or otherwise contaminated.
Prisoner must be informed of result of procedure	Corrections Act, s 126	To ensure that a prisoner who submits to a procedure under s 124 is informed, promptly and in writing, of the result of the procedure.
Offences by prisoner	Corrections Act, s 128	To approve, in writing, the laying of a charge by a prisoner against a staff member (s 128(2)).
Applications for legal representation	Corrections Act, s 135	To receive a summary in writing of the hearing adjudicator or Visiting Justice's summary of his or her decision to permit or, as the case may require, not to permit the prisoner to be legally represented at the hearing of a charge alleging an offence against discipline.
Right to appeal to Visiting Justices against decision of hearing adjudicator	Corrections Act, s 136	To receive a request from a prisoner that a decision of a hearing adjudicator be referred by way of appeal to a Visiting Justice and to promptly refer the request to a Visiting Justice.
Unauthorised deliveries, communications, recordings, and possession	Corrections Act, s 141	To expressly allow any person to do any thing that is set out as an offence in s 141(1).

Subject	Source of Power / Function	Summary of Power / Function
of unauthorised items		
Unauthorised use or possession of electronic communication device by prisoner	Corrections Act, s 141A	To expressly authorise any unauthorised prisoner to use, or to have in his or her possession, an electronic communication device.
Prisons, community work centres, and probation officers must have internal complaints system	Corrections Act, s 153	To ensure that the internal complaints system for the prison complies with the objectives set out in s 152.
Right of member of Parliament to visit prisons	Corrections Act, s 161	To be informed by a member of Parliament of his or her observations following an examination of the prison and the condition of prisoners (s 161(1)). To ensure any observations of a member of Parliament are recorded, and a permanent record of those observations is kept at the prison (s 161(2)).
Right of Justice of the Peace to visit prison	Corrections Act, s 162	To be informed by a Justice of the Peace of his or her observations following an examination of the prison and the condition of prisoners (s 162(1)). To ensure any observations of a Justice of the Peace are recorded and keep a permanent record of those observations at the prison (s 162 (2)).
Provision of information to persons under control or supervision	Corrections Act, s 164	To arrange for any additional or different information (than that previously provided to prisoners) be presented to a prisoner in accordance with this section.
Inquests on prisoners	Corrections Act, s 183	To immediately report the death of a prisoner to a member of the police.
Recordings of unauthorised communications	Corrections Act, s 189C	To provide a copy of an unauthorised electronic communication which the prison manager believes, on reasonable grounds, contains information relating to the commission or attempted commission of an offence, to an enforcement officer and to the chief executive or any other employee of the department.
Reporting responsibilities	Corrections Act, s 199D	To arrange, at any intervals (not exceeding 4 months) that are determined by the chief executive, for written reports on the

Subject	Source of Power / Function	Summary of Power / Function
es		<p>matters stated to be prepared and forwarded to the chief executive and to the monitor appointed in respect of that prison under s 199E(1)(a).</p> <p>To arrange, following the occurrence of any of the events specified in s 199D(4) in that prison, for a written report on that occurrence to be prepared and forwarded to the chief executive and the monitor appointed in respect of that prison under s 199E(1)(a).</p>

2 Corrections Regulations 2005

Subject	Source of Power / Function	Summary of Power / Function
General duties of prison managers	Corrections Regulations, reg 6	<p>To be responsible, subject to the Corrections Act and the control of the chief executive, for the good management of his/her prison and the fair, safe, secure, orderly and humane management and care of its prisoners (reg 6(1)).</p> <p>To ensure that all of the actions listed under reg 6(2) occur.</p>
Duty of prison manager to report to chief executive	Corrections Regulations, reg 7	To report, if requested, to the chief executive on any matter in respect of which the chief executive reasonably considers that information is necessary to enable the chief executive to carry out his or her statutory and regulatory responsibilities.
Reporting of deaths, serious illnesses and injuries, and transfers of prisoners	Corrections Regulations, reg 8	<p>In the case of a prisoner's death, serious illness, serious injury, transfer to and from a hospital, psychiatric hospital or secure facility, to ensure that notice of this is given promptly to that prisoner's contact person or next of kin and the prisoner's commanding officer (as applicable) (reg 8(1)).</p> <p>To ensure that notice is given promptly to a consular representative of the country of which the prisoner is a citizen if that prisoner dies (reg 8(2)).</p> <p>To not notify any event to which this section applies (other than in the case of the prisoner's death) if requested by the prisoner (reg 8(3)).</p>
Reporting to prisoners of deaths and serious illnesses and injuries	Corrections Regulations, reg 9	Following notification of the death, serious illness or serious injury of a person known to a prison manager to be a family member, relative or close friend of a prisoner, to ensure that information about the death, illness or injury is given to the prisoner.
General duties of security officers and staff members	Corrections Regulations, reg 10	<p>To receive notification from security officers and staff members who believe that a situation exists that affects or is likely to affect the health or safety of any person in a prison or the security of a prison (reg 10(3)).</p> <p>To receive notification from security officers and staff members if those persons notice that a person is not, or does not appear to be, in good physical or mental health or is, or appears to be, depressed, at risk of self-harm or requiring special attention or care of any kind (reg 10(4)).</p>
Officers to obey lawful orders	Corrections Regulations, reg 13	To receive questions of the validity of orders given to officers by their senior officers (excluding in relation to orders given by the prison manager).
Security officers and staff members not	Corrections Regulations, reg 14	To receive, or direct that a staff member receive on the prison manager's behalf, money from any person for the purpose of buying a gift for a prisoner, if the gift is nominated by the person or the prisoner and is an item of authorised property (reg 14(3)).

Subject	Source of Power / Function	Summary of Power / Function
to receive money, gratuities etc.		To provide written approval for a staff member of a prison (or if manager is to receive, to request approval from the chief executive) to receive from or on behalf of a prisoner, a gift or benefit other than a gift of money or monetary benefit, or trade with or enter into an arrangement with a prisoner that confers, or is intended to confer, a benefit of any kind on any person (reg 14(4)).
Visiting of security officers or staff member or probation officers	Corrections Regulations, reg 16	To approve (with or without conditions), prior to the visit, a staff member who is carrying out duties at a prison to receive personal visitors.
Officers to notify certain people if conflict of interest	Corrections Regulations, reg 17	To receive notification from an officer if there is, or appears to be, a conflict of interest between the exercise of the powers, functions or duties of the officer in relation to a prisoner and the personal or business interests or dealings of that officer. To notify the chief executive if there is, or appears to be, a conflict of interest between the exercise of the powers, functions or duties of the prison manager in relation to a prisoner and the personal or business interests or dealings of that prison manager.
Reception and discharge times	Corrections Regulations, reg 20	To arrange with the police, Court Registrar or a security contractor for a prisoner to be received in, or discharged from, a prison before 7 am or after 8 pm.
Prisoner register	Corrections Regulations, reg 21	To ensure that a register of prisoners is maintained, on paper, electronic or other similar form, that contains the particulars listed in reg 21 about each prisoner admitted to the prison.
Property register	Corrections Regulations, reg 30	To ensure that a register of prisoners' property is maintained, in paper, electronic or other similar form that contains a full description of the items listed in reg 30 in relation to each prisoner.
Transfer and issue of items	Corrections Regulations, reg 31	To record a transfer of authorised property from one prisoner to another (approved by the prison manager under s 44(1)(c) of the Act) on the property register (reg 31(1)). To only issue an item of electrical equipment if the item has the original manufacturer's identification sticker or tag attached (reg 31(3)).
Property on reception	Corrections Regulations, reg 32	To determine, as the prison manager thinks fit, whether any item of property covered by reg 32(1) (whether authorised or unauthorised) should be issued to the prisoner or dealt with under any of regs 33, 35 or 37 or under s 45 of the Corrections Act (reg 32(2)). To receive requests from prisoners issued with authorised property to store that property (reg 32(4)).

Subject	Source of Power / Function	Summary of Power / Function
Authorised property to be withheld from prisoners in certain circumstances	Corrections Regulations, reg 33	<p>To refuse, under s 43(3)(c) of the Corrections Act, to issue or allow a prisoner to keep any item of authorised property in the circumstances set out in reg 33(1) (reg 33(1)).</p> <p>To accept charge of any item of property to which reg 33 applies (reg 33(2)).</p>
Property after reception	Corrections Regulations, reg 34	<p>To determine, as the prison manager thinks fit, whether any item of property covered by reg 34(1) (whether authorised or unauthorised) should be issued to the prisoner or dealt with under regs 35 or 37 or s 45 of the Corrections Act (reg 34(1)).</p> <p>To receive requests from prisoners issued with any authorised property store that property (reg 34(2)).</p>
Property may be stored or removed	Corrections Regulations, reg 35	<p>To reasonably promptly determine in relation to any prisoner property placed in the prison manager's charge, whether or not to store that property reg 35(2)).</p> <p>To ensure that property that the prison manager has agreed to store, or has decided to store following that property being put in its charge, is labelled, packed and stored in a way that complies with reg 35(4) (reg 35(4)).</p> <p>To require a prisoner, at the prisoner's expense, to arrange for any item of the prisoner's property to be removed from the prison on the stated grounds (reg 35(5)).</p>
Access to and inspection of stored property	Corrections Regulations, reg 36	<p>To authorise staff members to access the area of prison where prisoner property is stored reg 36(1)).</p> <p>To approve requests of prisoners to inspect his or her items of stored property (reg 36(2)).</p>
Property retained as evidence	Corrections Regulations, reg 37	To seize prisoner property in a prison that is, or may be, evidence of a disciplinary or criminal offence and either retain that property until it is decided whether the prisoner is to be charged or deliver it to the appropriate enforcement officer.
Return of property	Corrections Regulations, reg 38	<p>To take all practicable steps to ensure that a prisoner's property is returned to the prisoner on the day on which the prisoner is discharged or released, subject to reg 38(1) requirements (reg 38(1)).</p> <p>To receive notice of and resolve the matter reasonably promptly where a check of property conducted under reg 38(1) determines that a prisoner's property does not correspond with the relevant entry in the property register (reg 38(2)).</p> <p>To take all practicable steps to ensure that, if a prisoner dies while under the prison manager's control, either the person notified of the prisoner's death under reg 8(2) or the executor/administrator of the prisoner's estate is consulted on what is to be done with the prisoner's property (reg 38(3)).</p>

Subject	Source of Power / Function	Summary of Power / Function
Transfer of property to another prison or place	Corrections Regulations, reg 39	<p>To take all practicable steps when a prisoner is transferred to another prison or place, to ensure that before the transfer occurs, the prisoner's property is checked against the property register and the prisoner checks and acknowledges the property to be transferred (reg 39(1)).</p> <p>To receive notice of and resolve the matter reasonably promptly where a check of property conducted under reg 39(1) determines that a prisoner's property does not correspond with the relevant entry in the property register (reg 39(2)).</p> <p>To forward details of a transferring prisoner's property, receive and record details of the transferring prisoner's property (if any) in the property register of the new prison and deal with subsequently in accordance with regs 31 to 40 (with necessary modifications).</p>
Unclaimed property	Corrections Regulations, reg 40	<p>To take all reasonable steps to give former prisoners written notice that he or she must collect any property left at a prison from the prison (reg 40(1)).</p> <p>To accept charge of property in a prison whose ownership is uncertain or unknown and forfeit that property to the Crown unless ownership is established within 3 months (reg 40(2)).</p>
Trust accounts in respect of prisoners	Corrections Regulations, reg 41	<p>To ensure that the amount of money held for a particular prisoner within any trust account does not exceed the maximum amount (if any) permitted to be held for a particular prisoner in the trust account by a rule, unless the greater amount is required by the Corrections Act or other enactment to be held on behalf of a prisoner or the prisoner manager is satisfied that there are special circumstances justifying holding the larger amount (reg 41(2)).</p> <p>To ensure that, if requested by the prisoner, a statement in respect of the money held exclusively for that prisoner in the trust account is produced within 1 week of the request (reg 41(3)).</p>
Trust account deposits and withdrawals	Corrections Regulations, reg 42	To provide prior written approval the deposit of money into a trust account in respect of a particular prisoner detained in a prison.
Prison earnings	Corrections Regulations, reg 43	To withdraw or withhold from a trust account earnings of a specified kind and credited to a prisoner, or later due to a prisoner, on the grounds stated (reg 43(2)).
When security classification is assigned	Corrections Regulations, reg 46	To receive notification of a recommended security classification in relation to a prisoner from the staff member who undertook a risk assessment of the prisoner and to decide whether the recommended security classification is appropriate and either approve that recommended classification or assign a different security classification to the prisoner.
When review of security classification	Corrections Regulations,	To receive notification of a recommended security classification in relation to a prisoner from the staff member who undertook a risk assessment of the prisoner and to decide whether the

Subject	Source of Power / Function	Summary of Power / Function
is completed	reg 49	recommended security classification is appropriate and either approve that recommended classification or assign a different security classification to the prisoner.
Review of prisoner's placement	Corrections Regulations, reg 52I	To determine if, in the opinion of the prison manager, a prisoner has demonstrated through his/her actions that he/she represents a serious risk to the good order or security of the unit or the safety of any person, such that a prisoner's placement must be reviewed.
Chief executive to be notified of cells	Corrections Regulations, reg 54	To notify the chief executive in writing of any cell in the prison that may be used for the accommodation of a prisoner subject to a segregation direction issued under s 58 of the Corrections Act (in circumstances where it is suspected that the prisoner has concealed internally an unauthorised item) or under s 60(1)(b) of the Corrections Act.
Medical officer to be notified of certain segregation directions	Corrections Regulations, reg 55	To notify the medical officer of a prison reasonably promptly after a prisoner is placed into a cell in circumstances where, as a consequence of any segregation direction, the prisoner is denied the opportunity to associate with other prisoners.
Visits to prisoners	Corrections Regulations, reg 56	To visit, or instruct an officer authorised for the purpose to visit, at least once a day prisoners who, as a consequence of a segregation direction, are denied the opportunity to associate with other prisoners.
Mandatory items, features and standards for segregation accommodation	Corrections Regulations, reg 57	To ensure that the items and features specified in Part A of Schedule 2 that are provided for use in, or form part of, a cell in the prison to which this regulation applies are maintained in good working order.
Additional segregation facilities for certain segregated prisoners	Corrections Regulations, reg 59	To ensure that all features and items specified in Part B of Schedule 2 that are provided for use in, or form part of, a cell in the prison to which this regulation applies are maintained in good working order.
Cells for prisoners at risk of self-harm	Corrections Regulations, reg 60	To ensure that all features or items specified in Part C of Schedule 2 that are provided for use in, or form part of, a cell in the prison to which this regulation applies are maintained in good working order.
Cells for the assessment of prisoners' mental health	Corrections Regulations, reg 61	To ensure that all features and items specified in Part E or Part F of Schedule 2 that are provided for use in, or form part of, a cell in the prison to which this regulation applies are maintained in good working order.

Subject	Source of Power / Function	Summary of Power / Function
Prisoners at risk of self-harm	Corrections Regulations, reg 63	To receive a recommendation from a medical officer after the medical officer has visited a prisoner under reg 63(1)(b).
Prisoners suspected of concealing unauthorised items	Corrections Regulations, reg 64	<p>To receive notification from the medical officer in writing as soon as that medical officer believes that there has ceased to be any justification for continuing to deny or restrict the opportunity of the prisoner to associate with other prisoners (reg 64(3)).</p> <p>To ensure, unless directed otherwise by the medical officer, that a registered health professional visits the prisoner concerned at least once a day (reg 64(4)).</p>
Individual cells	Corrections Regulations, reg 66	To accommodate a prisoner in a shared cell where the manager believes it will facilitate the management of a prisoner in the prison or is necessary because of any emergency of any kind or if any of the circumstances described in reg 66(2A) apply..
Facilities for cells and self-care units	Corrections Regulations, reg 67	To ensure that all items specified in Schedule 3 that are provided for use in a cell or self-care unit in the prison are maintained in good working order.
Grooming	Corrections Regulations, reg 68	<p>To provide clothing or footwear to a prisoner on request by that prisoner, as long as the prison manager is satisfied that the request is reasonable (reg 68(2)).</p> <p>To require a prisoner who is not an accused prisoner to wear clothing or footwear provided by the prison (reg 68(3)).</p> <p>To require a prisoner (whether an accused prisoner or not) to wear clothing or footwear provided by the prison if the prisoner's own clothing or footwear is generally insufficient or unfit for use or insufficient or unfit for a specific activity or work in which the prisoner is engaged (reg 68(4)).</p>
Cleanliness	Corrections Regulations, reg 69	To ensure that the means to comply with reg 69(1) are available to every prisoner.
Physical appearance of prisoners detained in prison	Corrections Regulations, reg 70	<p>To approve a prisoner growing a beard or moustache after reception to a prison (reg 70(2)).</p> <p>To approve a prisoner retaining a beard or moustache the prisoner had on reception (reg 70(3)).</p>
Prison to have health centre	Corrections Regulations, reg 71	To approve a place within the prison (apart from the health centre) as suitable for conducting medical examinations.
Duties of medical officer	Corrections Regulations, reg 73	To receive notice from medical officers so that the provisions of the Misuse of Drugs Act 1975 are observed.
Medical officer may	Corrections Regulations,	To be consulted before, or if not possible notified after, a medical officer of a prison arranging additional medical assistance in an

Subject	Source of Power / Function	Summary of Power / Function
arrange for additional medical assistance	reg 75	emergency.
Medical officer may refer prisoner to health services provider	Corrections Regulations, reg 77	<p>To approve a treatment requested by a prisoner through a health service provider that not considered justified by a medical officer, where the prison manager is satisfied that the treatment can be obtained in a manner that meets the security requirements of the prison for the prisoner (reg 77(3)).</p> <p>To approve visitation and treatment from a health service provider in the case of an accused prisoner who, at the time of his or her reception to a prison, is undergoing urgent treatment by that health service provider (reg 77(5)).</p>
All prisoner mail to be directed through manager	Corrections Regulations, reg 82	To have all mail to and from a prisoner detained in a prison directed through the prison manager.
Writing materials and postage	Corrections Regulations, reg 83	To decide whether the prison will pay the postage of any mail sent by a prisoner in excess of the limit stated in reg 83(2) or (3).
Incoming telephone calls	Corrections Regulations, reg 85	To determine whether it is in the interests of the prisoner or some other person for a prisoner to receive any incoming telephone call.
Access to telephones generally	Corrections Regulations, reg 86	<p>To ensure that the types of prisoners listed in reg 86(1) have access to a telephone at all reasonable times for the purposes set out in reg 86(1)).</p> <p>To determine whether a prisoner may have reasonable access to a telephone at all reasonable times for the purpose of obtaining any type of legal advice or for any other purpose approved by the prison manager.</p>
Permission to visit or view prison	Corrections Regulations, reg 88	<p>To permit any person to visit or view the prison at any reasonable time (reg 88(1)).</p> <p>To impose conditions (if any) on that visit and to permit that person to communicate with any prisoner (reg 88(2)).</p>
Specified visitors approved by manager	Corrections Regulations, reg 91	<p>To approve a person as a specified visitor to a prison for the prescribed purposes set out in reg 91(1) (reg 91(1)).</p> <p>To impose reasonable conditions as the prison manager thinks fit on the approval of a person as a specified visitor and/or to limit the duration of that approval (reg 91(2)).</p>
Specified visitor approvals	Corrections Regulations, reg 93	<p>To make approvals under reg 91 or reg 92 in accordance with the requirements of reg 93(1) (reg 93(1)).</p> <p>To request the chief executive to suspend, vary or impose conditions attaching to an approval issued by the chief executive</p>

Subject	Source of Power / Function	Summary of Power / Function
		<p>or revoke any such approval (reg 93(2)).</p> <p>To suspend, vary or impose conditions attaching to an approval as a specified visitor to the prison issued by that manager or revoke any such approval (reg 93(3)).</p> <p>To notify the specified visitor in writing of any action taken under reg 93(3) (reg 93(5)).</p>
Specified visitors not to receive money, gratuities etc.	Corrections Regulations, reg 95	<p>To approve a specified visitor receiving a benefit, gift, gratuity, money or reward of any kind from or on behalf of a prisoner if reg 95(1) is complied with (reg 95(1)).</p> <p>To approve a specified visitor trading with a prisoner or entering into any arrangement with a prisoner that confers or is intended to confer a benefit of any kind on any person (reg 95(2)).</p>
Orders of inspectors	Corrections Regulations, reg 97	To receive a copy of the order issued by an inspector of corrections as a result of a visit to a prison.
Private visitors to be approved before visit	Corrections Regulations, reg 99	To approve a private visitor visiting a prisoner if the prison manager is satisfied that there are exceptional circumstances that justify the visit taking place.
Private visitors may be asked to give information	Corrections Regulations, reg 101	To request and receive the information set out in reg 101(1) from a private visitor in relation to an approval under reg 99(1)(b).
Manager to determine visiting times	Corrections Regulations, reg 104	<p>To determine the visiting times in each week when prisoners may receive private visitors (and those times may vary for prisoners of different classes), having regard to the need for visiting times to be on days and at times that allow for reasonable access to the prison and to reg 182 (reg 104(1)-(2)).</p> <p>To vary visiting times as the prison manager thinks fit (reg 104(3)).</p>
Visits to be within visiting times	Corrections Regulations, reg 105	To approve in advance a prisoner receiving a private visitor outside of visiting times, having regard to any travelling difficulties that a visitor may experience.
Visits by children under 16 years	Corrections Regulations, reg 106	<p>To allow private visitors under the age of 16 who are not accompanied to the prison by a parent, guardian or other adult if the prison manager is satisfied that there is good reason for the child to visit the prisoner unaccompanied by an adult and it is in the best interests of the child to be allowed to visit the prisoner (reg 106(1)).</p> <p>To ensure that the prison, as far as reasonable or practicable in the circumstances, has in place arrangements with approved adults who are specified visitors and are willing and available to accompany children who do not have a parent, guardian or other adult to accompany them when visiting the prisoner (reg 106(2)).</p>

Subject	Source of Power / Function	Summary of Power / Function
Enforcement officer may visit prison	Corrections Regulations, reg 107	To agree with an enforcement officer a time to visit a prisoner detained in a prison if the purpose of the visit is to undertake an interview of the prisoner.
Visits not to be recorded without necessary approvals	Corrections Regulations, reg 113	To approve a person (together with the approval of the prisoner and the visitor) recording, by a sound or visual recording, a visit to a prisoner detained in a prison.
Procedure if visitor excluded from prison	Corrections Regulations, reg 115	To receive notification from officers or staff members who exclude specified visitors from a prison under reg 101(3) or reg 114.
Prohibition orders	Corrections Regulations, reg 116	To prohibit certain persons from visiting prisoners in the circumstances specified in Schedule 4.
Conditions attached to use of physical hold	Corrections Regulations, reg 119	To approve a staff member of security officer using a physical hold on a prisoner before the action is taken.
Restrictions on carrying batons or pepper spray	Corrections Regulations, reg 121	To issue staff members of the prison batons or paper spray.
Issue and storage of batons or pepper spray	Corrections Regulations, reg 122	<p>To ensure that batons and pepper spray are securely stored at all times except when they have been issued to staff members (reg 122(1)).</p> <p>To direct the issuing of batons or pepper spray to staff members only if the prison manager reasonably believes that there is a serious threat to prison security or to the safety of any person and the use of batons or pepper spray (as the case may be) will reduce or eliminate the serious threat and other means of reducing or eliminating the serious threat have been, or are likely to be, ineffective (reg 122(2)).</p> <p>To promptly direct that batons and pepper spray be returned to storage once the serious threat no longer exists (reg 122(3)).</p>
Use of batons and pepper spray	Corrections Regulations, reg 123	To approve a staff member who has been issued with a baton or pepper spray drawing or using the baton or pepper spray.
Reporting use of mechanical restraint	Corrections Regulations, reg 127	<p>To receive a report regarding usage from a staff member who uses a mechanical restraint on a prisoner in any circumstances other than the use of handcuffs or a waist restraint used in conjunction with handcuffs while escorting a prisoner (whether inside or outside of a prison (reg 127(1)).</p> <p>To ensure that a written record of the report is made, signed and kept, that a copy of the report is forwarded promptly to the chief</p>

Subject	Source of Power / Function	Summary of Power / Function
		executive and to report on the use of the restraint on the prisoner to a Visiting Justice and (if applicable) to a monitor (reg 127(2)).
Reporting use of force or non-lethal weapon	Corrections Regulations, reg 128	To receive a report of a staff member or security officer who uses force or a non-lethal weapon on a prisoner in any circumstances (reg 128(1)). To ensure that a written record of any such report received by the prison manager is made, signed and kept and that a copy of the report is forwarded promptly to the chief executive (reg 128(2)).
Sample to be collected at reasonable time	Corrections Regulations, reg 131	To authorise a prisoner detained at the prison to provide a urine sample at any time, where the prison manager believes, on reasonable grounds, that the prisoner has committed an offence against s 129 or s 130 of the Act.
Privacy and supervision	Corrections Regulations, reg 134	To approve any number of additional officers to be present when a urine sample is to be provided (whether designated collection officers or not), if the prison manager believes on reasonable grounds, that they are needed for the proper supervision and management of the prisoner.
Urine sample collection kit	Corrections Regulations, reg 136	To designate an area for the purpose of urine sample collection.
Procedure if sample not provided correctly	Corrections Regulations, reg 138	To authorise an area for the purpose of supervising a prisoner who does not provide a urine sample immediately or who accidentally spills his/her sample.
Chain of evidence for a urine sample	Corrections Regulations, reg 140	To ensure that a urine sample collection kit containing a urine sample is delivered to a specified laboratory reasonably promptly after the procedure set out in reg 139 has been completed.
Certificate showing result of analysis	Corrections Regulations, reg 141	To receive a certificate showing the result of the urine sample analysis delivered to a specified laboratory under reg 140 from an analyst of that laboratory.
Copy of certificate containing result of sample analysis to be given to prisoner and others	Corrections Regulations, reg 142	To ensure that, on receipt of the certificate under reg 141, copies of the certificate are given to the relevant prisoner and, if the result is positive, to a medical officer for the purpose set out in reg 143(e) and that a copy is placed on the prisoner's prison record.
When hair samples may be taken	Corrections Regulations, reg 143B	To require a hair sample to be taken from a prisoner if the prison manager believes, on reasonable grounds, that a urine sample already provided by the prisoner is dilute, tainted or otherwise

Subject	Source of Power / Function	Summary of Power / Function
		<p>contaminated (reg 143B(b)).</p> <p>To require a hair sample to be taken from a prisoner if the prison manager believes, on reasonable grounds, that the prisoner has committed an offence against s 129(b) of the Corrections Act by refusing to provide a urine sample or failing, without reasonable excuse, to provide the urine sample when requested (reg 143B(c)).</p> <p>To require a hair sample to be taken from a prisoner if the prison manager believes, on reasonable grounds, that the prisoner has committed an offence against s 129(c) of the Corrections Act by tampering with a urine sample required to be provided (whether by that prisoner or any other prisoner) under s 124 of the Corrections Act (reg 143B(d)).</p>
Hair samples to be taken at reasonable times	Corrections Regulations, reg 143C	To authorise the taking of hair samples from a prisoner detained in prison at any time, if the prison manager believes, on reasonable grounds, that the prisoner has committed an offence against ss 129 or 130 of the Corrections Act.
Taking of hair samples	Corrections Regulations, reg 143F	To approve any number of additional officers to be present when hair sample are or are to be taken (whether designated collection officers or not) if the prison manager believes, on reasonable grounds, that they are needed for the proper supervision and management of the prisoner.
Hair sample collection kit	Corrections Regulations, reg 143G	To designate an area for the purpose of hair sample collection.
Chain of evidence for hair	Corrections Regulations, reg 143J	To ensure that a specimen bag containing hair samples is delivered to a specified laboratory reasonably promptly after the procedure set out in reg 143I has been completed.
Certificate showing result of analysis	Corrections Regulations, reg 143K	To receive a certificate showing the result of the analysis from an analyst of the laboratory that the hair samples were delivered to.
Copy of certificate containing result of sample analysis to be given to prisoner and others	Corrections Regulations, reg 143L	To ensure, on receipt of the certificate referred to in reg 143K, that copies are given to the prisoner from whom the hair samples were taken and if the result is positive, to a medical officer for the purpose set out in reg 143M(e) and that a copy is placed on the prisoner's prison record.
Requirements for random testing programmes	Corrections Regulations, reg 147	To certify if necessary, or authorise a staff member for the purpose of certifying, that the prisoner's selection for drug testing was not in accordance with a methodology specified in reg 148.

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Random selection methodology	Corrections Regulations, reg 148	To ensure that the name of a prisoner to be tested under a random testing programme is not disclosed to any prisoner (including the prisoner selected for testing) until the prisoner is required to produce a urine sample.
Record of drug and alcohol testing to be kept	Corrections Regulations, reg 149	<p>To enter, or authorise any other staff member to enter, in a record kept specially for the purpose, an note of any direction under s 124 of the Corrections Act to a prisoner to provide a urine sample or if reg 143B applies, hair samples and the result of the sample analysis and a note of any random testing programme that is operating, including a summary of the results of that programme (reg 149(1)).</p> <p>To send, on request, a copy of or an extract from, the record kept under this regulation to the chief executive (reg 149(2)).</p>
Manger to notify chief executive	Corrections Regulations, reg 154	To notify the chief executive in writing of any cell in the prison that may be used by a prisoner on whom a penalty of cell confinement is imposed.
Daily visits to prisoner under cell confinement	Corrections Regulations, reg 156	To visit, or authorise an officer to visit, at least once a day all prisoners confined under a penalty of cell confinement.
Cells used for cell confinement	Corrections Regulations, reg 157	To ensure that all items specified in Schedule 6 that are provided for use in a cell to which this regulation applies are maintained in good working order.
Information to be provided to persons under control or supervision	Corrections Regulations, reg 159	<p>To receive a complaint from a prisoner under control or supervision and to receive that prisoner's indication that he or she is dissatisfied with the outcome of the complaint.</p> <p>To ensure that a prisoner is given the required information under reg 159(1) .</p>
Complaints to manager of prison and controlling officer of community work centre or probation officer to be in writing	Corrections Regulations, reg 160	<p>To receive and process complaints from any person who is or was under control or supervision of the prison manager, provided that complaint is in writing (reg 160(a)).</p> <p>To take all reasonable steps to ensure that sufficient forms designed to enable any person to record a complaint are readily available (reg 160(b)).</p>
Complaint to be notified orally and in writing	Corrections Regulations, reg 162	To provide receipt in writing and, if practicable, orally of a complaint to the person who made the complaint and who is or was under the control or supervision of the prison manager.
Frivolous or vexatious	Corrections Regulations,	To refuse to investigate a complaint that the prison manager considers to be frivolous or vexatious and, if the prison manager

Subject	Source of Power / Function	Summary of Power / Function
complaints	reg 163	refuses to investigate, ensure that the person who made the complaint is promptly notified in writing and, if practicable, orally of that decision.
Complainants to be regularly informed of process	Corrections Regulations, reg 165	To ensure that a person who makes a complaint to the prison manager in accordance with reg 160 is provided with the opportunity for an interview in accordance with this regulation and is notified at required intervals about required matters in accordance with reg 165.
Complaints system at each prison, community work centre and probation office to be auditable	Corrections Regulations, reg 166	To establish an information system for recording complaints that is auditable and records the specific details set out in reg 166(b).
Procedure where inspector wishes to interview prisoners	Corrections Regulations, reg 167	<p>To receive notification by an inspector at least 48 hours in advance of that inspector's wish to visit a prison to interview prisoners (reg 167(1)).</p> <p>To ensure that the prisoners are given at least 24 hours' notice of the visit and to take all reasonable steps to facilitate interviews (e.g. by ensuring that interview rooms are available for interviews and that the prisoners are available to attend interviews) (reg 167(2)).</p>
Approval for daily visits from child	Corrections Regulations, reg 175	<p>To receive requests from female prisoners to whom this regulation applies for the child's caregiver to visit the prison daily to enable the child to feed and bond with his or her mother, until the day after the date on which the child is 24 months old (reg 175(2)).</p> <p>To reject or approve such requests provided that approval is made if the prison manager is satisfied that the continuation of daily contact between the mother and the child meets the requirements in reg 175(3) (reg 175(3)).</p> <p>To identify any care and protection issues in relation to the child's daily visits and to consult the chief executive of the department responsible for administering the Children, Young Persons and Their Families Act 1989 before making a decision under reg 175(3) (reg 175(4)).</p> <p>To end the child's daily visits to the prison if the prison manager considers that any of the requirements of reg 175(3) are not being met or the mother's responsibilities under the parenting agreement are not being met (reg 175(5)).</p>
Visiting times for young prisoners	Corrections Regulations, reg 182	To ensure that visiting times for young prisoners are as flexible as possible.
Prison to	Corrections	To ensure that the person nominated by a young prisoner under

Subject	Source of Power / Function	Summary of Power / Function
contact nominated persons	Regulations, reg 183	reg 183(2) (if the young person has appointed such a person) is informed, as soon as practicable, both orally and in writing of the prisoner's segregation or cell confinement and the reasons for the prisoner's segregation or cell confinement.
Visiting times for accused prisoners	Corrections Regulations, reg 187	To ensure that visiting times for accused prisoners are as flexible as possible.
Assistance with proceedings	Corrections Regulations, reg 193	<p>To ensure, as far as reasonably practicable in the circumstances, that a prisoner to whom reg 193(1) relates to, is provided with adequate facilities to prepare an appeal, application, defence, plea or preparation for any proceeding under the Immigration Act 2009, to the extent that this is consistent with the maintenance of safety and security requirements.</p> <p>To facilitate, as far as reasonably practicable in the circumstances, contact between the prisoner and any advisor or assistant (other than another prisoner) helping the prisoner to prepare an appeal, application, defence, plea or preparation for any proceeding under the Immigration Act 2009.</p>
Service of documents	Corrections Regulations, reg 194	To ensure that, if the prison manager is given documents to be served on a prisoner in connection with any proceedings, the documents are given to the prisoner as soon as is reasonably practicable and to ensure that the prisoner acknowledges in writing the time and date of receipt of those documents by the prisoner.
Conditions attaching to certain electronic equipment permitted to be kept in cells under Part B	Corrections Regulations, Schedule 1, Part C	To permit a prisoner to keep a personal computer in his or her cell, if satisfied that the requirements of clause 2 of Part C are met.
Other prisoner property	Corrections Regulations, Schedule 1, Part D	<p>To consider whether personal papers and personal correspondence in a particular quantity is considered reasonable under this Part.</p> <p>To consider whether hobby materials (other than tools) in a particular quantity is considered reasonable under this Part.</p> <p>To approve the keeping of other prisoner property in a prison cell by that prisoner.</p>
Grounds for prohibition	Corrections Regulations, Schedule 4	To prohibit a non-statutory visitor from visiting a particular prisoner, several prisoners or the prison if the prison officer is satisfied on reasonable grounds that a visit by the person to the prisoner, prisoners or prison is likely to adversely affect the matters in clause 1 of Schedule 4 (clause 1).
Contents of prohibition	Corrections Regulations,	To effect a prohibition order, in writing and signed by the prison manager, including the information required by clause 2 of

Subject	Source of Power / Function	Summary of Power / Function
orders	Schedule 4	Schedule 4 (clause 2).
Service of prohibition orders	Corrections Regulations, Schedule 4	To ensure that, reasonably promptly after it is signed by the prison manager, the order is given to, or sent by post to the last known address of, the prohibited visitor and, if it relates to a particular prisoner or several prisoners, a copy of the order is given to the prisoner(s) (clause 3).
Mechanical restraints	Corrections Regulations, Schedule 5	<p>To approve the use of a staff member's use of a mechanical restraint of a type specified in clause 3(f) to (j) by completing a form approved for the purpose by the chief executive before each occasion on which the restraint is to be used by a staff member (clause 5).</p> <p>To be informed of the use of a mechanical restraint of a type specified in clause 3(f) to (j) by a staff member if prior approval of the prison manager was not sought due to the circumstances requiring an immediate reaction (clause 6).</p>
Disciplinary proceedings – hearing adjudicators	Corrections Regulations, Schedule 7	To receive notice of the chief executive's revocation of his or her designation or approval at any time (clause 3).
Prisoner to be given other information	Corrections Regulations, Schedule 7	To receive an application from a prisoner to have another person (other than another prisoner or legal advisor) attend the hearing to be a support person for the prisoner (clause 8).
Assistance before hearing	Corrections Regulations, Schedule 7	<p>To ensure, if a prisoner detained in a prison is preparing his or her defence in respect of a disciplinary offence, that the prisoner is provided with paper and writing materials if the prisoner asks for those things (clause 19).</p> <p>To, as far as practicable in the circumstances, if a prisoner detained in a prison is preparing his/her defence in respect of a disciplinary offence, facilitate contact between the prisoner and any advisor or assistant helping the prisoner prepare the defence (other than another prisoner) (clause 19).</p>
Prisoner may have support person present at disciplinary hearing	Corrections Regulations, Schedule 7	To receive applications from a prisoner detained in a prison who is charged with a disciplinary offence, to have any person (other than another prisoner or the prisoner's legal advisor) attend the disciplinary hearing in respect of the offence to be a support person for the prisoner (clause 26).
Hearing of charge	Corrections Regulations, Schedule 7	To reasonably promptly, after the recording of any information required by clause 36 of Schedule 7, forward a copy of the information recorded to the chief executive, give the prisoner a copy of the findings and reasons and (if the prisoner is a service prisoner) notify the prisoner's commanding officer of the findings and reasons (clause 37).
Punishment	Corrections Regulations,	To receive advice from the police as to whether a prisoner will be charged with a criminal offence relating to an incident that gave

Subject	Source of Power / Function	Summary of Power / Function
	Schedule 7	<p>rise to the alleged disciplinary offence (clause 50).</p> <p>To receive notification from the police that the prisoner will or will not be charged with a criminal offence in relation to the incident that gave rise to the alleged disciplinary offence (clause 51).</p>

Appendix S: Protocol for the Appointment of Prison Manager

Protocol for the Appointment of Prison Manager

1. Introduction

Her Majesty, The Queen in Right of New Zealand acting by and through the Chief Executive of the Department of Corrections (the **Department**) and SecureFuture Wiri Limited (the **Contractor**) have entered into an agreement relating to the PPP at Wiri Prison Project on [] 2012 (the **Project Agreement**).

The purpose of this Protocol is to set out the process that the Chief Executive intends to undertake when approving the appointment or engagement of a prison manager (such approval being required under section 199(1)(c) of the Corrections Act 2004 (the **Act**)). The Contractor and the Department acknowledge that this will be a fluid process and agree that they will use reasonable endeavors to adhere to the process set out herein.

As SecureFuture use the title Prison Director in relation to an individual employed to manage a prison, this term is used throughout the Protocol in place of prison manager.

Process for the Appointment of the Prison Director

2. Position Description

The Position Description for the Prison Director is an Operative Document as set out in Schedule 5 (Operative Documents), and is agreed with the Department in accordance with Schedule 6 (Review Procedures).

3. Short listing of Candidates

At the time of short listing candidates for the role of Prison Director, the Contractor shall submit to the Chief Executive summary details on each of those candidates selected to proceed in the recruitment process.

The Chief Executive shall be free to comment on the shortlist, and such comments will be provided within a reasonable time period to enable them to be considered by the Contractor prior to selection of a preferred candidate.

4. Report identifying Preferred Candidate

The Contractor shall submit to the Chief Executive its recommendation for the appointment or engagement of a Prison Director supported by a report to include:

- (i) a biography of the preferred candidate;
- (ii) confirmation of how the preferred candidate fits the Position Description;
- (iii) details on the recruitment and selection procedures applied;
- (iv) relevant information relating to any pre-employment checks and tests undertaken, which may include:
 - a. conflicts of interest
 - b. referee checks
 - c. police vetting
 - d. criminal conviction checks
 - e. drug testing
 - f. proof of identity and right to work check
 - g. credit check

- h. any other tests undertaken, such as psychometric testing;
- (v) notes any areas for further development and training (such as an induction into the NZ corrections services environment).

Where the Contractor identifies through the recruitment process that there are several strong candidates, the Contractor may choose to put the details of a number of candidates before the Chief Executive. In this circumstance, a preferred candidate may not be identified. The report will be resubmitted at such time as the Contractor has identified a preferred candidate.

The Contractor shall provide the Chief Executive further information as the Chief Executive may reasonably require, giving due regard to timeframes, so that, where possible, such further information requests do not delay the appointment process unduly.

5. Opportunity to Meet and Interview the Preferred Candidate

The Contractor shall ensure that the preferred candidate is available to meet with and be interviewed by the Chief Executive and/or a panel to be convened by the Chief Executive. Where the recommendation report referred to in paragraph 3 did not identify a preferred candidate, the Contractor may nominate several candidates to be interviewed by the Chief Executive and/or the panel.

The Panel will be composed of individuals as the Chief Executive considers appropriate and may be drawn from within the Department and from other Government Entities and the justice sector.

The Panel will be asked to consider the Contractor's recommendation generally with a primary focus on the candidate's:

- (i) leadership;
- (ii) ability to form, maintain and manage relationships; and
- (iii) ability to integrate with the wider prison network and justice sector.

The Panel shall inform the Chief Executive of its findings.

The Chief Executive may provide the Contractor with feedback from the interview(s), particularly in the circumstance where more than one candidate is interviewed.

6. Chief Executive Decision

The Department shall advise the Contractor whether the appointment or engagement of the recommended candidate as Prison Director has been approved for the purposes of Section 199(1)(c) of the Act within 5 days of the date of the interview of the candidate as referred to in paragraph 5 above, or within 5 days of receiving the report referred to in paragraph 3 above where the Chief Executive chooses not to interview the candidate.

The Chief Executive may (but is not obliged to do so) provide the Contractor with reasons for his/her decision and any recommendations regarding the appointment and candidate.

Appendix T: Swap Pricing Protocol

Swap Pricing Protocol for after Financial Close

Introduction

- A. The Contractor and the Department have entered into the Project Agreement (each as defined below) which sets out, inter alia:
- (i) the Contractor's obligation to:
 - (A) design and construct the Works and the Facility for the Department; and
 - (B) provide the Operational Services; and
 - (ii) the Department's obligation to make payments to the Contractor in consideration of the Contractor undertaking the Project.
- B. The Department and the Contractor have agreed to set out in this Swap Pricing Protocol the procedures and principles that will apply to the setting of any swaps, after Financial Close.

It is agreed

Part 1 – Definitions and Interpretation

1. Definitions

In this Swap Pricing Protocol, unless the context otherwise requires, capitalised terms shall have the same meaning as given to them in the Project Agreement. In addition, the following terms have the following meanings:

Base Swap Rate means the rate determined pursuant to paragraph 7 (The Base Swap Rate);

Contractor means SecureFuture Wiri Limited;

Dealers' Swap Margins has the meaning given in paragraph 9 (The Dealers' Swap Margins (DSM));

Department means Her Majesty, The Queen in Right of New Zealand acting by and through the Chief Executive of the Department of Corrections;

Project means the PPP at Wiri Men's Prison Project, to be undertaken by the Contractor at the request of the Department in accordance with the Project Documents;

Project Agreement means the document entitled "Agreement relating to the PPP at Wiri Prison Project" to be entered into by the Contractor and the Department;

Senior Debt has the meaning given to it in the Senior Financing Agreements;

Structural Adjustments means the structural adjustments set out paragraph 8 (The Structural Adjustments (if applicable)); and

Swap Pricing Protocol means the swap pricing protocol set out in Part 2 (Swap Pricing Protocol).

2. Interpretation of Swap Pricing Protocol

In this Swap Pricing Protocol, unless the context otherwise requires:

- (a) a reference to a clause, a schedule, an annexure, or an appendix is a reference to a clause of, a Schedule, annexure, or appendix to this Swap Pricing Protocol;
- (b) a gender includes each other gender;
- (c) the singular includes the plural and vice versa;
- (d) a reference to a person includes a partnership and also a body of persons, whether corporate or unincorporated;
- (e) a reference to documentation includes:
 - (i) a reference to that document as varied, supplemented, novated or substituted from time to time; and
 - (ii) a reference to that documentation in any form, whether paper based or in electronic form encoded on or as part of any form of media;
- (f) a reference to materials means a reference to materials of any kind whether in the form of documentation, software, hardware, components or otherwise;
- (g) a reference to a person includes reference to its respective successors in title and permitted assigns;
- (h) any agreement not to do a thing also constitutes an agreement not to suffer or permit or cause that thing to be done;
- (i) any reference to a consent requires the prior written consent of the party required to give that consent;
- (j) whenever the words “includes” or “including” are used in this Swap Pricing Protocol, they are deemed to be followed by the words “without limitation”;
- (k) a reference to any legislation includes a modification of that legislation or legislation enacted in substitution for that legislation and a regulation, order-in-council and other instrument from time to time issued or made under that legislation;
- (l) headings and the table of contents are included for the purpose of ease of reference only and are not to have any effect on construction and interpretation;
- (m) the “Introduction” forms part of this Swap Pricing Protocol;
- (n) a reference to days, other than Business Days, is a reference to any calendar day of the year;
- (o) a reference to currency is a reference to New Zealand currency;
- (p) if an obligation falls to be performed or a right is to be exercised on or by a day that is not a Business Day then, unless otherwise specified, that obligation is due to be performed or that right may be exercised on the Business Day next following that day;

- (q) none of the terms nor any of the parts of this Swap Pricing Protocol are to be construed against a party, by reason of the fact that that term or that part was first proposed or was drafted by that party; and
- (r) a party who has an obligation is to perform that obligation at its own cost, unless a term of this Swap Pricing Protocol expressly provides otherwise.

Part 2 – Swap Pricing Protocol

3. Amendments to Swap Pricing Protocol to reflect Market Practice

- (a) This Swap Pricing Protocol has been prepared at or before Financial Close and includes references, extrapolation, adjustments, and other items that were determined based on market practice and conditions at that time.
- (b) Following Financial Close, and from time to time, the relevant Hedge Counterparties and Contractor will determine the contents of this Swap Pricing Protocol so as to reflect their understanding of market practice, conventions and conditions prevailing from time to time. Such changes to the Swap Pricing Protocol will be subject to the prior written consent of the Contractor and Department (which may not, in each case, be unreasonably withheld).
- (c) Changes to this Swap Pricing Protocol may include (but not be limited to) changes in the reference rates and sources, extrapolation of reference rates, definitional differences and application of Structural Adjustments (including variability in the terms of their applicability) together with funding differences between non collateralised (Borrower) and collateralised (inter-bank market reference) counterparties.

4. Swap Schedule

Where the Contractor enters into a Permitted Hedging transaction, the interest rate hedging is to be undertaken with the Hedge Counterparties by the execution of various hedging agreements.

Set out below are the commercial terms and conditions upon which each Hedge Counterparty will enter those hedging agreements with the Contractor.

Notional Amount:	To comply with Project Agreement requirements.
Effective Date:	Date of the Permitted Hedging transaction.
Maturity Date:	As selected by the Contractor in accordance with clause 55 of the Project Agreement.
Fixed Rate Payer:	Contractor.
Fixed Rate Payer Payment Dates:	As per the then-applicable Senior Financing Agreements.
Fixed Rate:	According to paragraph 6 of this Swap Pricing Protocol.

Fixed Rate Payment:	Fixed Rate as applied to the relevant notional amount for the relevant period.
Fixed Rate Day Count Fraction:	ACT/365 Fixed.
Floating Rate Payer:	Hedge Counterparty.
Floating Rate Payer Payment Dates:	Same as Fixed Rate Payer Payment Dates.
Floating Rate Option:	New Zealand Bank Bill Rate (Bid rate) as displayed at or about 10:45am on the beginning of each calculation period based on Reuters page "BKBM".
Floating Rate Payment	Floating Rate as applied to the relevant notional amount for the relevant period.
Designated Maturity:	As selected by the Contractor in accordance with clause 55 of the Project Agreement.
Spread:	None.
Floating Rate Day Fraction Count:	ACT/365 Fixed.
Business Days:	Auckland and Wellington.
Business Days Convention:	Following.
Ranking	Ranking pari passu with Senior Debt at all times both pre and post enforcement, with Hedge Counterparties to share rateably with other senior creditors in allocations of proceeds.
Security, Voting, Amendments, Set-off, Pro-rata Cancellation of Swaps	As set out in the Security Trust and Intercreditor Deed as in force from time to time between the Contractor, the Hedge Counterparties, senior creditors and others.
Calculation Agent:	Hedge Counterparty.

5. Details to be agreed

Where it is indicated in this Swap Pricing Protocol that certain details are to be agreed in accordance with paragraph 5 of this Swap Pricing Protocol, the Department and the Contractor agree that such details will be agreed at the time of the relevant Refinancing with both parties acting reasonably (taking into account reasonable market practice at the time of the relevant transaction) and in accordance with the permitted hedging parameters set out in clause 55 of the Project Agreement.

For the avoidance of doubt, agreement of the applicable Dealers' Swap Margins will be a matter exclusively as between SecureFuture and the Hedge Counterparties and this Clause 5 shall not apply in respect of Dealers' Swap Margins.

6. Pricing Mechanism

This Swap Pricing Protocol is designed to facilitate the transparent pricing of the swap rate to apply to the required interest rate swap transaction(s) (the **Swap Rate**). The final Swap Rate payable by the Contractor will be equal to the sum of its component parts, which are:

- (a) the Base Swap Rate;
- (b) the Structural Adjustments; and
- (c) the Dealers' Swap Margins.

7. The Base Swap Rate

The Hedge Counterparties will determine the Base Swap Rate by using the following independently derived inputs:

- (a) The yield curve will be constructed on the following basis:
 - (i) The following market sources will be referenced for construction of the yield curve out to 1 year: Overnight cash (Reuters page NZCASH=RBNZ); Bank Bills (Reuters page FISBBILL); and the average of the bid and offer price of a number of bank bill futures contracts (where the Hedge Counterparties make a commercially reasonable determination of the number required), based on prevailing market conditions and liquidity of the first bank bill futures contracts (Reuters code NBB);
 - (ii) The swap reference rates will be the most recently published swap receive (offer) rates as published on Reuters page FISSWAP. This page is an interbank broker reference page, and illustrates current indicative market swap rates for tenors up to and including 20 years. Notwithstanding these reference rates, the Hedge Counterparties can use the mid of swap reference rates for individual tenors up to and around the Effective Date of the relevant hedge(s).
- (b) The determination of swap reference rates for longer tenors will be based on the average of:
 - (i) the spread between the 10 year and 15 year swap offer rates from the FISSWAP swap yield curve; and
 - (ii) the spread between the 15 year and 20 year swap offer rates from the FISSWAP swap yield curve,(the **Average Spread**).
- (c) The Hedge Counterparty may need to apply an adjustment (taking into account reasonable market practice at the time of the relevant transaction and/or where required to do so for regulatory purposes) to account for the difference in basis between the contemplated hedge(s) and the basis on which the swap reference rates are quoted on the basis they are collateralised whereas the contemplated hedge(s) with the Borrower are not collateralised.
- (d) The 25 year swap reference rate will be determined as per the following. The 25 year swap reference rate will be the higher of the following:
 - (i) the 15 year swap offer reference rate plus 15 basis points; and

- (ii) the 20 year swap offer reference rate added to 75% of the Average Spread.
- (e) The 30 year swap reference rate will be determined as per the following. The 30 year swap reference rate will be the higher of the following:
 - (i) the 25 year swap reference rate (based on 3 above) plus 7.5 basis points; and
 - (ii) the 25 year swap reference rate added to 75% of the Average Spread.
- (f) In circumstances where the Hedge Counterparties reasonably determine that, in light of the particular debt instrument (or type of debt instrument) in connection with which swaps are being set, Reuters page FISSWAP is an inappropriate basis for determining the Base Swap Rate, the Hedge Counterparties will determine the Base Swap Rate by using standard market conventions (as they apply to that debt instrument (or type of debt instrument)) on a basis acceptable to the Contractor and the Department (each acting reasonably).

8. The Structural Adjustments (if applicable)

Structural Adjustments refer to charges that will need to be added to the Base Swap Rate to compensate the Hedge Counterparties for any swap structures that do not conform to inter-bank market conventions. The following Structural Adjustments will apply to the transactions covered by this protocol.

(a) **BKBM Bid versus BKBM FRA Floating Rate Indicator**

The market standard Floating Rate Indicator for interest rate swaps is BKBM FRA, in some situations the loan under the Senior Financing Agreements is based off BKBM Bid, currently being 5 points higher than BKBM FRA (a definitional difference). If the Contractor requires the interest rate hedge to be transacted with the floating rate indicator being BKBM Bid the Hedge Counterparties will make an adjustment for this. This adjustment will be reflected in the fixed rate on the interest rate swap.

(b) **Rate Set Illiquidity (Month End and Mid Month rate sets)**

Reflecting the illiquidity or oversupply of securities in the bank bill market at various times of the month, a margin will be applied to compensate the Hedge Counterparty for any costs associated with this oversupply effect. Currently the affected dates for this illiquidity or oversupply effect are the 15th day of each month and the last three Business Days of a month (adjusted accordingly for the Business Day Convention). Where floating rate reset dates occur on affected dates, the margin will be based on prevailing market conditions as determined by the Hedge Counterparties (acting reasonably).

(c) **Additional adjustments under paragraph 14(e).**

9. The Dealers' Swap Margins (DSM)

The Dealers' Swap Margins are calculated to cover the risks to which the Hedge Counterparties will be exposed plus a number of other determinable factors, which will affect the final margin over the aggregate of the Base Swap Rate and the Structural Adjustments.

The Dealers' Swap Margins are as set out below. Once the Dealers' Swap Margins are agreed between the Contractor and the Hedge Counterparties, the Contractor will as soon

as practicable notify them to Department.

(a) **Liquidity & Execution Risk Margin**

This margin is required to cover the risk of price movement inherent in hedging the required volume of swaps. The Liquidity & Execution Risk Margin will be included in the total Dealers' Swap Margin.

(b) **Credit Margin**

A Credit Margin will be levied to cover the credit and capital costs of the swaps. The Credit Margin will be included in the total Dealers' Swap Margin.

10. Preparation and dry runs

If requested by the Department, the Contractor will arrange for its representatives, and the representatives of any other parties to the Project Documents who will be involved in implementing the steps set out in this Swap Pricing Protocol, to meet the Department's representatives to carry out the steps set out in this Swap Pricing Protocol at such times, and on such number of occasions, as may be reasonably requested by the Department to facilitate the effective and efficient implementation of these steps at the time of any Permitted Hedging.

11. Department observation and information

The Contractor must procure that the Department is permitted to observe the execution of any Permitted Hedging, and is provided with such information as it may reasonably require, concerning the Contractor and other relevant parties undertaking and complying with this Swap Pricing Protocol.

12. Setting of fixed interest rates

The Department and the Contractor, each acting reasonably, are to notify the other if and when it is satisfied that this Swap Pricing Protocol has been complied with and that the Swap Rate is able to be duly set in accordance with paragraph 6 above.

13. Inability to set fixed interest rates

Where, in connection with a Permitted Hedging, the fixed interest rates cannot be set in accordance with this Swap Pricing Protocol:

- (a) the Department will (from and including the first date on which the fixed interest rates cannot be set) meet the Contractor's floating or variable base interest rate liability (excluding margin) under the Senior Financing Documents in accordance with Schedule 17 (Payment Mechanism) of the Project Agreement until but excluding the day on which such fixed interest rates are set in accordance with this Swap Pricing Protocol; and
- (b) the parties will use all reasonable endeavours to set the relevant fixed rates in accordance with this Swap Pricing Protocol (including by undertaking a reasonable number of attempts to set the fixed interest rates within the ten business days following the initial inability to set rates).

14. Other Terms and Conditions

- (a) The Hedge Counterparties have the right to vary the specification of the Base Swap Rate where the Hedge Counterparties believe that the alternative specification provides a superior specification of market rates and the Contractor consents to the alternative specification (acting reasonably). On request, the Hedge Counterparties will provide supporting evidence of any superior specification.
- (b) If the Base Swap Rate published on Reuters page FISSWAP is unavailable on the relevant date the Hedge Counterparties and the Contractor will agree (acting reasonably) an alternative market standard independently published page to determine the Base Swap Rate.
- (c) Subject to paragraphs 14(d) and (e) below, Hedge Counterparties must consider the market to be liquid and free of market disruption at the time the Contractor requests to enter into the interest rate swaps. Illiquidity and free of market disruption, as determined solely by the Hedge Counterparties (acting reasonably), may be caused by factors including, but not limited to, dealing towards the end of day, at or after close of day and dealing at the time of release of market significant information. All references to time are to New Zealand Standard Time/Daylight Saving Time.
- (d) If the Contractor intends to give instructions to the Hedge Counterparties to effect any part of the hedge(s) in an illiquid market or during a period of market disruption, the Hedge Counterparties are to be given a notice of intention (**Notice of Intention to Deal**) to deal as soon as possible.
- (e) If a Notice of Intention to Deal is received at the time of any illiquid market periods or during a period of market disruption, an additional adjustment will be added by the Hedge Counterparties to cover the inclusion of illiquid market periods or market disruption based on prevailing market conditions. If a Notice of Intention to Deal is received during any illiquid or market disruption period, the Hedge Counterparties (acting reasonably) will notify the Contractor of the existence of such illiquidity or market disruption and indicate to the Contractor the illiquidity premium, based on prevailing market conditions. The Hedge Counterparties reserve the right not to enter into interest rate swaps after market hours or during illiquid or market disruption periods. For the avoidance of doubt, the Contractor reserves the right not to deal during illiquid or market disruption periods, notwithstanding that it has provided the Hedge Counterparties with a Notice of Intention to Deal.
- (f) In all cases, pricing will be confirmed on recorded lines at the time of dealing.
- (g) The Contractor will endeavour to provide the Hedge Counterparties with reasonable notice (but not less than 24 hours) prior to implementing any part of the hedge(s). The Hedge Counterparties are to be kept fully informed, on a timely basis, with respect to developments relating to the dealing intentions of the Contractor.
- (h) The Hedge Counterparties undertake that they will not enter into the interest rate market with the purpose of operating against the interests of the Contractor or any New Zealand government entity and that the interest rate swaps will be entered into in accordance with the relevant laws and, where applicable, internal compliance procedures. For the avoidance of doubt, this does not prevent trading in the ordinary course of business by the Hedge Counterparties.
- (i) The Contractor, in its capacity as market participant and or proprietary trader, and with the benefit of privileged information, undertakes that it will not enter into the interest rate market to operate against the interests of the Hedge Counterparties until the hedge or hedges have been completed. To this end, the Hedge Counterparties will advise when the hedge has been completed. For the avoidance of doubt, this does not prevent trading in the ordinary course of business by the advisors to the

Contractor provided those activities are undertaken and directed by persons who do not have, and do not have access to, any information in relation to the transactions contemplated by this Swap Pricing Protocol which is not generally known in the relevant financial markets.

- (j) The Contractor and the advisers to the Contractor will undertake to not release any information (including to any employee of the Contractor or the advisers to the Contractor not involved in the transaction) that could be used to operate against the interests of the Hedge Counterparties until the hedge or hedges have been completed.
- (k) Execution of interest rate swaps will only be facilitated on request by an authorised dealing representative of the Contractor and subject to the satisfactory completion of appropriate ISDA interest rate swap documentation.

Appendix U: Department Site restrictions and easements



View Instrument Details

Instrument No. 8592060.2
Status Registered
Date & Time Lodged 29 Oct 2010 11:20
Lodged By Hurley, Donna-Marie
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers **Land District**
368904 North Auckland

Annexure Schedule: Contains 6 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Caveator under Caveat D546143.18 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒

Signature

Signed by Duncan James Simpson Laing as Grantor Representative on 29/10/2010 10:54 AM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Duncan James Simpson Laing as Grantee Representative on 29/10/2010 11:15 AM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

HER MAJESTY THE QUEEN for Justice Purposes pursuant to section 48 of the Public Works Act 1981

Grantee

MANUKAU WATER LIMITED

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to convey wastewater	A1B, I, ASC, AQC, AMC on Deposited Plan 391946	Lot 1 Deposited Plan 391946 (CFR 368904)	In gross

Form B - continued**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby [*varied*] [~~negatived~~] [~~added to~~] [~~substituted~~] by:

~~[Memorandum number #9=memorandum no. (in figures) (if there is no number just leave a blank space)#, registered under section 155A of the Land Transfer Act 1952]~~

[the provisions set out in the Annexure Schedule]

Covenant provisions

Delete phrases in [] and insert Memorandum number as required; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number #10=memorandum no. (in figures) (if there is no number just leave a blank space)#, registered under section 155A of the Land Transfer Act 1952]~~

[the Annexure Schedule]

Form L

Annexure Schedule

Page

of

Pages

Insert instrument type

Easement Instrument to grant easement or profit a prendre, or create land covenant

Continue in additional Annexure Schedule, if required

Right to Drain Wastewater

The right to drain wastewater over the easement facility in terms of Schedule 4 of the Land Transfer Regulations 2002 (**Regulation Schedule**), is varied by the following provisions:

1. All the references to "sewage" in the Regulation Schedule are to be read as references to "wastewater". In particular:
 - (a) Clause 1, subclause (e) of the definition of "easement facility";
 - (b) Clause 2(c); and
 - (c) Clause 5.
2. Clause 1 of the Regulation Schedule is varied by adding, in subclause (e) of the definition of "easement facility" after the words "replacement or substitution", the following words:

"either of the same or different dimensions or materials whether at the same or different positions within the stipulated course or stipulated area and, at the option of the Grantee, may include pumping stations, metering and flow control devices of all types, telemetry and associated transmission and receiving equipment together with the right to convey electricity, telecommunication and computer media, for the purposes of such monitoring and telemetry equipment only."
3. Clause 1 of the Regulation Schedule is varied by adding the following definitions:

Authority means any local or territorial authority, or any other body having jurisdiction over the servient land or the easement facility;

Prison Manager means the prison manager for the time being of the Auckland Region Women's Correction Facility (or any other prison located on the servient land) and includes any person acting in that capacity.
4. Without derogating from clause 10(2) of the Regulation Schedule:
 - (a) The Grantor must not build, construct, erect or place any building or structure, including any gate or fence, nor undertake any work, including the creation of carparking or landscaping nor deposit any fill on the easement facility, except as designed, constructed or performed to the satisfaction of the Grantee;
 - (b) Except for vehicular driveway and crossings to the extent necessary only for the access to and exit from adjoining properties, constructed of materials and to dimensions and specifications first approved by the

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Annexure Schedule

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Insert instrument type

Easement Instrument to grant easement or profit a prendre, or create land covenant

	<p>Grantee, the Grantor must not pave, seal or plant or grow any trees, shrubs or flowers within the easement facility but must at all times ensure that the easement facility is grassed and maintained in a neat and tidy condition;</p> <p>(c) The Grantor must not grant any easement or any other right over the stipulated course or stipulated area without the prior written consent of the Grantee which the Grantee may refuse where, acting reasonably, it believes that the granting of such easement or other right may interfere with the rights granted pursuant to this instrument, or may grant consent on such conditions as it may reasonably require including as to the depth and location of any pipes, cables for electricity, gas and communication to be laid on in or through the stipulated course or stipulated area.</p>
5.	The words "dominant land or the" are omitted from clause 10(3) of the Regulation Schedule.
6.	<p>Clause 11 of the Regulation Schedule is deleted and replaced by the following clause:</p> <p><i>"Subject to clause 15, the Grantee is responsible for arranging the repair and maintenance of the easement facility, and for the associated costs, so as to keep the facility in good order and to prevent it from becoming a danger or nuisance."</i></p>
7.	Clause 12(1) of the Regulation Schedule is varied by adding "Subject to clause 15" at the start of the clause.
8.	<p>Clauses 12(5) and 12(6) of the Regulation Schedule are deleted and replaced with the following clause:</p> <p><i>"For the purpose of restoring the surface of the servient land after performing works on or in the easement facility, the Grantee will be required only to restore the surface soil and grass and restore any approved vehicle driveways and crossings to the same standard that existed prior to any such works."</i></p>
9.	<p>The following new clause 15 is added to the Regulation Schedule:</p> <p>15 Prison Manager's Consent</p> <p>(1) <i>The Grantee, whether with or without equipment must not enter the servient land without the prior consent of the Prison Manager in respect of such entry.</i></p> <p>(2) <i>The Grantee acknowledges that the servient land is located within a working prison and that the Prison Manager will have the discretion to impose such reasonable conditions on the Grantee's ability to enter the servient land to carry out works under this instrument as the Prison Manager thinks necessary or appropriate to the operational requirements of the prison.</i></p>

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Annexure Schedule

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*Insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant**

- (3) *The Grantee may make representations to the Prison Manager regarding:*
- (a) *the times entry to the servient land is required for investigative work and any subsequent construction or maintenance activity insofar as these works and activities can be planned for and scheduled ahead of their taking place; and*
 - (b) *the Grantee's notice requirements to enter to the servient land if the Grantee needs to urgently carry out emergency remedial works to the easement facility.*
- (4) *The Grantee acknowledges that the Prison Manager at his/her discretion may upon the giving of either oral or written notice, vary any written consent to entry given under the provisions of clause 15(1) should the Prison Manager deem this to be necessary or appropriate to the operational requirements of the prison.*
- (5) *The Grantee will at all times comply with all regulations, statutes, ordinances, bylaws or other enactments affecting or relating to its use of the servient land and with all requirements which may be given by any Authority and will keep the Grantor indemnified in respect of any non-compliance by the Grantee.*
- (6) *The Grantee will at all times when exercising its rights under this instrument comply with the Grantor's safety, security, and access protocols and practices and with all conditions and procedures that the Prison Manager may from time to time require under this clause.*

10. The following new clause 16 is added to the Regulation Schedule:

16 Prison Manager's Powers

- (1) *If in the reasonable opinion of the Prison Manager, the Grantee has either compromised the operational requirements of the prison by:*
- (a) *breaching the conditions of any consent to entry given under clause 15(1); or*
 - (b) *failing to comply with any condition or procedure advised by the Prison Manager in relation to the conduct of works carried out on the servient land;*

then the General Manager will immediately notify the Grantee of the nature of the breach (in the case of 16(1)(a) above) or failure to comply (in the case of 16(1)(b) above) and of the time (which must be reasonable) by which the Grantee must remedy the breach.

- (2) *If the Grantee fails to remedy the breach or comply with the relevant*

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Annexure Schedule

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insert instrument type

Easement Instrument to grant easement or profit a prendre, or create land covenant

condition or procedure within the time specified in clause 16(1) (time being of the essence), the Grantor may undertake whatever action is required to remedy the breach, or comply with the relevant condition or procedure, and all costs and expenses directly or indirectly associated with doing so (including GST and reasonable legal fees on a solicitor and own client basis) will be recoverable from the Grantee.

- (3) *The Grantee acknowledges that in the event the prison ceases to have a Prison Manager, the Prison Manager's powers under this instrument may be exercised by the Grantor or such of its agents, employees or servants to whom a written delegation in this regard is made.*



View Instrument Details

Instrument No. 8975119.1
Status Registered
Date & Time Lodged 29 Mar 2012 18:15
Lodged By Brown, Peter Dennis
Instrument Type Easement Instrument

**Toitu te
Land whenua
Information**
New Zealand



Affected Computer Registers	Land District
41871	North Auckland
575590	North Auckland

Annexure Schedule: Contains 2 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Carolyn Jayne Hintz as Grantor Representative on 21/03/2012 07:34 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Peter Dennis Brown as Grantee Representative on 22/03/2012 05:30 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Land registration district

North Auckland

Grantor

Her Majesty the Queen for Justice Purposes

Grantee

Investment Property Holdings LP

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A

Continue in additional Annexure Schedule, if required

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference) Plan	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Covenant	All	575590	41871

Form B - continued

Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**Covenant provisions**

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

Annexure Schedule

Annexure Schedule

1. In consideration of the Grantee having agreed to the use of the Servient Tenement for certain activities, the Grantor, for itself, its successors in title to the Servient Tenement, any occupier from time to time of the Servient Tenement, and any persons claiming through the Grantor or its successors in title, hereby covenants and agrees with the Grantee, its successors in title to the Dominant Tenement, any occupier from time to time of the Dominant Tenement, and any persons claiming through the Grantee or its successors in title, to observe and perform the stipulations and restrictions contained in this Annexure to the end and intent that each of the stipulations and restrictions shall, in the manner and to the extent prescribed, inure for the benefit of, and be appurtenant to, the whole of the Dominant Tenement and every part thereof for so long as the Servient Tenement or any part thereof is used for Activities with a Residential Component.
2. An Activity with a Residential Component means an activity involving people being resident on the Servient Tenement. It includes activities where such residence is of a temporary nature including for example a prison or hospital.
3. Neither the Grantor, its successors in title to the Servient Tenement, any occupier from time to time of the Servient Tenement, nor any person claiming through the Grantor or its successors in title, shall directly or indirectly make any complaint, objection or submission to the Auckland Council or any other territorial or other authority having jurisdiction about any effects (for example, but not limited to, odour, noise, lighting or heavy vehicle access) arising from the use of the Dominant Tenement for any activities which are permitted under the Resource Management Act 1991 (or any enactment amending or in substitution for that Act) or which are authorised by way of resource consent. However, the Grantor, its successors in title to the Servient Tenement, any occupier from time to time of the Servient Tenement, and any persons claiming through the Grantor or its successors in title, may make submissions (including a submission in opposition) on any resource consent application relating to any use of the Dominant Tenement.

Approved by Registrar-General of Land under No. 2002/1026

Transfer instrument
Section 90, Land Transfer Act 1952



E 6984000.1 Grant of E

Cpy - 01/03, Pgs - 011, 10/08/06, 09:14



DocID: 312802196

Land registration district

NORTH AUCKLAND

Unique identifier(s)
or C/T(s)

All/part

Area/description of part or stratum

207976

All

Transferor

Surname(s) must be underlined or in CAPITALS.

HER MAJESTY THE QUEEN *for Justice Purposes* **AC.**

Transferee

Surname(s) must be underlined or in CAPITALS.

VECTOR LIMITED

Estate or interest to be transferred, or easement(s) or profit(s) à prendre to be created
State if fencing covenant imposed.

Electricity Easement in gross for electricity supply purposes over areas "C" and "D" on DP 351729 and areas "G" and "H" on DP 352125 and for cable access and supply purposes over

Operative clause areas "A" and "B" on DP 351729 and area "F" on DP 352125
(continued on Annexure Schedule) subject to the rights of the caveater in Caveats 546143.17 and

The Transferor transfers to the Transferee the above estate or interest in the land in the above certificate(s) of title or computer register(s) and, if an easement or profit à prendre is described above, that easement or profit à prendre is granted or created. **546143.18 AC.**

Dated this *30th* day of *November* 2005

Attestation (If the transferee or grantee is to execute this transfer, include the attestation in an Annexure Schedule).

For and on behalf of Her Majesty the Queen
and acting pursuant to delegated authority
from the Chief Executive of Land
Information New Zealand pursuant to
Section 41 of the State Sector Act 1988

STEPHEN ROBERT GILBERT

Signature and Name of Authorised Officer

Signature [common seal] of
Transferor

Signed in my presence by the Transferor

Barbara Nelson
Signature of witness

Witness to complete in BLOCK letters (unless legibly printed)

Witness name **BARBARA NELSON**

Occupation **CUSTOMER SERVICE REP**

Address **4- LINZ CHRISTCHURCH**

Certified correct for the purposes of the Land Transfer Act 1952.

[Signature]
[Solicitor for] the Transferee

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc



Transfer

Dated

30/4/2005

Page

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Pages

(Continue in additional Annexure Schedule, if required.)

Continuation of "Estate or Interest or Easement to be created"

1. DEFINITIONS AND INTERPRETATION

In this memorandum unless the context otherwise requires:

- (a) **"Building"** means the building or other improvements situated on the Land.
- (b) **"Equipment"** includes the Substations and all pipes, ducting, cables (including fibre optic cables) and conducting media, transformers and all other equipment which is situated on, over or under the Permitted Area or which the Transferee requires to place on, over or under the Permitted Area.
- (c) **"Land"** is the land comprised and described in certificate of title 207976 (North Auckland Registry).
- (d) **"Permitted Area"** means those parts of the Land marked "A", "B", "C", "D", "F", "G" and "H" on the Plans.
- (e) **"Permitted Use"** is for the transmission and conducting of electric current or for any other purpose reasonably required by the Transferee for the purposes of its business.
- (f) **"Plans"** are deposited plans 352125 and 351729.
- (g) **"Rights"** are the full, free, uninterrupted and unrestricted ability and licence at all times to go on, over and under the Land to enter the Permitted Area with or without vehicles, tools or machinery to:
 - (i) undertake Works; and
 - (ii) use the Equipment.
- (h) **"Substations"** are the distribution substations and/or switching station equipment and accommodation installed or to be installed on those parts of the Permitted Area marked "C", "D", "G" and "H".
- (i) **"Transferee's Accommodation"** includes the foundation, floor, walls or enclosure, canopy, ceiling, lighting, plug socket outlets, cable ducts, access doors or other provision for entry and exit of the Substations situated on those parts of the Permitted Area marked "D" and "H".
- (j) **"Transferor's Accommodation"** include the foundation, floor, walls or enclosure, canopy, ceiling, lighting, plus socket outlets, cable ducts, access doors or other provision for entry and exit of the Substations situated on those parts of the Permitted Area marked "C" and "G".

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Signature]

[Signature]

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc



Transfer

Dated

30/11/2005

Page **2** of **5** Pages

(Continue in additional Annexure Schedule, if required.)

- (k) **"Works"** means constructing, laying, equipping, maintaining, inspecting, repairing, altering, renewing, replacing (with or without something substantially similar), upgrading, adding to, removing and operating the Equipment or any other works including but not limited to excavating trenches in which the Equipment will be placed, required to be undertaken by the Transferee in order that it may use the Permitted Area for the Permitted Use.
- (l) **"General Manager"** means the General Manager of the Manukau Women's Prison.
- (m) headings are included for convenience only and do not affect the interpretation of this memorandum.
- (n) words importing the singular shall include the plural, the masculine gender shall include the feminine and persons shall include companies and vice versa.
- (o) reference to the Transferee and Transferor is deemed to be a reference also to the Transferee's and Transferor's employees, workmen, engineers and agents.
- (p) reference to legislation includes reference to all legislation amending or replacing that legislation or to any legislation passed pursuant to that legislation.
- (q) references to the parties includes reference to the parties' successors in title and assigns.

2. GRANT

The Transferor grants and the Transferee accepts the grant of this easement in gross to use the Permitted Area for the Permitted Use together with the right to exercise the Rights for all time on the basis that no power is implied for the Transferor to determine this easement in gross for any breach of its provisions (expressed or implied) or for any other cause the intention being that this easement in gross shall subsist until surrendered.

3. GENERAL MANAGER'S CONSENT

- 3.1 The Transferee whether by itself or its engineers, surveyors, workmen, agents, employees, servants, contractors or its invitees and whether with or without equipment shall not enter the Permitted Area without the prior consent of the General Manager first had and obtained in respect of such entry.
- 3.2 The Transferee acknowledges that the Permitted Area is included within the prison and that the General Manager shall have the discretion to impose such conditions on Transferee entry to the Permitted Area as the General Manager thinks necessary or ancillary to the operational integrity of the prison.
- 3.3 The Transferee shall make representations to the General Manager as to:

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule

Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

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(Continue in additional Annexure Schedule, if required.)

- (a) the times entry to the land is required for investigative work and any subsequent construction or maintenance activity insofar as these works and activities can be planned for and scheduled ahead of their taking place;
- (b) the Transferee's notice proposals to enter the land should any Transferee emergency concerning the Equipment arise or should entry other than that envisaged under clause 3.1 above prove necessary.
- 3.4 The Transferee acknowledges that the General Manager at his/her discretion may upon the giving of either oral or written notice vary any written consent to entry given under the provisions of clause 3.1 should the General Manager deem this to be necessary or ancillary to the operational integrity of the prison.
- 3.5 That the Transferee shall comply with such conditions and procedures as the General Manager may from time to time prescribe in respect of representations made under clause 3.4.
- 4. GENERAL MANAGER'S POWERS**
- 4.1 If in the reasonable opinion of the General Manager the Transferee has either compromised the operational integrity of the prison by:
- (a) breaching the conditions of any consent to entry given under clause 3; or
- (b) failing to comply with any condition or procedure advised by the General Manager in relation to the conduct of work carried out on the Permitted Area by the Transferee,
- then the General Manager will immediately notify the Transferee of the nature of the breach (in the case of (a) above) or failure to comply (in the case of (b) above) and of the time (which must be reasonable) by which the Transferee must remedy the breach.
- 4.2 The Grantee acknowledges that in the event the prison ceases to have a General Manager the General Manager's powers under this easement may be exercised by the Grantor or such of its agents, employees or servants to whom a written delegation in this regard is made.
- 5. TRANSFEE'S OBLIGATIONS**
- The Transferee shall:
- (a) in undertaking any Works cause as little damage as possible to the Land and as little inconvenience as possible to the Transferor; and
- (b) following its undertaking any Works, in a good and workmanlike manner fill in any opening in the surface of the Land as soon as possible after the Works have been completed.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

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(Continue in additional Annexure Schedule, if required.)

6. TRANSFEROR'S OBLIGATIONS

6.1 The Transferor shall not:

- (a) place or allow to be placed any buildings or other erections on the Permitted Area; or
- (b) allow any tree or shrub to grow on the Permitted Area; or
- (c) permit to be done any act on the Land that interferes with or affects the Permitted Use or the exercise by the Transferee of the Rights; or
- (d) interfere with or allow any interference with the Equipment or cause or allow any damage to be done to the Equipment; or
- (e) grant any rights over those parts of the Permitted Area marked "C", "D", "G" and "H" to any party other than the Transferee; or
- (f) enter those parts of the Permitted Area marked "C", "D", "G" and "H" (except those parts of the Permitted Area marked "C" and "G" for the purposes of carrying out maintenance on the Transferor's Accommodation pursuant to clause 7.2).

6.2 The Transferor shall indemnify the Transferee against any loss, cost or damage caused or suffered as a result of any breach by the Transferor of its obligations described in clause 4.1.

6.3 Should the Transferor fail to observe or breach any of its obligations contained in this clause the Transferee may remedy any such failure to observe or breach and the Transferor shall reimburse the Transferee for the cost of any such remedy.

7. MAINTENANCE

7.1 The Transferee shall at its cost keep the Equipment and the Transferee's Accommodation in good and substantial repair although it shall not be liable for any loss, cost or damage caused to or suffered by the Transferor as a result of any failure to repair the Equipment and the Transferee's Accommodation.

7.2 The Transferor shall at its cost keep the Transferor's Accommodation in good and substantial repair.

8. OWNERSHIP

The Transferee retains ownership of the Equipment and the Transferee's Accommodation which does not become a fixture of the Building or form part of the Land.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Transfer

Dated

30/11/2005

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(Continue in additional Annexure Schedule, if required.)

9. BREACH OF OBLIGATIONS

Should one party fail to observe or breach any of its obligations contained in this Easement the other party (the "Aggrieved Party") may remedy any such failure to observe or breach and the other party shall reimburse the Aggrieved Party for the cost of any such remedy.

EXECUTED

SIGNED for and on behalf of
VECTOR LIMITED
in the presence of

Witness signature

Full name

Tracey Ripechiri

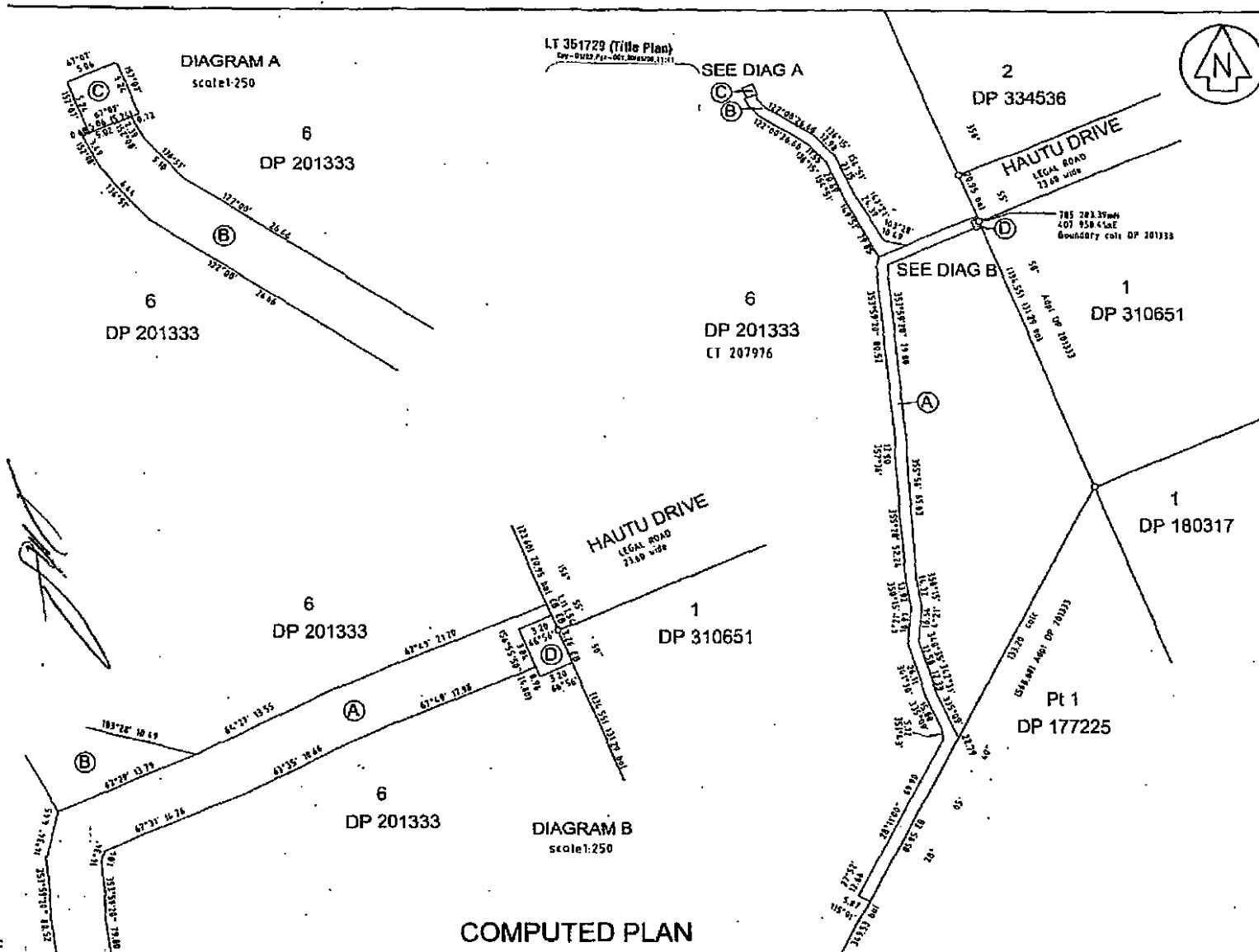
Address

101 Carlton Gore, Auckland.

Occupation

Note: If two directors sign, no witness is necessary. If a director and authorised signatory sign, both signatures are to be witnessed. If the director and authorised signatory are not signing together, a separate witness will be necessary for each signature.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.



Approvals

PROPOSED EASEMENTS IN GROSS			
SHOWN	PURPOSE	SERVIENT TENEMENT	GRANTEE
(A)	Cable, access & supply	LOT 6 DP 201333	VECTOR LTD
(B)	Electricity supply		
(C)			
(D)			

Geodetic Datum 2000
CLASS OF SURVEY:1

Total Area
Comprised in CT 207976

(BARRY JOHN LEONARD SANKH being a person entitled to practice as a Licensed Cadastral Surveyor, certify that:
(a) The surveys to which this document relates were accurate, and were undertaken by him or under his direction in accordance with the Cadastral Survey Act 2002 and the Surveyor General's Rules for Cadastral Survey 2002/2.
(b) This document is accurate, and has been created in accordance with that Act and those Rules.

Signature: *[Signature]* Date: 21/6/05

Field Book: *[Blank]* Traverse Book: *[Blank]*

Reference Plans: DP 334536, DP 201333, SO 337125

Consent: *[Blank]* Consent: *[Blank]*

Approved as to Survey by Land Information NZ on 1/6/2005

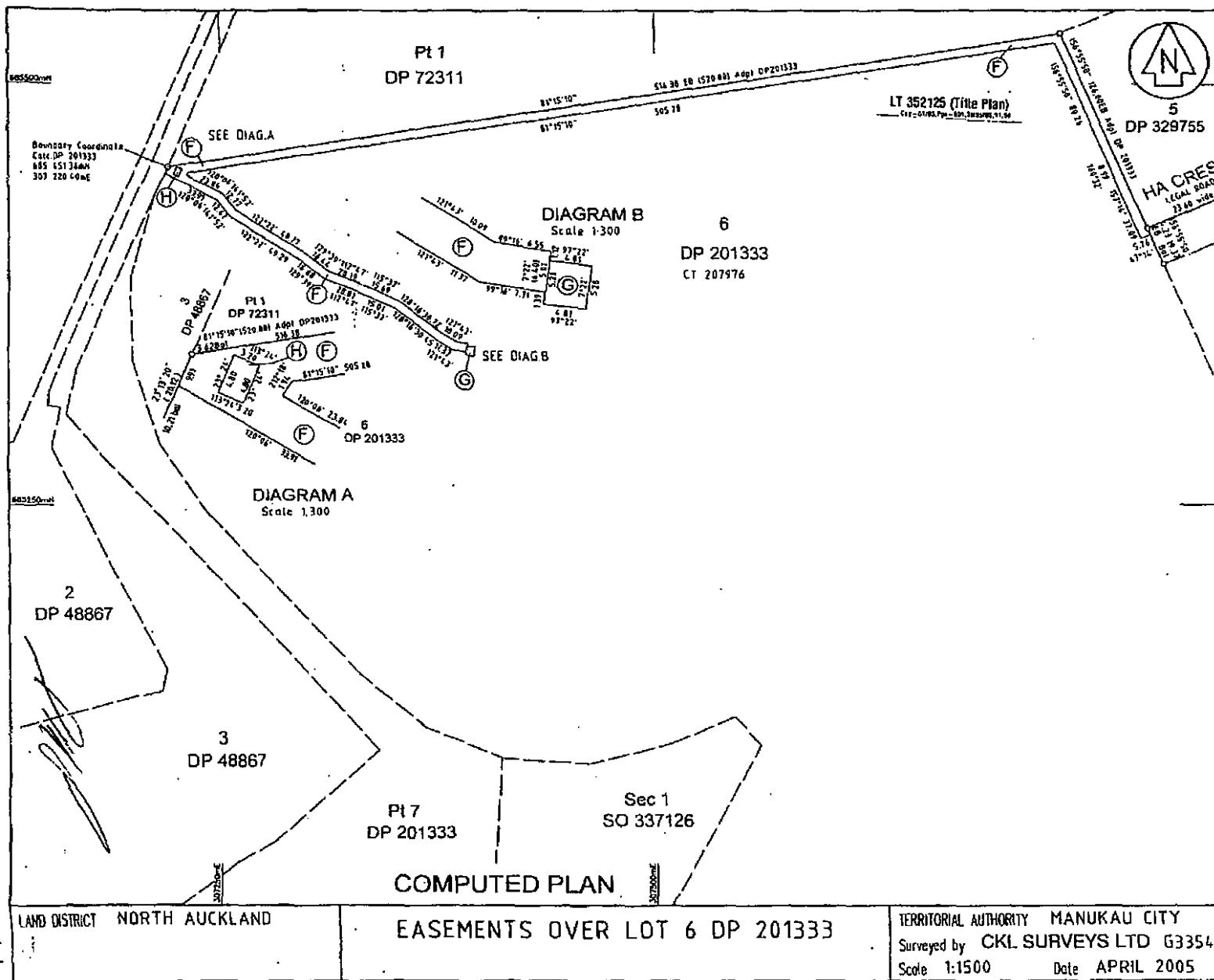
Deposited by Land Information NZ on 1/6/2005

File Number: 30 MAY 2005

DP 351729

APPROVED JULY 19/05 LANE FORM 05

LAD FILE: G194.131



Approvals																			
<table border="1"> <tr> <th colspan="4">PROPOSED EASEMENTS IN GROSS</th> </tr> <tr> <th>SHOWN</th> <th>PURPOSE</th> <th>SERVIENT TENEMENT</th> <th>GRANTEE</th> </tr> <tr> <td>(P)</td> <td>Cable, access & supply</td> <td>LOT 6 DP 201333</td> <td>VECTOR Ltd</td> </tr> <tr> <td>(G)</td> <td>Electricity supply</td> <td></td> <td></td> </tr> </table>				PROPOSED EASEMENTS IN GROSS				SHOWN	PURPOSE	SERVIENT TENEMENT	GRANTEE	(P)	Cable, access & supply	LOT 6 DP 201333	VECTOR Ltd	(G)	Electricity supply		
PROPOSED EASEMENTS IN GROSS																			
SHOWN	PURPOSE	SERVIENT TENEMENT	GRANTEE																
(P)	Cable, access & supply	LOT 6 DP 201333	VECTOR Ltd																
(G)	Electricity supply																		
Geodetic Datum 1949																			
CLASS OF SURVEY-1																			
Total Area																			
Comprised in CT 207976																			
<p>I, BARRY JOHN LEONARD SAICH, being a person entitled to practice as a Licensed Cadastral Surveyor, certify that:</p> <p>(a) The surveys to which this document relates are accurate, and were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Surveyor General's Rules for Cadastral Survey 2003/2</p> <p>(b) This document is accurate, and has been created in accordance with that Act and those Rules.</p> <p>Signature: <i>[Signature]</i> Date: 27/5/05</p> <p>Field Book: Traverse Book: Reference Plans: DP 201333, SO 337126, DP 337113 Enclosed: Correct:</p>																			
Approved as to Survey by Land Information NZ on 5/7/2005																			
Deposited by Land Information NZ on																			
LAND DISTRICT NORTH AUCKLAND		TERRITORIAL AUTHORITY MANUKAU CITY																	
EASEMENTS OVER LOT 6 DP 201333		Surveyed by CKL SURVEYS LTD G3354																	
		Scale 1:1500 Date APRIL 2005																	
		File No. 30 MAY 2005																	
		DP 352125																	

Annexure Schedule - Consent Form
Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Easement

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

WATERCARE SERVICES LIMITED

Caveator under Caveat number D546143.18

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

~~section~~ of the ~~Act~~

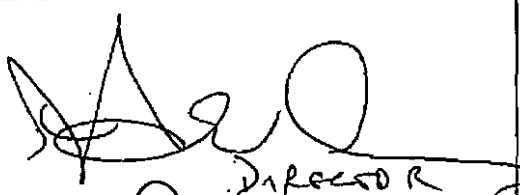
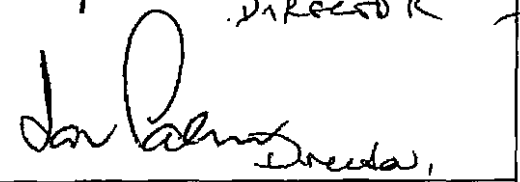
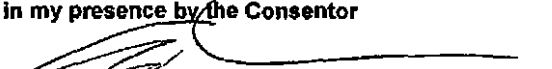
[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

the registration of an electricity easement instrument in gross by Vector Limited.

Dated this 27 day of JULY 2006

Attestation

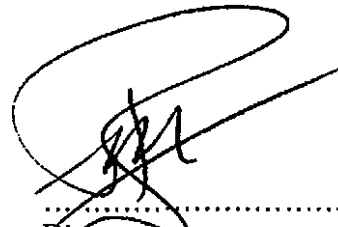
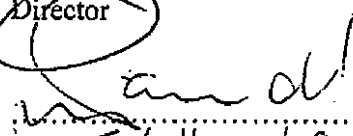
  Director Consentor	Signed in my presence by the Consentor  Signature of Witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name <u>GLENN RAINHAM</u> Occupation <u>BUSINESS PLANNING CO-ORDINATOR</u> Address <u>LEVEL 18, ASB BANK CENTRE</u> <u>CNR ALBERT + WELLESLEY STREETS</u> <u>AUCKLAND</u>
Signature of Consentor	

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

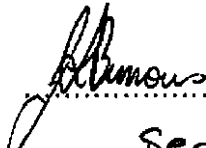
CAVEATOR'S CONSENT

Caveator of Computer Freehold Register NA 207976 pursuant to Caveat D546143.17 hereby consent to the registration of an easement for electricity purposes in favour of Vector Limited.

SIGNED by
FLETCHER CONCRETE AND
INFRASTRUCTURE LIMITED


.....
Director

.....
Director Authorised Signatory

Witnessed by

 Jan Burrowes
.....
Secretary
.....
Auckland
.....

Signature and Name

Occupation

Address

Landline User ID: **BUDDLEFAU**
 LOGGING FIRM: **BUDDLE FINDLAY**
 Address: **PO BOX 1433 - AUCKLAND**
ATTN: ANGELA CHITTY
 Uploading Box Number: **POSTAL**
 ASSOCIATED FIRM: _____
 Client Code / Ref: **VEC699 693 - AMC**

HEREWITH
 Survey Plan (S) _____
 Title Plan (P) _____
 Traverse Sheet (TS) _____
 Field Notes (F) _____
 Calc. Sheets (C) _____
 Survey Report _____

Dealing / SUI Number:
 (LINZ Use only)

Plans/Deeds/Date Stamp
 (LINZ use only)

Plan Number Pre-Allocated or
 to be Dealt: _____

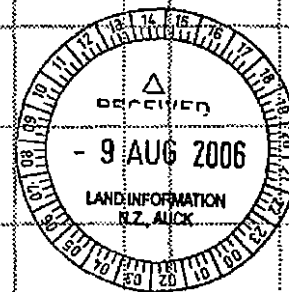
Rejected Dealing Number: _____

Other (State): _____

6984000

Party Code	CT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTIPLE FEES	NOTICES	ADVERTISEMENTS	NEW TITLES	OTHER	RE-SUBMISSION & PROXY FEE	FEES & COST INCLUDES
1	207976	E	HMQ - VECTOR LTD with Caveators consent	50.00							\$50.00
2											
3											
4											
5											
6											

LAND INFORMATION
 NEW ZEALAND
 10 AUG 2006
 AUCKLAND REGIONAL OFFICE



Land Information New Zealand Lodgement Form

Amount Payable (LINZ use only)

Fees Receipt and Tax Invoice
 GST Registered Number 17-023-695
 LINZ Form P005

Original Signatures? _____

Subtotal (for this page)	\$50.00
Total for this dealing	\$50.00
Less Fees paid on Dealing #	
Debit my Account for	\$50.00

LINZ Form P005 - PDF

Version 1.7: 28 May 2004



View Instrument Details

Instrument No. 8592060.3
Status Registered
Date & Time Lodged 29 Oct 2010 11:20
Lodged By Hurley, Donna-Marie
Instrument Type Easement Instrument

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers Land District
368904 North Auckland

Annexure Schedule: Contains 10 Pages.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the Caveator under Caveat D546143.18 has consented to this transaction, which is subject to the Caveat, and I hold that consent ☒

Signature

Signed by Duncan James Simpson Laing as Grantor Representative on 29/10/2010 10:56 AM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Harold Ian Martin McCombe as Grantee Representative on 17/09/2010 10:57 AM

*** End of Report ***

Form B**Easement instrument to grant easement or *profit à prendre*, or create land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

HER MAJESTY THE QUEEN for Justice Purposes pursuant to section 48 of the Public Works Act 1981

Grantee

MANUKAU CITY COUNCIL

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A grants to the Grantee (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Recreation Access	Shown marked "J" on Deposited Plan 391946	Lot 1 Deposited Plan 391946 (CFR 368904)	In gross

Form B - continued**Easements or *profits à prendre* rights and powers (including terms, covenants and conditions)**

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied]~~ ~~[negatives]~~ ~~[added to]~~ [substituted] by:

~~[Memorandum number #9=memorandum no. (in figures) (if there is no number just leave a blank space)#, registered under section 155A of the Land Transfer Act 1952]~~

[the provisions set out in the Annexure Schedule]

Covenant provisions

Delete phrases in [] and insert Memorandum number as required; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number #10=memorandum no. (in figures) (if there is no number just leave a blank space)#, registered under section 155A of the Land Transfer Act 1952]~~

[the Annexure Schedule]

Form L

Annexure Schedule

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Pages

*insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant***Continue in additional Annexure Schedule, if required***1. INTERPRETATION****1.1** In this instrument, unless the context requires otherwise:**Act** means the Corrections Act 2004;**Authority** means the local or territorial authority, having jurisdiction over the Servient Land or the Easement Facility;**Council** means the Manukau City Council (including its administrators, successors and assigns) in its capacity as Grantee under this easement instrument and includes the agents, employees, contractors, tenants, licensees and other invitees of the Council;**Daylight Hours** means one hour before sunrise on any day to one hour after sunset on the same day;**Easement Facility** means that part of the surface of the land described as the Stipulated Course and formed as a footpath and anything in replacement or substitution;**Grantee** means the Council and the public generally;**Grantor** means the registered proprietor of the Servient Land and where applicable includes its successors in title, and its agents, employees, contractors, tenants, licensees, and other invitees of the Grantor;**Prison Manager** means the prison manager for the time being of the Auckland Region Women's Correction Facility (or any other prison located on the Servient Land) and includes any person acting in that capacity and/or their delegate;**Repair and Maintenance** includes the replacement of the Easement Facility;**Servient Land** means the land owned by the Grantor described on page 1 as the servient tenement;**Stipulated Course** means the area marked "J" on Deposited Plan 391946; and**Working Day** has the meaning given to it by the Property Law Act 2007.**2. RIGHT OF RECREATION ACCESS****2.1** Subject to clauses 2.3 and 12.3, a recreation access includes the right for the Grantee in common with the Grantor and other persons to whom the Grantor may grant similar rights, during Daylight Hours, to go over and along the Easement

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Annexure Schedule

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*Insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant**

	Facility on foot with or without machinery, implements, bicycles, tricycles, prams, baby buggies, wheel chairs, personal mobility devices, strollers and similar non motorised vehicles.
2.2	The Easement Facility referred to in clause 2.1 is the Easement Facility laid or to be laid along the Stipulated Course as agreed by the Grantor as the time of installation of the Easement Facility.
2.3	Notwithstanding clause 2.1, the Grantor may, pursuant to its duties under the Act for reasons of security, or public safety, or both, or for reasons connected with ceremonial functions undertaken by the Grantor, limit or prohibit the Grantee's use of the Easement Facility. In such circumstances the Grantor will temporarily provide an alternative route in substitution for the Easement Facility.
2.4	The Grantee will at all times when exercising its rights on the Easement Facility comply with the Grantor's safety, security, and access protocols and practices and with all conditions and procedures that the Prison Manager may from time to time require and which the Grantor has notified to the Grantee including without limitation, notification by the use of signs erected pursuant to clause 3.6.
3.	GENERAL RIGHTS
3.1	The right to a recreation access easement granted by this easement instrument includes: <ul style="list-style-type: none"> (a) the right to use any Easement Facility already situated on the Stipulated Course for the purpose of the easement granted; (b) if no suitable Easement Facility exists, the right to construct and maintain an Easement Facility as reasonably required by the Grantee (including the right to excavate land for the purpose of that construction); and (c) the right to establish, repair and maintain a footpath on the Easement Facility and (if necessary for any of those purposes) alter the state of the Easement Facility, such alteration to include without limitation building, erecting or placing any fence on the coastal boundary of the Easement Facility and landscaping the Easement Facility.
3.2	The Grantor must not do and must not allow to be done on the Servient Land anything that may interfere with or restrict the rights of any other lawful user of the Easement Facility or interfere with the efficient operation of the Easement Facility.
3.3	The Grantee must not do and must not allow to be done on the Servient Land anything that may interfere with or restrict the rights of any other lawful user of the Easement Facility or interfere with the efficient operation of the Easement Facility.
3.4	The Grantor will not be liable for any damage caused to the Easement Facility other than through the wilful act or default of the Grantor or the Grantor's employees, agents or contractors.

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Annexure Schedule

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Pages

*Insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant**

3.5 The Grantor, except as provided for in clause 2.3 of this instrument, is responsible for keeping the Easement Facility, at all times during the hours of daylight, clear of any obstruction resulting from the use of the Servient Land adjoining the Easement Facility that may interfere with the Grantee's use and enjoyment of the Easement Facility.

3.6 The Grantor must erect a sign at each end of the Easement Facility notifying users of the Easement Facility that, pursuant to the Grantor's powers and obligations under the Act, the restrictions outlined in clause 2.3 may occur and an alternative route as directed by the Grantor must be used in such circumstances. The Grantor must consult the Grantee to agree suitable wording for the signs referred to in this clause, so the signs do not discourage the public from using the Easement Facility.

3.7 The Grantor must at the Grantor's cost erect and maintain a standard post and wire fence along the boundary between the Easement Facility and the balance of the Servient Land.

4. REPAIR, MAINTENANCE AND COSTS

4.1 Subject to clause 4.3, the Council will be solely responsible for the construction, repair, renewal or replacement of the Easement Facility along the Stipulated Course, and for the associated costs, so as to keep the Easement Facility in a neat and tidy condition and to prevent it from becoming a danger or a nuisance.

4.2 The Council will not permit the excessive growth of grass, weeds, or plants in the Easement Facility and will not allow any accumulation of refuse or unsightly material on the Easement Facility.

4.3 Notwithstanding clause 4.1, the Grantor must promptly carry out at its sole cost any repair to the Easement Facility that has resulted from damage that is attributable solely to an act of the Grantor on the Servient Land.

5. RIGHTS OF ENTRY

5.1 Subject to clause 6.1, for the purpose of performing any of the obligations outlined under section 4, the Council may:

- (a) enter upon the Easement Facility and with all necessary tools, machinery, vehicles, and equipment; and
- (b) complete all necessary work for the purpose of laying, inspecting, cleaning, repairing, maintaining, and renewing the Easement Facility; and
- (c) leave any vehicles or equipment on the Easement Facility for a reasonable time if work is proceeding.

5.2 Subject to clause 6.1, in undertaking any of the obligations outlined in section 4 the

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Annexure Schedule

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*insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant**

Council must:

- (a) ensure that as little damage or disturbance as possible is caused to any part of the Servient Land that does not form part of the Stipulated Course or to the Grantor and the Council will make all reasonable attempts not to interfere with the activities of the Grantor;
- (b) immediately make good any damage done to any part of the Servient Land that does not form part of the Stipulated Course by restoring the surface of the land as nearly as possible to its former condition; and
- (c) compensate the Grantor for all damage caused by the work to any buildings, erections, or fences (including but not limited to the fence to be erected by the Grantor in accordance with clause 3.7 on any part of the Servient Land which does not form part of the Stipulated Course).

5.3 The Council must ensure that all work is performed in a proper and workmanlike manner.

5.4 The Council must ensure that all work is completed promptly.

6. PRISON MANAGERS REQUIREMENTS

6.1 The Grantee, whether with or without equipment, must not enter the balance of the Servient Land (excluding the Stipulated Course) without the prior written consent of the Prison Manager.

7. PRISON MANAGER'S POWERS

7.1 If in the reasonable opinion of the Prison Manager, the Grantee has either compromised the operational requirements of the prison by:

- (a) entering the balance of the Servient Land (excluding the Easement Facility); or
- (b) failing to comply with any of the requirements under clause 2.4;

then the Prison Manager will immediately notify the Council of the nature of the unauthorised entry (in the case of 7.1(a) above) or failure to comply (in the case of 7.1(b) above).

7.2 If the Grantee continues to enter the balance of the Servient Land or fail to comply with the relevant condition or procedure, the Grantor may undertake whatever action is required to either remove the Grantee, or comply with the relevant condition or procedure, and all costs and expenses directly or indirectly associated with doing so (including GST and reasonable legal fees on a solicitor and own client basis) will be recoverable from the Council.

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Annexure Schedule

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Pages

*Insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant**

7.3 For the avoidance of doubt, if there is a continuous breach of clause 7.1(a) the Grantor will notify the Council and the Council will use its best endeavours:

- (a) to prevent the breach; and
- (b) to rectify any matter caused by the Grantee other than the Council in its use of the Easement Facility

7.4 The Grantee acknowledges that in the event the prison ceases to have a Prison Manager, the Prison Manager's powers under this instrument may be exercised by the Grantor or such of its agents, employees or servants to whom a written delegation in this regard is made.

8. PROHIBITED ACTS

8.1 Without limitation, the following acts are prohibited on the Easement Facility:

- (a) wilfully endangering, disturbing or annoying any lawful user of the Easement Facility (including the Grantor);
- (b) wilfully damaging or interfering with any structure adjoining the Easement Facility (including any building, fence, gate, stile, marker, bridge or notice);
- (c) lighting a fire;
- (d) carrying a firearm;
- (e) discharging or shooting a firearm;
- (f) camping;
- (g) wilfully damaging or removing a plant (unless acting in accordance with the Biosecurity Act 1993);
- (h) laying poison or setting a snare or trap (unless acting in accordance with the Biosecurity Act 1993);
- (i) taking any animal on to, or having charge of any animal on, the Easement Facility other than a dog that is under the control of the Owner (as defined in the Dog Control Act 1996) and on a leash;
- (j) without the prior permission of the Grantor taking a motor vehicle on to, or driving or having control of a motor vehicle on the Easement Facility.

8.2 The prohibitions under clauses 8.1(c) – 8.1(f) and 8.1(i) do not apply to the Grantor, who is permitted to camp, light a fire, carry and discharge a fire arm along the Easement Facility when the Grantee is prohibited from using the Easement Facility

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Annexure Schedule

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*Insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant**

or has limited access to the Easement Facility under clause 2.3.

8.3 The prohibition against motor vehicle access in clause 8.1(j) does not apply:

- (a) to the Grantor when the Grantee is prohibited from using the Easement Facility or has limited access to the Easement Facility under clause 2.3;
- (b) to the Council exercising its rights under section 4 of this easement;
- (c) where vehicle access is required by an ambulance, police vehicle, fire fighting vehicle or other emergency vehicle responding to an emergency situation or to an Enforcement Officer as defined in the Walking Access Act 2008 (if applicable).

9. GRANTEE'S INDEMNITY

9.1 The Grantee acknowledges and agrees that the Grantor operates a prison from the Servient Land in accordance with the Act and its associated regulations. Notwithstanding this, the Grantor agrees that it will use reasonable discretion and have regard to the public nature of the walkway and public sensibilities in exercising its statutory right to search.

9.2 When exercising its rights under section 4 of this easement, the Council will at all times comply with all regulations, statutes, ordinances, bylaws or other enactments affecting or relating to its use of the Servient Land and with all requirements which may be given by any Authority and will keep the Grantor indemnified in respect of any non-compliance by the Council.

9.3 The Council will keep the Grantor indemnified against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur for which the Grantor may become liable in respect of or arising out of:

- (a) the neglect or careless use or misuse of the Easement Facility by the Grantee;
- (b) any accident or damage to the property or any person arising from any occurrence on or near the Easement Facility wholly or in part by reason of any act or omission of the Grantee;
- (c) any complaint, action or proceeding against the Grantor as a result of a breach by the Grantee of the Act, the Resource Management Act 1991, the Health and Safety Act in Employment Act 1992, the Building Act 2004 and any other act.

9.4 In the absence of negligence or recklessness, or breach of the Act, the Grantor will not be liable to the Grantee, whether in contract, tort or otherwise, for any loss, compensation or expenses incurred or suffered by the Grantee.

Form L**Annexure Schedule**

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of

Pages

*Insert instrument type***Easement Instrument to grant easement or profit a prendre, or create land covenant****10. DEFAULT****10.1** If the Grantor or the Grantee does not meet the obligations implied or specified in the easement:

- (a) the party not in default may serve on the defaulting party written notice requiring the defaulting party to meet a specific obligation and stating that, after the expiration of 7 Working Days from service of the notice of default, the other party may meet the obligation:
- (b) if, at the expiry of the 7 Working Day period, the party in default has not met the obligation, the other party may:
 - (i) meet the obligation; and
 - (ii) for that purpose, enter the Servient Land;
- (c) the party in default is liable to pay the other party the cost of preparing and serving the default notice and the costs incurred in meeting the obligation:
- (d) the other party may recover from the party in default, as a liquidated debt, any money payable under this clause.

11. DISPUTES**11.1** If a dispute in relation to this easement arises between parties who have a registered interest under the easement:

- (a) the party initiating the dispute must provide full written particulars of the dispute to the other party; and
- (b) the parties must promptly meet and in good faith try to resolve the dispute using informal dispute resolution techniques, which may include negotiation, mediation, independent expert appraisal, or any other dispute resolution technique that may be agreed by the parties; and
- (c) if the dispute is not resolved within 14 Working Days of the written particulars being given (or any longer period agreed by the parties);
 - (i) the dispute must be referred to arbitration in accordance with the Arbitration Act 1996; and
 - (ii) the arbitration must be conducted by a single arbitrator to be agreed on by the parties or, failing agreement, to be appointed by the President of the New Zealand Law Society.

12. MISCELLANEOUS



View Instrument Details

Instrument No. 8855865.2
Status Registered
Date & Time Lodged 02 Dec 2011 14:59
Lodged By Hintz, Carolyn Jayne
Instrument Type Variation of Easement

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers **Land District**
368904 North Auckland

Annexure Schedule: Contains 1 Page.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the territorial authority has consented to this transaction and I hold that consent, or the affected easement is not the subject of a condition imposed by the territorial authority ☒

Signature

Signed by Carolyn Jayne Hintz as Grantor Representative on 02/12/2011 02:55 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Carolyn Jayne Hintz as Grantee Representative on 02/12/2011 02:55 PM

*** End of Report ***

Form D**Easement Variation instrument to vary Easement or Profit à prendre or Land Covenant**

(Sections 90C and 90F Land Transfer Act 1952)

Grantor

Her Majesty the Queen for Justice Purposes

Grantee

Auckland Council

Variation of Easement, Profit à prendre or Covenant

The terms, covenants or conditions contained in the easement(s), *profit(s) à prendre*, or covenant(s) set out in Schedule A are hereby varied, negatived or added to, as set out in Schedule B.

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose of Easement; <i>Profit</i> or Covenant	Creating Instrument number	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Recreation Access	8592060.3	368904	In gross

Schedule B*Continue in Annexure Schedule, if required*

The definition of "Prison Manager" is deleted and replaced with:

In respect of any area of the servient land comprised or located within LT plan 442050 means the prison manager of the men's prison at Wiri and includes any person acting in that capacity and/or their delegate and in respect of the balance of the servient land, means the prison manager for the time being of the women's prison at Wiri currently referred to as the Auckland Region Women's Correction Facility and includes any person acting in that capacity and/or their delegate.



View Instrument Details

Instrument No. 8855865.3
Status Registered
Date & Time Lodged 02 Dec 2011 14:59
Lodged By Hintz, Carolyn Jayne
Instrument Type Variation of Easement

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers Land District
368904 North Auckland

Annexure Schedule: Contains 1 Page.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the territorial authority has consented to this transaction and I hold that consent, or the affected easement is not the subject of a condition imposed by the territorial authority ☒

Signature

Signed by Carolyn Jayne Hintz as Grantor Representative on 02/12/2011 02:55 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Carolyn Jayne Hintz as Grantee Representative on 02/12/2011 02:56 PM

*** End of Report ***

Form D**Easement Variation instrument to vary Easement or Profit à prendre or Land Covenant**

(Sections 90C and 90F Land Transfer Act 1952)

Grantor

Her Majesty the Queen for Justice Purposes

Grantee

Watercare Services Limited

Variation of Easement, Profit à prendre or Covenant

The terms, covenants or conditions contained in the easement(s), *profit(s) à prendre*, or covenant(s) set out in Schedule A are hereby varied, negated or added to, as set out in Schedule B.

Schedule A*Continue in additional Annexure Schedule, if required*

Purpose of Easement; <i>Profit or</i> Covenant	Creating Instrument number	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Right to convey wastewater	8592060.2	368904	In gross

Schedule B*Continue in Annexure Schedule, if required*

The definition of "Prison Manager" is deleted and replaced with:

In respect of any area of the servient land comprised or located within LT plan 442050 means the prison manager of the men's prison at Wiri and includes any person acting in that capacity and/or their delegate and in respect of the balance of the servient land, means the prison manager for the time being of the women's prison at Wiri currently referred to as the Auckland Region Women's Correction Facility and includes any person acting in that capacity and/or their delegate.



View Instrument Details

Instrument No. 8855865.4
Status Registered
Date & Time Lodged 02 Dec 2011 14:59
Lodged By Hintz, Carolyn Jayne
Instrument Type Variation of Easement

Toitu te
Land whenua
Information
New Zealand



Affected Computer Registers **Land District**
368904 North Auckland

Annexure Schedule: Contains 1 Page.

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

I certify that the territorial authority has consented to this transaction and I hold that consent, or the affected easement is not the subject of a condition imposed by the territorial authority ☒

Signature

Signed by Carolyn Jayne Hintz as Grantor Representative on 02/12/2011 02:56 PM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument ☒

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument ☒

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply ☒

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period ☒

Signature

Signed by Louise Mary Delamare as Grantee Representative on 11/10/2011 03:43 PM

*** End of Report ***

Form D

Easement Variation instrument to vary Easement or Profit à prendre or Land Covenant

(Sections 90C and 90F Land Transfer Act 1952)

Grantor

Her Majesty the Queen for Justice Purposes

Grantee

Vector Limited

Variation of Easement, Profit à prendre or Covenant

The terms, covenants or conditions contained in the easement(s), profit(s) à prendre, or covenant(s) set out in Schedule A are hereby varied, negatived or added to, as set out in Schedule B.

Schedule A

Continue in additional Annexure Schedule, if required

Purpose of Easement; Profit or Covenant	Creating Instrument number	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Electricity Supply	6984000.1	368904	In gross

Schedule B

Continue in Annexure Schedule, if required

The definition of "General Manager" is deleted and replaced with:

In respect of any area of the servient land comprised or located within LT plan 442050 means the prison manager of the men's prison at Wiri and includes any person acting in that capacity and/or their delegate and in respect of the balance of the servient land, means the prison manager for the time being of the women's prison at Wiri currently referred to as the Auckland Region Women's Correction Facility and includes any person acting in that capacity and/or their delegate.

Schedule 27: Completion Tests

Part 1 – Works Completion

1. Works Completion Tests

The Contractor will conduct the Works Completion Tests set out in Appendix A in accordance with clause 29.3 (Works Completion) of the Base Agreement.

Part 2 – Operational Completion

2. Operation Completion Tests

The Contractor will conduct the Operational Completion Tests set out in Appendix B in accordance with clause 29.4 (Operational Completion) of the Base Agreement.

Appendix A: Works Completion Tests

Appendix B: Operational Completion Tests

OPERATIONAL COMPLETION TESTS

Explanatory Notes

1. Once agreed, the Verification Method and Acceptance Criteria for these Operational Completion Tests will not be amended without the consent of both parties.
2. The Operational Completion Tests described in Part 1 of this document have been developed to confirm that the Contractor has all the relevant people, procedures and systems in place in order to comply with Schedule 14 (Corrections Services Requirements). The tests set out in Part 2 of this document are designed to confirm compliance with Schedule 10B (Works (Retrofit) Requirements). Those tests described in Part 3 of this document have been developed to confirm that the Contractor is ready to accept the first Prisoners and has completed, or will have completed by the Service Commencement Date, all the activities described in the Operational Completion Plan as being required to enable the successful execution of the Ramp Up Plan.
3. Where the Acceptance Criteria is stated as the sighting of a procedure, an arrangement or a document required under the terms of Schedule 5 (Operative Documents), the Contractor will provide the Department with electronic copies of this documentation in accordance with the timings specified in the Operational Completion Programme, generally approximately two months prior to Service Commencement Date, and the Department will confirm sighting of the document in writing to the Contractor in accordance with the timings specified in the Operational Completion Programme, approximately one month prior to Service Commencement Date. It is agreed that no further review of the contents of that document will be conducted during the Operational Completion Tests.
4. The term 'arrangement' is used in these Operational Completion Tests to denote:
 - a. A procedure that has been developed and/or reviewed jointly with the Department, an external stakeholder or provider in relation to the Requirement
 - b. An understanding with the Department, an external stakeholder or provider detailing the nature of the relationship between the Contractor and the Department, Contractor or the external stakeholder or provider in relation to the Requirement
 - c. A formal agreement or contract with an external stakeholder or provider for the delivery of goods or services in relation to the Requirement

The Contractor reserves the right to withhold commercially confidential information contained within an arrangement.

5. Where the Verification Method is stated as a demonstration or a scenario test, these will be conducted over a period of approximately 2-3 days, at timings specified in the Operational Completion Plan, approximately two weeks prior to Service Commencement Date. The Department will advise the Contractor as soon as practicable, but at the latest by the end of the relevant Business Day, if the Department believes that the Contractor has not passed a demonstration or scenario test, and both parties shall use their reasonable endeavours to re-schedule such Operational Completion Test on the next Business Day.

Part 1 – Compliance with Corrections Services Requirements

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
2.0	Compliance with policies and procedures			
2.1(a)	The Contractor must ensure that sufficiently skilled Staff Members are on duty to operate the Prison to the required level.	<p>The Prison Manager and senior management team, as set out in the Policy and Procedures Manual, are in position.</p> <p>The number of Officers and other Staff Members in position matches or exceeds the number of Officers stated in the Operational Completion Plan as being in position upon Service Commencement.</p> <p>Officers and other Staff Members have received the appropriate training for their role (including, but not limited to, specialist training for staff assigned to the following areas: sentence calculation; master control; intelligence unit; hearing adjudicators; drug testing; victim notification; High Risk High Profile), as described in the Policy and Procedures Manual.</p> <p>Healthcare professionals are in place and registered.</p>		<p>Staff levels meet or exceed levels set out in the Operational Completion Plan as being required at the Service Commencement Date.</p> <p>Sighting of the training register, training attendance records and any relevant certificates, registrations and/or accreditations held.</p> <p>Sighting of any further training required – such as confirmation of Officers engaged in training to NZQA National Certificate in Offender Management (Level Three)</p>
2.1 (b)	The Contractor must ensure that appropriate equipment, policies, and procedures are in place to operate the Prison to the required level.	All certificates and licences required by Law have been acquired		<p>Sighting of all relevant certificates and licences.</p> <p>Sighting of Department confirmation that relevant Operative Documents have been finalised.</p>

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
		All relevant Operative Documents have been finalised.		This requirement will be met upon successful completion of all other Operational Completion Tests.
2.1 (c)	The Contractor must ensure that it complies with its policies and procedures.			This requirement will be met upon successful completion of all other Operational Completion Tests.
3.0	Acceptance of Prisoners			
3.1(a)	The Contractor acknowledges and agrees that muster and muster management is the sole responsibility (and undertaken at the sole discretion) of the Department. Subject to paragraph 3.1(c), the Contractor must accept all Prisoners allocated to the Prison by the Department.			Not required to be tested.
3.1(b)	The Contractor must operate the Prison in a manner that enables 960 Prisoners (including up to 360 Prisoners with a high security classification) to be accommodated at any one time.	A procedure is in place for provision of a daily Available Prisoner Place Report.		Sighting of relevant procedure(s) (or extracts).
3.1(c)	The Contractor cannot refuse to accept any Prisoner allocated to the Prison by the Department unless: <ul style="list-style-type: none"> the Prisoner has not been sentenced; the Prisoner has a high security classification and the Prison currently holds not less than 360 high security Prisoners at that time; the Prisoner is a maximum security Prisoner; the Prisoner is a female Prisoner; the Prisoner requires a disabled Prisoner bed space and all disabled Prisoner bed spaces are occupied by disabled Prisoners; or the Prison already holds 960 Prisoners. 			Not required to be tested.
4.0	Escorting and transfer arrangements			
4.1(a)	The Contractor must be able to receive or release Prisoners between the hours of 7.00am and 8.00pm and, if necessary, outside of these hours (upon reasonable notice).	Relevant procedures are in place.		Sighting of relevant procedure(s) (or extracts).
4.1(b)	The Contractor must facilitate the safe, secure and timely escorting, transport and transfer of	Procedures for escorting and transfer of Prisoners are in place.		Sighting of relevant procedure(s) (or extracts), equipment and arrangement.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	Prisoners by Officers: <ul style="list-style-type: none"> from the Prison to another prison and from another prison to the Prison as instructed from time to time by the Department; from the Prison in connection with any temporary removal from custody under section 62 of the Corrections Act; to and from the Prison for the purposes of the Mental Health (Compulsory Assessment and Treatment) Act 1992. 	Escort vehicles and equipment are in place. An arrangement is in place between the Prison and the Department's PECCS contractor.		
4.1(c)	The Contractor must ensure that Prisoners are escorted, transported and transferred in accordance with their security classifications and the Department's guidelines in relation to the escorting, transport and transfer of prisoners.			As 4.1(a).
4.1(d)	The Contractor must ensure that if a Prisoner is being transferred to another prison, that his property and all files are in order and are transferred with the Prisoner	Procedures are in place for the collection of property and files prior to a Prisoner's transfer.		Sighting of relevant procedure(s) (or extracts).
4.1(e)	The Contractor must adhere to the Department's protocols for any third party contracts for Escort Services.	An arrangement is in place between the Prison and the Department's PECCS contractor.		Sighting of the arrangement.
4.1(f)	The Contractor must liaise with the Department's muster management team to co-ordinate Prisoner transfers and adhere to any instructions provided by the muster management team.	A procedure is in place between the Prison and the Department for the purpose of muster management.		Sighting of the procedure(s) (or extracts).
5.0	Lawful detention			
5.1	The Contractor must ensure that Prisoners are held in custody for the correct length of time.	Procedures are in place to ensure that Prisoners are held in custody for the correct length of time.		Sighting of the relevant procedure(s) (or extracts).
6.0	Safety and security arrangements			
6.1(a)	The Contractor must comply with the Department's security classification system in relation to assessing, assigning and reviewing Prisoner security classifications.	Procedures are in place for assigning, reviewing and amending a Prisoner's security classification.	Demonstration of assigning and reviewing a Prisoner's security classification on IOMS.	Sighting of the relevant procedure(s) (or extracts). Confirmation by the Department that the Contractor demonstrated its ability to use IOMS to assign and review a

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
				Prisoner's security classification in accordance with the relevant procedure(s).
6.1(b)	The Contractor must place and manage Prisoners in accommodation and within a regime that is consistent with the Prisoners' security classification.	Relevant procedures are in place.		Sighting of the relevant procedure(s) (or extracts) and arrangements.
6.1(c)	The Contractor must control all access to and egress from, and movement of persons, items and equipment into, out of, and within the Prison.	Relevant procedures are in place.	<p>Scenario tests of entry and exit procedures for vehicles, persons and equipment.</p> <p>Scenario tests of Prisoner and equipment movement within the Prison.</p>	<p>Sighting of the relevant procedure(s) (or extracts).</p> <p>Scenario tests reflect the relevant procedure(s) (or extracts).</p>
6.1(d)	The Contractor must have search arrangements to detect, remove and report any Unauthorised Items.	Relevant procedures are in place.	<p>Demonstration of a 'dummy' report to the Department.</p> <p>Scenario tests of searches, including with the deployment of PADD dogs.</p>	<p>Sighting of the relevant procedure(s) (or extracts).</p> <p>Confirmation by the Department that the Contractor demonstrated its ability to report Unauthorised Items in accordance with the relevant procedure(s).</p> <p>Scenario test reflects the relevant procedure(s) (or extracts).</p>
6.1(e)	The Contractor must have appropriate security arrangements in place to prevent escapes, breaches of security, or loss of control Incidents from occurring.	Relevant procedures are in place.	<p>Multiple scenario tests will be conducted to demonstrate compliance with the safety and security arrangements. These scenario tests will demonstrate the following procedures:</p> <ul style="list-style-type: none"> - night shift - control and restraint - tool management - key management and control - locking and unlocking <p>Further scenario tests will</p>	<p>Sighting of the relevant procedure(s) (or extracts) and arrangements.</p> <p>Scenario tests reflect the relevant procedure(s) (or extracts) and arrangements and confirm that all equipment functions in accordance with its specification, the Security Management Plan and paragraph 5.2(j) in Schedule 10B (Works (Retrofit) Requirements).</p>

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
			<p>demonstrate the following functionality:</p> <ul style="list-style-type: none"> - CCTV operation (including resolution testing) - Perimeter alarms - Intercoms - Smoke and fire alarms - Biometrics - Power, water and lights - Emergency power generator - Duress equipment - Radios - Department accessing the system via remote connectivity 	
6.1(f)	The Contractor must maintain the integrity and operation of all security barriers, equipment and procedures.	Inspect the Security Management System (SMS) defect log to verify that all critical and major defects have been rectified.	Scenario tests of security checks and dummy security breaches (such as detecting contraband, and detecting someone in external areas adjacent to the secure perimeter).	<p>Sighting of defect log.</p> <p>Results of scenario tests demonstrate the SMS system and related equipment is functional and that Staff Members operate in accordance with the relevant procedure(s) (or extracts).</p>
6.1(g)	The Contractor must have an operational intelligence function that contributes to the safety and security of the Prison, and the Department and the wider justice sector intelligence network.	Procedures are in place for the operational intelligence function. Arrangements are in place with the Department and the wider justice sector intelligence network.		Sighting of the relevant procedure(s) (or extracts) and arrangements.
6.1(h)	The Contractor must undertake the monitoring of Prisoner telephone calls.		Scenario test demonstrating the monitoring of a telephone call.	Department confirms that the scenario test demonstrated satisfactory compliance with the monitoring requirements.
6.1(i)	The Contractor must use the Secure Intelligence Database System (or such other intelligence database as the Department may specify from	Procedure is in place for the use of the Secure Intelligence Database System.	Demonstration of the use of the Secure Intelligence Database System.	<p>Sighting of the relevant procedure(s) (or extracts).</p> <p>Confirmation by the Department that the Contractor</p>

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	time to time) for the storage of intelligence information.			demonstrated its ability to use the Secure Intelligence Database System in accordance with the relevant procedure(s).
7.0	Emergency and contingency planning			
7.1(a)	The Contractor must establish and maintain contingency plans to successfully resolve the full range of possible Incidents and emergencies that threaten the security, safety, control or ongoing operation of the Prison.	<p>Emergency Procedures and Business Continuity Manual is in place.</p> <p>Arrangements are in place with emergency services, the Department and other external stakeholders for the management of security Incidents.</p> <p>New Zealand Fire Service approval of emergency evacuation procedures.</p>	Scenario tests of emergency situations (including testing the run on time of generators), in conjunction with the Department and relevant emergency services, and in accordance with the Operational Completion Plan.	<p>Sighting of the Emergency Procedures and Business Continuity Manual.</p> <p>Scenario tests reflect the relevant procedure(s) (or extracts) and arrangements where relevant.</p> <p>Sighting of New Zealand Fire Service approval.</p>
7.1(b)	The Contractor must manage Incidents in accordance with its contingency plans.		As 7.1 (a)	
7.1(c)	The Contractor must align the Emergency Procedures and Business Continuity Manual with the Department's guidelines in relation to site-specific emergency response plans under the Department's emergency response framework.	Emergency Procedures and Business Continuity Manual is in place.	As 7.1 (a)	Sighting of the Emergency Procedures and Business Continuity Manual.
7.1(d)	The Contractor must establish and maintain the Risk Management Plan.	Risk Management Plan in place.		Sighting of the Risk Management Plan.
7.1(e)	The Contractor must develop, maintain and comply with Mutual Aid protocols with the Department.	Mutual Aid protocols with the Department are in place.		Sighting of the Mutual Aid protocols with the Department.
8.0	Reception and induction			
8.1(a)	The Contractor must upon a Prisoner's arrival at the Prison, promptly identify and address the Prisoner's immediate physical or mental health, safety, or security needs.	Procedure for assessing the immediate needs of Prisoners is in place.	As 8.1(b).	Sighting of the procedure(s) (or extracts)
8.1(b)	<p>The Contractor must undertake the Reception Procedure:</p> <p>(i) for all Prisoners received after 7.00am and</p>	Reception procedure is in place.	Scenario test of a 'dummy' reception procedure, including the use of IOMS	Sighting of the procedure(s) (or extracts) and relevant arrangements.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	before 7.00pm, on the day of the Prisoner's arrival at the Prison; and (ii) for all Prisoners received after 7.00pm and before 7.00am, as early as possible within the following 24 hour period.	Arrangements are in place with Police and courts for the purposes of sharing Prisoner information.	and CMS, and the collection of biometrics data from Prisoners.	Scenario test reflects procedure(s) (or extracts).
8.1(c)	The Contractor must advise the Department of the reception of any individual aged under 18 years.	Procedure is in place.		Sighting of the relevant procedure(s) (or extracts).
8.1(d)	The Contractor must ensure the Prisoner is placed in appropriate accommodation, including by undertaking assessments of a Prisoner's suitability to share accommodation where he will be held in multiple occupancy accommodation in accordance with any Section 196 Instructions.	Procedure is in place for the purpose of assessing appropriate accommodation.		Sighting of the relevant procedure(s) (or extracts).
8.1(e)	The Contractor must following the completion of the Reception Procedure, carry out the Induction Programme to provide the Prisoner with information about the rules, obligations and entitlements that affect him, information about the operation of the Prison, information on the services and support available to him, and advice and guidance on coping with imprisonment.	Induction Programme is in place.		Sighting of the Induction Programme.
9.0	Staff and Prisoner relationships			
9.1	The Contractor must ensure there is a Prison-wide ethos of proactive staff engagement with Prisoners in order to model pro-social behaviours, positively reinforce behavioural expectations, and build relationships, in order to engage and motivate Prisoners to comply with their sentence and address their offending.	Personal Officer scheme is in place.	Demonstration of the functionality within CMS for Staff Members to internally message Prisoners directly and provide key information to Prisoners	Sighting of the terms of reference for the personal officer scheme. Confirmation by the Department that the functionality of the CMS system for Staff Members to internally message Prisoners directly and provide key information to Prisoners is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
10.0	Responsible Prisoner			
10.1(a)	The Contractor must ensure that all Prisoners are encouraged and actively supported to behave positively in an environment of mutual respect.			Not required to be tested.
10.1(b)	The Contractor must ensure that Prisoners who display unacceptable behaviour are managed in an	Procedures are in place for the management of		Sighting of the relevant procedure(s) (or extracts).

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	effective, objective, fair and consistent manner, which, where appropriate and possible, addresses the underlying reason(s) for their behaviour.	unacceptable behaviour.		
11.0	Self-harm and suicide prevention			
11.1	The Contractor must ensure that At Risk Prisoners are identified at an early stage, and receive tailored care and support to address their individual needs.	Procedures for the assessment, placement and management of At-Risk Prisoners are in place.	Scenario test of a 'dummy' at-risk procedure.	Sighting of the relevant procedure(s) (or extracts). Scenario test reflects procedure(s) (or extracts).
12.0	Assaults, bullying and intimidation			
12.1	The Contractor must ensure that the occurrence of Prisoner assaults, bullying and intimidation is minimised through policies and procedures that inform all aspects of the Corrections Services, and which are distributed to Staff Members, Prisoners and Visitors.	Anti-bullying strategy is in place. See also 10.1(b)		Sighting of the anti-bullying strategy.
13.0	Gang-neutral Prison			
13.1	The Contractor must operate the Prison in a gang-neutral manner by ensuring that accommodation arrangements do not foster gang participation or membership, and by taking action to reduce gang recruitment activity within the Prison.	Procedures are in place to advise Prisoners that gangs will not be recognised, and to manager Prisoners in a gang-neutral manner.		Sighting of the relevant procedure(s) (or extracts).
14.0	Adjudications			
14.1	The Contractor must ensure that it conducts fair and timely Prisoner adjudication hearings.	Procedures are in place for the adjudication process. Hearing adjudicators have been approved by the Chief Executive and designated by the Contractor.		Sighting of the relevant procedure(s) (or extracts). Sighting of the documentation from the Chief Executive providing approval, and of the document recording designation.
15.0	Segregation			
15.1(a)	The Contractor must ensure that Prisoners whose behaviour requires them to be segregated are located in a suitable environment and appropriate actions are taken to actively manage their return to the main Prison population.	Procedures are in place for the placement, management and segregation of Prisoners.		Sighting of the relevant procedure(s) (or extracts).
15.1(b)	The Contractor must ensure that Prisoners whose behaviour requires them to be segregated are encouraged and enabled to access a range of purposeful activities.	As 15.1(a).		As 15.1(a).

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
15.1(c)	The Contractor must ensure that Prisoners who are segregated for the purpose of protective custody are located in suitable accommodation, their segregated status has minimal impact on the delivery of their Prisoner Management Plan, and appropriate actions are taken to enable their segregation direction to be lifted.	As 15.1(a).		As 15.1(a).
15.1(d)	The Contractor must ensure that the number of Prisoners segregated for the purpose of protective custody is minimised.	As 15.1(a).		As 15.1(a).
16.0	Prisoner accommodation			
16.1 (a)	The Contractor must ensure that Prisoners are housed in safe, clean and decent accommodation.		Demonstration of the ability for Prisoners to report cell faults via CMS	Confirmation by the Department that the functionality of the CMS system for Prisoners to report cell faults via CMS is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
16.1(b)	The Contractor must ensure that Prisoners are provided with sufficient bedding for warmth, health and reasonable comfort that is regularly laundered, and are able to access personal hygiene items.	Procedures are in place for issuing clothing, bedding and personal hygiene consumables. Procedures are in place for laundering clothing and bedding. Procedures are in place for cutting Prisoners' hair. Arrangements are in place with providers of relevant services and items.		Sighting of relevant procedure(s) (or extracts) and arrangements.
16.1(c)	The Contractor must ensure that where appropriate, Prisoners are given the opportunity to develop household management skills that will be beneficial on release.	Procedures are in place in relation to self catering.		Sighting of relevant procedure(s) (or extracts).
17.0	Equality and diversity			
17.1(a)	The Contractor must establish and maintain systems, processes and procedures to ensure that	Procedure for identifying individual needs is contained		Sighting of the reception procedure(s) (or extracts).

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	diverse needs of Prisoners are identified as early as possible and managed effectively to enable Prisoners to actively participate in Prison life.	within the reception procedure.		
17.1(b)	The Contractor must recognise and address the distinct needs of each protected characteristic, including race, nationality, religion, disability, gender identity, sexual orientation and age.	As 17.1(a)		As 17.1(a)
18.0	Faith and religious activity			
18.1	The Contractor must ensure that appropriate provision is made for the various religious and spiritual needs of Prisoners.	Procedures are in place to provide a range of religious activities. Arrangements are in place for accessing religious and spiritual services.		Sighting of the relevant procedure(s) (or extracts) / timetable and arrangements.
19.0	Health services			
19.1(a)(i)	The Contractor must ensure that healthcare is available to Prisoners to a standard that is reasonably equivalent to the standard of healthcare available to the public, by: (i) providing primary healthcare.	Procedures are in place. Arrangements are in place with the DHB and other external service, equipment and consumables providers. Equipment, instruments and stock have been confirmed as sufficient by the nominated Staff Member.	Demonstration of use of the relevant Department Application. Demonstration of the appointment booking function on CMS.	Sighting of the relevant procedure(s) (or extracts), confirmation notice(s) and arrangements. Confirmation by the Department that the Contractor demonstrated its ability to use the Department Application in accordance with the relevant procedure(s). Confirmation by the Department that the functionality of the CMS system to provide direct access to request medical services and obtain health related information is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
19.1(a)(ii)	The Contractor must ensure that healthcare is available to Prisoners to a standard that is reasonably equivalent to the standard of healthcare available to the public, by: (ii) facilitating access to secondary and tertiary healthcare.	Procedures for referrals are in place. Arrangements are in place with secondary and tertiary healthcare providers.		Sighting of the relevant procedure(s) (or extracts), inventory checks and arrangements. Confirmation by the Department that the Contractor demonstrated its ability to use the Department Application in accordance with the relevant procedure(s).
19.1(b)	The Contractor must provide urgent and routine functional dental care to Prisoners for the purposes of pain relief and/or the maintenance of a reasonable standard of dental care relative to	Procedures are in place for facilitating access to dental treatment.	Demonstration of use of the relevant Department Application.	Sighting of the relevant procedure(s) (or extracts), confirmation notice(s) and arrangements. Confirmation by the Department that the Contractor

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	the dental and oral health of the Prisoner concerned before the Prisoner was admitted to the Prison, to at least the same standard as available in the community.	<p>Arrangements are in place with local external dental service, equipment and consumables providers.</p> <p>Equipment, instruments and stock have been confirmed as sufficient by the nominated Staff Member.</p>		demonstrated its ability to use the Department Application in accordance with the relevant procedure(s).
19.1(c)	The Contractor must provide safe secure storage and administration of pharmaceuticals.	<p>Procedures are in place for the procurement, storage and administration of pharmaceuticals.</p> <p>Stock levels have been confirmed as sufficient by the nominated Staff Member.</p> <p>Arrangements are in place with providers of pharmaceuticals.</p> <p>Biometric identification verification point controls have been installed in the locations set out in section 4 of Appendix I (Security Design Report) of Schedule 10 (Works Requirements).</p>	<p>Demonstration of use of the relevant Department Application.</p> <p>Scenario test of dispensing of medication to prisoner, including demonstration of biometric identification verification point controls.</p>	<p>Sighting of the relevant procedure(s) (or extracts), confirmation notice(s) and arrangements.</p> <p>Confirmation by the Department that the Contractor demonstrated its ability to use the Department Application in accordance with the relevant procedure(s).</p> <p>Confirmation by the Department that biometric identification verification point controls have been installed.</p>
19.1(d)	The Contractor must adhere to the Department's razor blade policy.	Procedure is in place.		Sighting of the relevant procedure(s) (or extracts).
19.1(e)	The Contractor must use the relevant Department Application.	Procedures are in place for the use of the relevant Department Application for the provision of health services.		<p>Sighting of the relevant procedure(s) (or extracts).</p> <p>Requirement met when demonstrations listed in 19.1(a) – (c) have been met</p>
20.0	Healthy living			
20.1	The Contractor must provide opportunities for daily exercise, promote healthy lifestyles and	Procedures are in place for providing opportunities for		Sighting of the relevant procedure(s) (or extracts).

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	operate a non-smoking Prison.	daily exercise and promoting healthy lifestyles. Procedures are in place for enforcing the smoking ban in the Prison.		
21.0	Substance misuse			
21.1(a)	The Contractor must ensure that the rate of drug and alcohol misuse by Prisoners is minimised, as measured by the results of the random testing programmes established under the Corrections Regulations, with which the Contractor must comply.	Procedures are in place for drug and alcohol testing. Arrangements are in place with a provider for the provision of urine testing, analysis and notification. Arrangements are in place with the Department for the conduct of the Random Mandatory Drug Testing Programme.		Sighting of the relevant procedure(s) (or extracts) and arrangements.
21.1(b)	The Contractor must conduct drug and alcohol testing, have the tests analysed, and report the results back to the Department.	As 21.1(a).	Demonstrate the reporting of drug and alcohol testing via IOMS.	As 21.1(a). Confirmation by the Department that the Contractor demonstrated its ability to report on drug and alcohol testing in accordance with the relevant procedure(s).
21.1(c)	The Contractor must ensure that Prisoners with drug and alcohol problems are identified and receive effective treatment and support throughout their stay in custody, by ensuring that: (i) Prisoners dependent on drugs and/or alcohol receive clinical treatment which is safe, effective and meets individual needs; and (ii) Prisoners have access to a range of psychosocial interventions and services that reflect assessed need.	Procedures are in place for assessing substance misuse needs and referring Prisoners to substance misuse Interventions. Arrangements are in place with relevant external providers of Interventions.		Sighting of relevant procedure(s) (or extracts) and arrangements.
22.0	Catering			
22.1	The Contractor must ensure that Prisoners have a healthy and varied diet, which meets their individual needs, including religious, cultural and	Procedures are in place for procuring, preparing and distributing Prisoner meals.	Demonstration of the Prisoner meal ordering function on CMS.	Sighting of the relevant procedure(s) (or extracts), confirmation certificates and arrangements.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	other special dietary requirements and which is balanced (to the extent that those needs allow).	Equipment, instruments and stock have been confirmed as sufficient by the nominated Staff Member. Arrangements are in place with local providers for the provision of kitchen supplies and consumables.		Confirmation by the Department that the functionality of the CMS system for meal ordering is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution..
23.0	Access to information			
23.1	The Contractor must ensure that Prisoners can easily access information about the Prison and/or relevant law.	Procedures are in place for the dissemination of information to Prisoners. Information signs and notices are in place.	Demonstration of the information available to Prisoners on CMS.	Sighting of the relevant procedure(s) (or extracts) and notices. Confirmation by the Department that the functionality of the CMS system for Prisoners to access information via CMS is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
24.0	Complaints and staff misconduct			
24.1(a)	The Contractor must ensure that effective complaint procedures are in place for Prisoners.	Procedures are in place for Prisoner complaints. Arrangements are in place with the Ombudsman.		Sighting of the relevant procedure(s) (or extracts) and arrangement.
24.1(b)	The Contractor must ensure that all allegations of staff misconduct are investigated.	Procedures are in place for investigating staff misconduct		Sighting of the relevant procedure(s) (or extracts).
24.1(c)	The Contractor must ensure that any allegation of staff misconduct that is likely to have an effect on the reputation or credibility of the Contractor, the Department or any Department Related Person is reported to the Department.	Procedures are in place for reporting staff misconduct	Demonstration of the reporting process for allegations of staff misconduct.	Sighting of the relevant procedure(s) (or extracts). Confirmation by the Department that the Contractor demonstrated the functionality of reporting an allegation of staff misconduct in accordance with the relevant procedure(s).
24.1(d)	The Contractor must ensure that all incidents of staff misconduct, the outcome of any disciplinary investigations, and any disciplinary actions taken are reported to the Department.	As 24.1(c)	As 24.1(c)	As 24.1(c)

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
25.0	Prisoner communication			
25.1(a)	The Contractor must ensure Prisoners have access to approved communication channels to enable them to communicate effectively with legal advisers and Official Agencies and maintain meaningful relationships with family, whānau and friends.	Procedures are in place to manage Prisoner communication.	Scenario test on 'dummy' configuration to demonstrate functionality of in-cell telephony	Sighting of the relevant procedure(s) (or extracts). Scenario test reflects relevant procedure(s) (or extracts). Confirmation by the Department that the functionality of the telephony system is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
25.1(b)	The Contractor must advise Prisoners in writing of arrangements in respect of opening, reading and withholding mail and monitoring telephone calls.	Advisory document is in place.		Sighting of the document.
25.1(c)	The Contractor must ensure Prisoners have access to the Department's pre-approved freephone numbers.		As 25.1(a)	As 25.1(a)
25.1(d)	The Contractor must ensure that no Prisoner is interviewed by any member of the media, or has any kind of direct communication with media, except where the Chief Executive has pre-approved such interview.	As 25.1(a)		As 25.1(a)
26.0	Contact with family, whānau and social networks			
26.1(a)	The Contractor must ensure that Prisoners are encouraged to re-establish or maintain relationships with their children, families and whānau where appropriate.	Procedure(s) are in place for visits and contact with family and whānau.	Demonstration of visits booking facility within CMS.	Sighting of the relevant procedure(s) (or extracts). Confirmation by the Department that the functionality of the visits booking facility within CMS is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
26.1(b)	The Contractor must ensure that Prisoners are able to maintain access to appropriate social networks through regular and easy access to visits.	As 26.1(a)	As 26.1(a)	As 26.1(a)
26.1(c)	The Contractor must ensure that families and whānau are provided with information about the Prison and with access to support if required.	Procedures are in place for the operation of the Visits Centre and Community Office.		Sighting of the relevant procedure(s) (or extracts).
27.0	Prisoner finances and purchases			
27.1(a)	The Contractor must establish a purchasing system	Procedures are in place for	Demonstration of	Sighting of the relevant procedure(s) (or extracts),

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	and provide the opportunity for Prisoners to purchase items of a similar range, and for a similar price, to those items available for purchase at other prisons, in accordance with the Department's prohibited items schedule.	<p>purchasing.</p> <p>Stock has been confirmed as sufficient by the nominated Staff Member.</p> <p>Arrangements are in place with local suppliers.</p>	purchasing facility within CMS.	<p>confirmation notice(s) and arrangements.</p> <p>Confirmation by the Department that the Contractor demonstrated the functionality of purchasing via the CMS in accordance with the relevant procedure(s).</p> <p>Confirmation by the Department that the functionality of the CMS system is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.</p>
27.1(b)	The Contractor must maintain the Prison Trust Account and Prisoner funds information on IOMS and the Custodial Management System in accordance with the Department's guidelines in relation to Prison Trust Accounts and Prisoner funds and the Department's prisoner engagement framework.	Procedures are in place for managing and reconciling trust accounts.	Demonstration of the reconciliation function of trust accounts.	<p>Sighting of the relevant procedure(s) (or extracts).</p> <p>Confirmation by the Department that the Contractor demonstrated reconciliation functionality of trust account in accordance with the relevant procedure(s).</p>
27.1(c)	The Contractor must ensure that the Trust Accounting Bulk Upload is accurate and up to date on a Prisoner's release or transfer.		Demonstration of reconciliation of TABU	Confirmation by the Department that the Contractor demonstrated the functionality of reconciling Prisoner funds information on IOMS and the CMS via TABU in accordance with the relevant procedure.
28.0	Prisoner Property			
28.1(a)	The Contractor must document and, where necessary, arrange for the storage or removal of Prisoner Property.	<p>Procedures are in place for managing Prisoner Property.</p> <p>Property store stock has been confirmed as sufficient by the nominated Staff Member.</p>		Sighting of the relevant procedure(s) (or extracts) and confirmation notice(s).
28.1(b)	The Contractor must ensure all Prisoner Property is accounted for on release and any issues are resolved.	As 28.1(a)		Sighting of the relevant procedure(s) (or extracts).
29.0	Assessment			
29.1	The Contractor must assess Prisoner risks and needs (which may include offence, health and safety (both physical and mental), cultural, religious, spiritual, diversity, educational, employment, disability, family and whānau and placement related needs) in order to develop an	Procedures are in place for conducting assessments.	Demonstration of the assessment functionality within the Contractor's integrated assessment and case management tool.	<p>Sighting of the relevant procedure(s) (or extracts).</p> <p>Confirmation by the Department that the functionality of the integrated assessment and case management tool is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections</p>

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	individualised Prisoner Management Plan.			Services Requirements) and the ICT Solution.
30.0	Case management			
30.1(a)	The Contractor must develop, deliver, monitor and review an individual Prisoner Management Plan for each Prisoner that guides delivery of rehabilitation and reintegration Interventions.	<p>Procedures for developing, monitoring, reviewing and updating Prisoner Management plans are in place.</p> <p>Formal arrangements are in place with relevant external service providers.</p> <p>Arrangements are in place with local police detailing procedures for the exchange of information relating to high risk offenders.</p>	Demonstration of the functionality of establishing and updating Prisoner Management Plans using the Contractor's integrated assessment and case management tool.	<p>Sighting of the relevant procedure(s) (or extracts) and arrangements.</p> <p>Confirmation by the Department that the Contractor demonstrated the functionality of Prisoner Management Plans on the Contractor's ICT System in accordance with the relevant procedure(s).</p> <p>Confirmation by the Department that the functionality of the Contractor's Case Management tool is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.</p>
30.1(b)	The Contractor must establish Prisoner files where none exists.	As 30.1(a)	As 30.1(a)	As 30.1(a)
30.1(c)	The Contractor must ensure all Prisoner files are regularly updated.	Procedures are in place for the updating of Prisoner files.		Sighting of the relevant procedure(s) (or extracts).
30.1(d)	The Contractor must archive Prisoner files in accordance with the Public Records Act in offsite accommodation provided by the Department.	Procedures are in place for the archiving of Prisoner files.		Sighting of the relevant procedure(s) (or extracts).
30.1(e)	The Contractor must request archived Prisoner file(s) should they be required.	Procedures are in place for the retrieval of Prisoner files.		Sighting of the relevant procedure(s) (or extracts).
30.1(f)	The Contractor must work collaboratively with CPS to transition Prisoners from the Prison to the community.	Arrangements are in place with CPS.		Sighting of the arrangement.
30.1(g)	The Contractor must complete a Transition Offender Plan Review for Prisoners who will be under the supervision of CPS on release.	Procedures are in place for the completion and review of Transition Offender Plans.		Sighting of the relevant procedure(s) (or extracts).
30.1(h)	The Contractor must adhere to the Department's requirements for communications between the Department, the New Zealand Police, Child, Youth and Family (in relation to sexual, violent, or other serious offenders seeking family or whānau integration on release), and Immigration New Zealand, to support the effective transfer of	Procedures are in place for communication with the New Zealand Police, Child, Youth and Family and Immigration New Zealand,.		Sighting of the relevant procedure(s) (or extracts) and arrangements.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	information about Prisoners in preparation for release.			
30.1(i)	The Contractor must comply with the Department's guidelines for the management of High Risk High Profile Prisoners and the HRHP Database.	Procedures are in place for the management of HRHP Prisoners	Demonstration of the functionality of the HRHP Database	Sighting of the relevant procedure(s) (or extracts). Confirmation by the Department that the Contractor demonstrated the functionality of the HRHP Database in accordance with the relevant procedure(s).
30.1(j)	The Contractor must finalise all Prisoner Management Plans on the release of a Prisoner.	Procedures are in place for the finalising of Prisoner Management Plans.		Sighting of the relevant procedure(s) (or extracts).
31.0	Full and purposeful day			
31.1	The Contractor must ensure that all Prisoners (excluding those Prisoners who have been confined to a Prison Cell under section 133 of the Corrections Act) are provided with regular and appropriate access to (having regard to the Prisoner's security classification and risk assessment), and actively encouraged to participate in, a range of out of cell activities.	Procedures are in place for scheduling Prisoner activity, including Prisoner booking procedure. Arrangements are in place with relevant external service providers.	Demonstration of the functionality of scheduling activity on Contractor's ICT System. Demonstration of the functionality of activity viewing and booking on the CMS.	Sighting of the relevant procedure(s) (or extracts) and arrangements. Confirmation by the Department that the Contractor demonstrated the functionality of activity scheduling, viewing and booking on the Contractor's ICT System in accordance with the relevant procedure(s). Confirmation by the Department that the functionality of the CMS in relation to activity viewing and booking is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.
32.0	Rehabilitation and reintegration Interventions			
32.1	The Contractor must provide rehabilitation and reintegration Interventions to Prisoners based on their Prisoner Management Plans, in order to minimise the risk they present to others and reduce their likelihood of reoffending.	The Rehabilitation and Reintegration Programme is in place. Arrangements are in place with volunteers, relevant external service providers and local community and Government stakeholders. Arrangements are in place with the Department to	Demonstration of functionality within Contractor's integrated assessment and case management tool in relation to R&R KPIs.	Sighting of the relevant procedure(s) (or extracts) and arrangements. Confirmation by the Department that the functionality of Contractor's integrated assessment and case management tool in relation to reporting R&R KPIs is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
		<p>ensure that Interventions are aligned with those delivered elsewhere in the Prison network.</p> <p>Procedures are in place for recording and reporting R&R KPIs.</p> <p>Procedures and/or arrangements are in place for the Community Office and mentor hotline.</p>		
33.0	Educational and employment opportunities			
33.1(a)	The Contractor must facilitate eligible Prisoners' access to a range of educational, employment and training opportunities that will improve their ability to participate pro-socially in society after release from Prison.	<p>Arrangements are in place with local employers, external service providers of services, equipment and consumables.</p> <p>Equipment, consumables and library stock have been confirmed as sufficient by the nominated Staff Member.</p>	<p>Demonstrate the updating of a Prisoner's educational and employment record.</p> <p>Demonstration of the educational content and personal document storage functionality within the Prisoner-in-cell system</p>	<p>Sighting of the relevant arrangements and confirmation certificates.</p> <p>Confirmation by the Department that the Contractor demonstrated the functionality of updating education and employment records in accordance with the relevant procedure(s).</p> <p>Confirmation by the Department that the functionality of the Prisoner-in-cell system is consistent with Schedules 10B (Works (Retrofit) Requirements), 13 (ICT Requirements) and 14 (Corrections Services Requirements) and the ICT Solution.</p>
33.1(b)	The Contractor must ensure that educational programmes, where applicable, are linked to the New Zealand Qualifications Framework.	The Contractor is registered, or seeking registration, with NZQA as a training organisation.		Sighting of the relevant arrangements.
33.1(c)	The Contractor must ensure that Prisoner payment aligns with the Department's guidelines in relation to Prison Trust Accounts and Prisoner funds and the Department's prisoner engagement framework.	Procedures are in place for the payment of Prisoners		Sighting of the relevant procedure(s) (or extracts).

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
34.0	Involvement of family, whānau and social networks			
34.1	The Contractor must provide opportunities for Prisoners' whānau, family or appropriate social networks to participate in Prisoners' rehabilitation and reintegration.	Procedures are in place for facilitating the involvement of family, whānau and social networks in a Prisoner's rehabilitation and reintegration.		Sighting of the relevant procedure(s) (or extracts).
35.0	Achieving effectiveness with Māori Prisoners			
35.1	The Contractor must ensure its operation of the Prison achieves successful outcomes with Māori Prisoners.			This requirement will not be tested separately. As part of the Department's review of Operative Documents, the Department will give consideration to whether the policies and procedures are appropriate for Māori Prisoners. When reviewing relevant demonstrations and scenario tests, the Department will observe whether the culturally appropriate content described in the relevant procedure(s) is demonstrated.
36.0	Seamless integration with the Department and other Government Entities			
36.1(a)	The Contractor must integrate with the Department, the wider prison network and the wider justice sector and other Governmental Entities.	Procedures and relevant arrangements are in place. Arrangements are in place with the Department in relation to Delegations under the Corrections Act and Regulations.		Sighting of the relevant procedure(s) (or extracts) and arrangements.
36.1(b)	The Contractor must adhere to the Department's guidelines and procedures for victim notification.	Procedures are in place in relation to victim notification.		Sighting of the relevant procedure(s) (or extracts).
36.1(c)	The Contractor must provide access, office space and equipment, and support for the NZPB, Visiting Justice, Inspector, Ombudsman, Monitor, CPS and other statutory Visitors.	Procedures and relevant arrangements are in place.		Sighting of the relevant procedure(s) (or extracts) and arrangements.
36.1(d)	The Contractor must provide information and reports to the NZPB (including responding to specific NZPB recommendations) and CPS within agreed timeframes.	Procedures and relevant arrangements are in place.		Sighting of the relevant procedure(s) (or extracts) and arrangements.
36.1(e)	The Contractor must liaise with courts in relation to warrants or hearings.	Procedures and relevant arrangements are in place.		Sighting of the relevant procedure(s) (or extracts) and arrangements.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
36.1(f)	The Contractor must facilitate the use of audio-visual link within the Prison to enable a Prisoner to participate in a proceeding in a New Zealand court where required.	Procedures and relevant arrangements are in place.	Demonstration of use of AVL equipment.	Sighting of the relevant procedure(s) (or extracts) and arrangements. Confirmation by the Department that the Contractor demonstrated the functionality of AVL equipment in accordance with the relevant procedure(s).
36.1(g)	The Contractor must operate the Department's ICT Systems.	Procedures are in place for operating the Department's ICT Systems.		Sighting of the relevant procedure(s) (or extracts).
36.1(h)	The Contractor must provide timely and accurate responses to information requests such as Official Information Act requests and requests for information from the Department under the Ombudsmen Act 1975, Parole Act 2002 and Public Finance Act 1989 in order to allow the Department to comply with its reporting obligations under those Acts	Procedures and relevant arrangements are in place		Sighting of the relevant procedure(s) (or extracts) and arrangements.
37.0	Relationships with Māori Stakeholders, external service providers and the wider community			
37.1(a)	The Contractor must establish relationships with external service providers and the wider community.	Relationships and, where appropriate, arrangements have been established.		Sighting of relevant arrangements where these exist; details of meetings where no formal arrangements exist.
37.1(b)	The Contractor must align with the Department's volunteer policy.	Procedures are in place.		Sighting of the relevant procedure(s) (or extracts).
37.1(c)	The Contractor must use its reasonable endeavours to ensure appropriate and relevant Māori stakeholders are engaged regarding the operation of the Prison (including the provision of meaningful support and advice to Prison management).	As 37.1(a)		As 37.1(a)
38.0	Manage Mana Whenua relationships			
38.1(a)	The Contractor must establish and maintain Mana Whenua relationships which: (a) acknowledge and respect the historical association that Mana Whenua iwi have with the land;	Relationships and, where appropriate, arrangements have been established.		Sighting of relevant arrangements where these exist; details of meetings where no formal arrangements exist.

Ref	Corrections Services Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
38.1(b)	The Contractor must establish and maintain Mana Whenua relationships which: (b) enable Mana Whenua input into cultural mitigation measures; and	As 38.1(a)		As 38.1(a)
38.1(c)	The Contractor must establish and maintain Mana Whenua relationships which: (c) assist with ensuring that the Corrections Services do not offend Mana Whenua culture and values.	As 38.1(a)		As 38.1(a)

Part 2 – Works (Retrofit) Requirements

Ref	Works (Retrofit) Requirements	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
W2	Continued compliance with Works Requirements			
W2.2	The Contractor must ensure that the retrofitting undertaken in the Facility between Works Completion and Operational Completion does not undermine or compromise the Facility's compliance with the Works Requirements set out in Schedule 10 (Works Requirements) or with the standards and functionality tested in the Works Completion Tests.	Department (via IR) inspection of fit-out completed post Works Completion		<p>Department (via IR) confirms that only the fixtures and fittings (including fastenings) listed in the finalised "Hardware for Prisoner Accessible Areas (Operational Completion)" document has been installed.</p> <p>Department (via IR) confirms that no items have been installed in the non-Prisoner accessible areas that have undermined the integrity of the works carried out in accordance with Schedule 10 (Works Requirements) .</p> <p>Department (via IR) confirms, following physical verification, that all fittings and fixtures (including fastenings) are securely and permanently fixed and are in accordance with the finalised "Hardware for Prisoner Accessible Areas (Operational Completion)" document.</p>
W3	Retrofit Items			
W3.2(a)				

Ref	Works (Retrofit) Requirements	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
W3.2(b)				
W3.2(d)	The Contractor will ensure the installation of any retrofit items does not block any maintenance or access routes, create any safety hazard or increase any security risk.	Department (via IR) Inspection to ensure that items installed post Works completion have not blocked any maintenance or access routes, created any safety hazard or increased any security risk.		Department (via IR) confirmation that items installed post Works completion have not blocked any maintenance or access routes, created any safety hazard or increased any security risk.
W3.2(e)	The Contractor will ensure all hardware installed in the Facility between Works Completion and Operational Completion complies with the document entitled "Hardware for Prisoner Accessible Areas (Operational Completion)" once finalised in accordance with the Review Procedures, and no other hardware is installed.	See W2.2		See W2.2
W4	Prisoner telephony			
W4.2	The Contractor must provide Prisoner telephony, which must be capable of being monitored and recorded in accordance with Schedule 14 (Corrections Services Requirements).		See 25.1(a) See 6.1(h)	See 25.1(a) See 6.1(h)
W5	ICT			
W5.2(a)	The Contractor will provide an interface solution to the Department Applications based on utilisation of the Citrix Access Gateway hosted		Confirmation that the Contractor's ICT solution, including the interface	Confirmation by the Department that the intrusion prevention tests confirmed that the interface solution is secure.

Ref	Works (Retrofit) Requirements	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
	applications service, via an encrypted private network connection to the Department's hosting environment.		solution, is secure as demonstrated via an intrusion prevention test, based on mutually agreed scope and criteria, completed by an ICT specialist	
W5.2(b)	The Contractor will provide an electronic custodial management system (CMS) in accordance with Schedule 10B (Works (Retrofit) Requirements).	<p>Inspection that CMS biometric readers have been installed in the areas specified in Appendix I (Security Report) to Schedule 10 (Works Requirements)</p> <p>Audit of the installation of CMS from an information security perspective has been completed and any issues identified addressed.</p> <p>Inspection that all CMS casings have a kiosk installed inside them.</p>	See 8.1(b); 9.1; 16.1(a); 19.1(a)(i); 22.1; 23.1; 26.1(a); 27.1(a); 31.1	<p>Confirmation by the Department that the CMS biometric readers have been installed in the areas specified in Appendix I (Security Report) to Schedule 10 (Works Requirements)</p> <p>Sighting of the completed audit.</p> <p>See 8.1(b); 9.1; 16.1(a); 19.1(a)(i); 22.1; 23.1; 26.1(a); 27.1(a); 31.1</p> <p>Confirmation by the Department that all CMS casings have a kiosk installed inside them.</p>
W5.2(d)		See 19.1(c)		See 19.1(c)
W5.2(e)			See W5.2(a)	See W5.2(a)
W5.2(f)			See W5.2(a)	See W5.2(a)
W5.2(g)	The Contractor will provide two Prisoner computer labs, which: (i) shall have no internet access; and (ii) shall have individual file storage area for saving personal documents.		See B1	See B1

Ref	Works (Retrofit) Requirements	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
W5.2(h)	The Contractor will provide Prisoner-in-cell systems (PICS) in each Prison Cell (excluding all At Risk Prison Cells) in accordance with Schedule 10B (Works (Retrofit) Requirements).		See 33.1(a)	See 33.1(a)
W5.2(i)	The Contractor will provide an integrated assessment and case management tool in accordance with Schedule 10B (Works (Retrofit) Requirements).		See 29.1 and 30.1(a)	See 29.1 and 30.1(a)
W5.2(j)	[REDACTED]		See 6.1(e)	See 6.1(e)
W5.2(k)	The Contractor will implement network firewalls to provide a segregated interface to the Department's WAN connection and a capability to run an IPsec secure tunnel across the connection.		See W5.2(a)	See W5.2(a)

Part 3 - Operational Readiness to receive first Prisoners and meet Ramp Up Plan

Ref	Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
A	Muster Management			
A-1	Profile of Prisoners entering the Prison in the first week is agreed with Dept to ensure risk is minimised, including appropriate assessment of risk categories.	Advanced prisoner ramp up list is checked for risk to transition.		Department and Contractor confirm the muster management is appropriate and Prisoner transfer strategy is appropriate to minimise risk.
A-2	Prisoners being sent to the Prison in the first two weeks of the Ramp Up Period are categorised as being suitable to conduct key worker positions.	Review incoming Prisoner profiles to confirm there are sufficient to cover key worker roles such as kitchen, cleaning duties, grounds, laundry, waste, reception store and maintenance.		Department and Contractor confirm the initial profile of Prisoners coming to the Prison is appropriate such that key worker roles will be filled.
B	FF&E and Consumables			
B-1	FF&E has been installed in accordance with FF&E list and is functioning	Full inventory checks have been completed by each Assistant Director or his/her nominated deputy to confirm that each area, room, cell, and/or building has been equipped and stocked, as relevant, in order to meet the delivery requirements of the Ramp Up Plan.	Demonstrate the functionality of equipment in industries area, kitchen and laundry.	Sighting of confirmation notices for inventory and stock checks of all areas within the Prison, and for the Visits Centre and Community Office. Confirmation by the Department that the Contractor demonstrated the functionality in accordance with the relevant procedure(s).
C	Search of Prison			
C-1	Prison is free of Unauthorised Items	The Prison has been searched and is free of Unauthorised Items.		Sighting of relevant documentation confirming all areas within the Prison have been searched and declared free of Unauthorised Items (Note: Contractor proposes this Test is conducted approximately 7 days prior to Service Commencement Date).
D	Meaningful Activity			
D-1	There is sufficient activity on offer in the Prison to match the Prisoners in the Prison during the Ramp Up.	Compare total number of activities planned in initial weeks (Induction Programme, industry, training and education, sport, activities, hobbies and Interventions) with number		There is a range of activities available that meets the number of Prisoners in the Prison during the Ramp Up period, such that all Prisoners have at least one activity option available to them at all times scheduled for activities in their core day.

Ref	Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
		of Prisoners in the Prison.		
D-2	Entry to site is enabled.	Security clearances, where required, and site induction procedures have been completed for all Staff Members and external providers required on site in the first week are in place.		Sighting of the relevant clearances, notifications and attendance at site induction.
D-3	Staff Members are prepared for their relevant role.	Staff Members are briefed on their duties and required locations for the first day of operations, and are advised of any relevant mentors, help hotlines and escalation paths.		<p>Sighting of the relevant training and induction briefings for day 1 activities.</p> <p>Sighting of documentation and training material detailing internal communication routes and regular communication channels during the initial Ramp Up Period.</p> <p>Sighting of post descriptions.</p>
E	Facility Management (FM)			
E-1	FM helpdesk is available.	Contact numbers are prominently displayed in key locations, including on critical plant and near staff telephones.	Demonstration that the FM helpdesk can be contacted.	<p>Sighting that the contact numbers are displayed in the noted areas.</p> <p>Confirmation by the Department that the demonstration confirmed the helpdesk can be contacted.</p>
E-2	The Facility Manager has the staff in place and is ready to comply with the requirements of Schedule 12 (Facility Management Requirements).	<p>There are sufficient onsite staff in place to meet the requirements of the Ramp Up Plan and Schedule 12 (Facility Management Requirements). Verification that competent qualified personnel have been recruited trained and made familiar with the site. This should include the following:</p> <ul style="list-style-type: none"> • Contract Manager • Asset Manager • Security Manager • Cleaning • Catering • Mech/Elect Shift 		<p>Confirmation by the Operator that the Facility Manager has made provision for appropriate staff to be on site in accordance with the requirements of the Ramp Up Plan and Schedule 12 (Facility Management Requirements).</p> <p>Sighting of the qualifications of the staff listed.</p> <p>Sighting of the relevant staff training and induction records.</p>

Ref	Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
		<p>Supervisor</p> <ul style="list-style-type: none"> • General Tradesman • Plumber/Gasfitter <p>Staff are trained according to their roles.</p>		
E-3	The Facility Manager has the required arrangements in place to effect planned and unplanned maintenance tasks	<p>Arrangements (including sub contract agreements and service level agreements with appropriate firms) and/or procedure(s) are in place to effect planned and unplanned maintenance tasks by the Facility Manager in-house or sub-contracted service providers.</p> <p>Staff from subcontracted firms have received site familiarisation (e.g. briefings on site access, security requirements).</p>		<p>Sighting of the relevant arrangements and/or procedure(s).</p> <p>Sighting of the relevant procedure(s) and training and induction records.</p>
E-4	The Facility Manager has a workflow management system in place.	<p>The computerised asset management and maintenance management systems are installed and populated with the appropriate information, including:</p> <ul style="list-style-type: none"> • Property and asset data, including all O&M Manuals, As-built drawings and all relevant Operative Documents • Equipment database • Capability to receive prioritised requests from 	<p>Demonstration that the systems are installed, and demonstration of receiving work requests and prioritising these in accordance with business rules</p>	<p>Confirmation by the Department that the Contractor demonstrated the functionality in accordance with the relevant procedure(s).</p> <p>Confirmation by the Department that the computerised asset management and maintenance management systems are remotely accessible by it, in accordance with Schedule 12 (Facility Management Requirements).</p>

Ref	Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
		<p>the NCC</p> <ul style="list-style-type: none"> • Functional reporting and audit modules • Ability to dispatch work orders <p>Ability to track work orders</p> <p>The computerised asset management and maintenance management systems are remotely accessible by the Department, in accordance with Schedule 12 (Facility Management Requirements).</p>		
E-6	The Facility Manager has health and safety procedures in place.	<p>There are procedures in place governing staff training, incident reporting and compliance with relevant Law.</p> <p>There are procedures in place for ongoing staff training.</p> <p>Subcontracted firms have submitted health and safety plans.</p>		Sighting of the relevant plans and procedure(s).
E-7	Either a valid certificate for public use and/or a code compliance certificate (each as described in the Building Act 2004) in respect of the Prison has been issued and remains current.	The certificate for public use or the code compliance certificate has been issued by Auckland Council and remains current.		Sighting of either certificate
E-8	The Facility Manager has in place the required ancillary equipment to support the AM/FM activities.	<p>Full inventory check has been completed by the Facility Manager to confirm necessary equipment is in place including:</p> <ul style="list-style-type: none"> • [REDACTED] 	Demonstration of servicing of the CCTV cameras in the sterile zone and to any CCTV cameras located over 3m from ground level.	<p>Sighting of the equipment in place</p> <p>Confirmation by the Department that the Contractor demonstrated access to CCTV cameras is achievable</p>

Ref	Requirement	Verification Method		Acceptance Criteria
		Inspection	Demonstration/Test	
		<ul style="list-style-type: none"> • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] • [REDACTED] 		
F	Reporting			
F-1	Procedures are in place for reporting against the requirements of Schedule 15 (Reporting).		Demonstration of report templates on relevant Department Application or Contractor's ICT System.	<p>Sighting of relevant procedure(s) (or extracts).</p> <p>Confirmation by the Department that the Contractor demonstrated the functionality in accordance with the relevant procedure(s).</p>