

BEFORE CHRISTCHURCH CITY COUNCIL

Independent Hearings Commissioners

UNDER THE

the Resource Management Act 1991
(the **Act**)

IN THE MATTER OF

An application by Ara Poutama Aotearoa/Department of Corrections for resource consent to establish a rehabilitative and reintegrative residential accommodation programme within an existing property at 14 Bristol Street, Christchurch (RMA/2020/173)

**STATEMENT OF EVIDENCE OF KEN GIMBLETT ON BEHALF OF
ARA POUTAMA AOTEAROA / DEPARTMENT OF CORRECTIONS
(Planning)**

Dated: 16 August 2021

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: L J Semple
(Lauren@greenwoodroche.com)

Level 3, 1 Kettlewell Lane
680-690 Colombo Street
Christchurch 8011
PO Box 139
Christchurch 8140

1 INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Ken Gimblett. I hold the position of Senior Resource Management Planner / Partner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 1998 and have been a director of the company since 2008.
- 1.2 I hold a Bachelor of Regional Planning (Hons) from Massey University. I am also a full member of the New Zealand Planning Institute and an accredited independent Resource Management Commissioner (Chair Endorsement). I have 33 years' experience gained both in New Zealand and the UK, in statutory and environmental planning, effects assessment, policy analysis, plan preparation and administration, and public consultation.
- 1.3 I have extensive experience in preparing numerous resource consent applications and their associated assessments of environmental effects in relation to a wide range of planning and resource management projects. I am regularly engaged to provide strategic planning advice and act as an expert planning witness before Council hearings and the Environment Court.
- 1.4 As an accredited resource management decision-maker, I regularly act as an Independent Hearings Commissioner, and have done so in respect of resource consent, plan change and designation related hearings within the Christchurch context, applying provisions of the Christchurch District Plan (**CDP**). Since its inception in 2005, I have also been a presenter in both foundation and recertification courses of the Ministry for Environment / Local Government New Zealand "Making Good Decisions" resource management accreditation programme.
- 1.5 Boffa Miskell has had a national preferred services provider agreement with Ara Poutama Aotearoa / Department of Corrections since 2014. In late November 2020 I was contracted by Ara Poutama to provide strategic and expert planning / resource management advice in respect of the resource consent application that had been lodged to establish a rehabilitative and reintegrative residential

accommodation programme within an existing property at 14 Bristol Street, Christchurch.

- 1.6 I was not involved in the preparation of the application originally made by Kāinga Ora and its associated assessment of effects (**AEE**). However, I have a comprehensive understanding of the proposed rehabilitative and reintegrative programme designed to enable participants to return to the community with new skills to address the causes of their offending and to support them to live a crime free life (the **Proposal**).
- 1.7 I have visited the Bristol Street premises and surroundings on several occasions, and also the Hamilton based Tai Aroha programme being conducted temporarily from the Hukanuiamuri Marae near Huntly. During that Hamilton visit I spent the day with participants and Ara Poutama staff involved with delivering the programme, and also visited the currently vacated Tai Aroha premises at 32 Angelsea Street, Hamilton.

Code of conduct

- 1.8 I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note 2014, and agree to comply with it. My qualifications as an expert are set out above. Other than where I state that I am relying on the advice of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2 SCOPE OF EVIDENCE

- 2.1 My evidence is presented on behalf of the Applicant, Ara Poutama Aotearoa.
- 2.2 A comprehensive planning assessment of the Proposal is provided as part of my evidence. Much of that assessment is an endorsement of the planning analysis provided as part of the Application. There is also close alignment with the assessment undertaken by Senior Planner Ms

Emma Chapman in preparing the Council section 42A report. It also includes, however, additional discussion on matters which either:

- (a) Respond directly to matters raised or recommended by Ms Chapman, particularly in regard to proposed conditions should consent be granted; and/or
- (b) in my opinion, are of particular significance for the decision-maker in this context.

2.3 That discussion is summarised in my evidence below, along with:

- (a) My response to the submissions;
- (b) My response to the section 42A report; and
- (c) A summary of the revised proposed conditions of consent, which are provided in full in **Appendix A**.¹

2.4 In preparing my evidence, I have reviewed the following documents:

- (a) The resource consent application and associated AEE lodged on 30 January 2020.
- (b) The Council section 95 report prepared by Ms Chapman dated 3 April 2020 and the appointed Independent Commissioner's decision in relation to notification of the application, dated 8 April 2020.
- (c) The Council requests for further information, and Ara Poutama's responses to those requests, as well as other supplementary information provided to the Council since the application was lodged.
- (d) All submissions received on the application.
- (e) The Council section 42A report also prepared by Ms Chapman recommending granting consent with conditions, dated 26 July 2021.

¹ This shows proposed revisions of the conditions based on those recommended in the Council report.

- (f) The evidence statements of all witnesses advising Ara Poutama.
- (g) Relevant local, regional and national planning instruments.
- (h) Minutes of the Commissioners.

3 THE APPLICATION

3.1 Details of the activity applied for are described in the application and summarised by Ms Chapman in her report. In summary, the proposal is to:

- (a) Utilise the existing building and facilities on the site as a residential facility providing rehabilitative and reintegration services to adult men with a history of violent offending and a high risk of future offending, who have been sentenced to home detention.
- (b) Provide men within the programme with support 24 hours a day by a team of psychologists and other support staff including programme facilitators, as well as additional external support staff (e.g. probation officers).
- (c) Accommodate approved outings by residents.
- (d) Facilitate pre-approved visitors coming to the site during prescribed hours on a Saturday.
- (e) Provide on-site parking for vehicles and cycles, and for enhanced fencing and landscaping of the site.

3.2 Since the application was lodged supplementary information has been provided and the Council has requested further information of Ara Poutama. This has included:

- (a) Responses to questions by Council ahead of public notification regarding the overall framework and structure of Tai Aroha, Hamilton, including an overview of Tai Aroha incident reports provided by Dr Charl Louw, Senior Psychologist and Principal Advisor with the Department of Corrections / Ara Poutama Aotearoa (February/March 2020).

- (b) Information regarding the permitted baseline assessment for a community corrections facility on the Bristol Street site, prepared by The Property Group (April 2020, later revised (July 2021)).
- (c) Supplementary information to assist understanding of the application following the decision the application be publicly notified, including updated floor plans, landscape and integrated traffic assessments (November 2020).
- (d) A short summary of the key features of the Proposal to inform the public notice (January 2021) and a Social Impact Assessment prepared by BECA (February 2021).
- (e) Mahaanui Kurataiao Limited's "Assessment of Impacts on Rangatiratanga and Treaty Principles" (March 2021), and Te Ngāi Tūāhuriri Rūnanga Position Statement (March 2021).
- (f) Updated information regarding Tai Aroha incident reports (May 2021).

3.3 Additionally, following the close of submissions, a response to a formal request for information was provided on 3 June 2021, along with a preliminary set of draft conditions of consent offered by Ara Poutama. That RFI response and the various attached documents are available to the Commissioners.

3.4 Since lodgement, and the receipt of submissions, the application is now amended as follows:

- (a) Maximum participant numbers are reduced from 16 to 12, with an initial staff recruitment and establishment period ("build-up" phase) of 9-12 months, and thereafter progressively building towards that maximum resident occupancy over the initial 12 months of the programme ("phase in" period).
- (b) A maximum of 10 resident participants in phases 1-3 of the programme and up to 2 residents in phase 4, unless there are 8 or less men in phases 1-3, in which case there could be up to 4 men in phase 4.

- (c) Site management will now provide for a minimum staffing number during the weekday of 4 and a maximum of 17 (originally a minimum of 2 and maximum of 10). The overnight and weekend staff numbers will remain unchanged at a minimum always of 2, with that possibly increasing depending on the number of men in the programme. The core (non-therapeutic) staff will operate under a 3-shift daily regime.²
- (d) Landscaping is revised in response to privacy and other matters raised in submissions, and to account for operational requirements, including outdoor social spaces and areas of unauthorised access within the site. A further revised landscape plan is attached as **Appendix B** to my evidence, and will also be provided for display at the hearing.
- (e) Introducing further mitigation measures such as the establishment of a Community Liaison Group (**CLG**), the offer of providing obscure glazing for neighbours if desired, and more frequent monitoring of residents at risk of leaving the programme.
- (f) To recognise the Operations Manual that will exist as part of normal practice and be kept updated for the Bristol Street programme, and the matters on which it will provide direction.

3.5 Ms Chapman has acknowledged these amendments in her report, a number of which are reflected in revised conditions now proposed by Ara Poutama. I discuss proposed conditions as now proffered by the Applicant later in my evidence.

3.6 Physical characteristics of the Bristol Street site and surroundings are described in section 2.1 of the Application, and similarly by Ms Chapman. The Social Impact Assessment (**SIA**) prepared by BECA provides further description of the existing social environment, the typical uses of land in the area, and demographic and social profiles of the local community.

² A revised staffing condition is now included in **Appendix A** to this evidence.

4 PLANNING ANALYSIS

4.1 I have completed a comprehensive planning analysis which follows. Key points of emphasis from that analysis are:

- (a) The **existing environment** can be taken to include the current buildings on the site, upgraded in readiness for the programme, and the Council has also taken that to be the case for the former use of the property as a care facility by the Cerebral Palsy Society.
- (b) A plausible, non-fanciful **permitted baseline** provides for a community corrections facility to operate from the site. A range of singular and multi-unit residential development configurations would also be permitted.
- (c) Commissioner Hughes-Johnson has previously determined the **activity status** to be fully discretionary, because residents engaged in the programme would be “detained” on-site. I do not consider that to be entirely consistent with how other individuals serving home detention sentences under supervision are considered for the purposes of interpreting and administering the District Plan. If interpreted to include a residential activity component, the activity status is instead restricted discretionary.
- (d) The activity is largely consistent with the **objectives and policies** of relevant national, regional and local planning instruments.
- (e) In terms of actual or potential **effects on the environment**:
 - (i) Adverse social effects in relation to individual and community safety, security, health and wellbeing overall, are assessed to be, at most, minor.
 - (ii) Residential character and amenity values will be affected to a degree that is not inconsistent with the residential environment within which the site is located.

- (iii) Cultural values will be appropriately recognised, in particular through landscape design and plant selection, and waterway protection.
 - (iv) Any impact on the operation of the transport network will be acceptable, and in terms of traffic generation and demand for car parking, comparable or less than anticipated by the District Plan.
 - (v) The Proposal would benefit programme participants, as well as whanau and the wider community, and be an efficient use of the current facilities on the site.
- (f) Recourse to **Part 2** of the Act is not required in making a determination on the application.
- (g) Issues of **precedent or plan integrity** would not arise if consent was granted.

The Proposal

- 4.2 The Proposal is to utilise the existing buildings on the Bristol Street site, with minor internal modification, to accommodate and provide wrap around rehabilitative support for (as amended) up to a maximum of 12 men. Men within the programme must be willing participants and come into the programme under an overarching framework regarding the placement of people in Corrections' treatment programmes. They must also meet specific eligibility criteria for acceptance to the Bristol Street programme, and even if eligible, they must undergo a pre-acceptance clinical assessment and may not be considered suitable based on that assessment.
- 4.3 The programme offers extensive on-site support and is designed to enable participants to return to the community with new skills to address the causes of their offending and to support them to live a crime-free life.
- 4.4 Modelled on the successes of the operational Tai Aroha Hamilton programme, participants will reside at the property for a

maximum of 22 weeks, with most living at the property for between 14 to 16 weeks.

- 4.5 A referral process determines eligibility, including the identification of men considered to be ready for and capable of participating in the programme, through a pre-sentence report. The Court ultimately decides whether a person should be referred to participate.
- 4.6 Men excluded from eligibility to participate in the Bristol Street programme include those with significant untreated mental health issues, or any current or historical sex offence convictions. Men with high treatment needs relating to alcohol and/or drug use will first be referred for treatment prior to acceptance into the programme.
- 4.7 A feature of the programme is the intensive supervision provided by on-site staff during both day and night. Residents are electronically monitored by GPS and CCTV cameras will be installed and directed into the site. Most resident time is spent on the property, but some pre-approved accompanied outings will occur, and these may be unaccompanied over short durations for residents nearing the end of the programme.
- 4.8 To be a participant in the program you must reside on site, an entitlement that I understand is most likely to be lost, if you leave the property without permission.
- 4.9 Pre-approved visitors who are supporting residents in the programme may come to the property during specific times on a Saturday only.
- 4.10 Staffing numbers will be as I have described above and as set out in the June response to the Council's information request. For much of a typical weekday staff on site would number up to 14, with this extending briefly to 17 during the afternoon shift change. Shifts for the non-therapeutic staff will change early morning (6.30am -6.45am), afternoon (2.30pm – 2.45pm) and late evening (10.30pm – 10.45pm) each day.

- 4.11 No participants have access to a private vehicle. Four carparks and seven cycle parks are to be provided on-site for use by staff, service providers and visitors. Generated vehicle trips are anticipated to be in the order of 54 per typical weekday, with the greatest car parking demand generated during the afternoon shift change (amounting to demand for 11 car parks beyond the site over a 15 minute period).

Site and Surroundings

- 4.12 The Bristol Street site is 1678m² in area. The site is accessed via an existing vehicle crossing off Bristol Street with two separate gated pedestrian access points to Berry Street. Present buildings provided for a 23-bedroom complex previously used as a care home by the Cerebral Palsy Society, and I understand it may have most recently been used for a shared accommodation facility. No additional buildings are proposed but internal upgrades and reconfiguration of space is underway to better provide for the needs of the programme and its residents. This will reduce bedrooms to a maximum of 16.
- 4.13 The site is zoned Residential Suburban Density Transition (**RSDT**) under the (as applicable) operative Christchurch District Plan. The Plan also identifies liquefaction and flood management areas over the land, and the presence of a network waterway (Frees Creek) adjacent part of the northern site boundary.
- 4.14 The site context has been well described in the Application, the SIA and by Ms Chapman. In summary:
- (a) The RSDT Zone provides principally for low to medium density residential development. Positioned reasonably close to the central city, the zone anticipates an area in transition through infill and redevelopment.
 - (b) The site is located at the immediate interface with the Residential Medium Density (**RMD**) Zone to the east and south.

- (c) The local neighbourhood as part of the St Albans community is characterised by predominantly residential activity, comprising a mix of older, single dwelling properties and more recent infill housing at a higher built density.
- (d) Non-residential activities within the surrounding environment include commercial premises to the south at the intersection of Bealey Avenue and Papanui Road, and several guest accommodation activities along Papanui Road. St Margaret's College is located to the west and the community-based Rehua Marae to the north east.

- 4.15 Bristol and Berry Streets are classified as local roads under the District Plan.
- 4.16 In terms of the site context, it is also worth noting the evidence prepared for the Applicant relies on information drawn from, and the experiences of, the Tai Aroha Hamilton programme. That reflects the commonality between that Tai Aroha operating programme and the Proposal, particularly as it has operated from the site in Angelsea Street.
- 4.17 While these two locations are different, there are common characteristics between the environments of the Hamilton and Bristol Street properties. For example, they are both within residential neighbourhoods, zoned for that principal purpose in the respective district plans.³ They each are proximate to respective CBD's and are areas where housing typologies are mixed, particularly as development density increases. Both also offer reasonably ready access to amenities, services and facilities, including schools, shops and open space.

Existing Environment

- 4.18 The Application and responses provided to information requests by the Council address the former uses of the application site in establishing what constitutes the existing environment. Analysis

³ The site at 32 Angelsea Street is zoned Residential Intensification Zone under the operative Hamilton District Plan.

has also been undertaken of what the District Plan permits in terms of the environmental effects of activities (the permitted baseline).

- 4.19 The site and buildings were used up until recently by the Cerebral Palsy Society. The Commissioners' earlier decision on notification acknowledges Council resource and building consent records between 1978 and 2007 relating to the previous use and the physical form/layout of the buildings.
- 4.20 Review the relevant property file records assists in understanding whether the former use can properly be considered, in planning terms, part of the existing environment.
- 4.21 It is generally accepted the former activity commenced in 1966. While records exist for building alterations and extensions that have occurred since 1978, seemingly no records exist for parts of the activity that existed prior to that.
- 4.22 Notwithstanding this, the issuing of resource consents for building alteration non-compliances after 1978 suggests the use itself was authorised by the planning documents in place at that time. The application sets out the documented history of both building and resource consents for the site, and Ms Chapman has concluded the former care facility use was lawfully established. Acknowledging the very early history is not recorded, I agree subsequent approvals indicate that former activity does constitute part of the existing environment. That however cannot be said of subsequent "unconsented" activities (The Bristol Club / boarding house), as Ms Chapman has explained.
- 4.23 Regarding the buildings themselves and other facilities on the site, the situation is more complex. However, other than the original dwelling (for which I can find no records), all buildings do appear to have been lawfully established from a planning perspective. Ms Chapman discussed this in her report on notification stating:

"The buildings on the site were approved and constructed pursuant to a series of resource and building consents and

on the basis of the Council property file information, I consider the existing buildings on the site and the use of those for a care facility were lawfully established.”

- 4.24 In addition to land use approvals, subdivision consent for the site was granted in 2019 which was subsequently varied to stage the subdivision. Combined, these resulted in the creation of the existing titles forming the application site.
- 4.25 At that time in 2019, a combined land use and subdivision consent (RMA2019689) authorised a range of breaches of the District Plan built form standards on the various lots, including in relation to site coverage, outdoor living space and internal boundary setbacks. Subdivision consent was granted in relation to minimum net site area. Both approvals were for non-complying activities.
- 4.26 The consent issued to vary the conditions of the earlier approval (RMA2019689B)⁴ resulted in a change to the conditions of the subdivision, with the land use conditions remaining unaltered.
- 4.27 It is apparent that the varied approval had the effect of slightly altering the positioning of some of the common title boundaries within the site, which resulted in a reduced title area and consequently marginally increased (non-compliant) site coverage, even though nothing actually changed in terms of the overall extent of building coverage or total site area. This consequence was not explicitly discussed in the amended consent, but the approval did accept it was appropriate to grant the application as a variation, recognising;

“The activity will not fundamentally change and the adverse effects will not be materially different from those associated with the original consent”.

The decision further records;

⁴ As a discretionary activity pursuant to s127 of the RMA.

".. any adverse effects of the altered proposal would be less than minor and no persons would be affected by the proposal."

- 4.28 Against this documented background, my opinion is the present buildings and former care facility activity can reasonably be taken to form part of the existing environment.

Permitted Baseline

- 4.29 Supplementing the Application, information was provided to the Council in April 2020 regarding the permitted baseline. The analysis was in respect of a *Community Corrections Facility* and was undertaken by The Property Group (**TPG**), who prepared the Application and AEE. In determining the matter of notification, both Ms Chapman and Commissioner Hughes-Johnson considered and accepted this description of a plausible permitted baseline scenario.
- 4.30 The analysis considered various permitted residential development options and the adopted scenario was premised on a viable community corrections facility. Like Ms Chapman I consider this to be the more likely non-residential activity scenario. It relied upon the provision of 19 car parks, including the 4 car parking spaces on the western portion of the site. Contingent on some building demolition, the other 15 would be accommodated on the vacated area alongside the eastern boundary.
- 4.31 I have reviewed that analysis and I also consider it to be credible, other than the car parking configuration that was relied upon encroaches into the required minimum waterway setback distance and would therefore not be permitted. In advising Ara Poutama, Mr Rhys Chesterman has also considered the car parking calculation relied upon for that analysis and concludes a compliant number of car parks to be 17 spaces, rather than the 19. He has subsequently produced a compliant alternative carparking layout for the site clear of the setback accommodating these 17 car parks (July 2021), and I am

satisfied, with that alteration, the baseline scenario is both accurate and non-fanciful.

Activity Status

4.32 The activity status was a contested matter at the time of the notification decision. The proposal was applied for under three separate categories of land-use activity, being:

- (a) a Residential Activity;
- (b) a Community Corrections Facility; and
- (c) a Community Welfare Facility.

4.33 The District Plan definitions of these elements of the proposal are set out in full in **Appendix C**. I agree the non-residential elements of the proposal fall within the definitions of *Community Corrections Facilities* and *Community Welfare Facilities*. Ms Chapman also agrees, and this was similarly the position reached by the Commissioner at the time of determining notification.

4.34 Regarding whether the proposal includes a *Residential Activity* is, in my opinion, less clear. This issue was traversed in considerable detail in the lead up to notification, and is again discussed by Ms Chapman in her report. Critically, under the relevant exemption to the definition, is the issue of whether the activity involves:

"the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site."

If it does, it cannot meet the definition and the accommodation part of the activity is not a residential one.

4.35 Ara Poutama maintains the view that the Proposal is not excluded and therefore meets the definition. Ara Poutama reasons that those residing on the site while participating in the programme are not physically restrained, nor are they prevented from leaving the property if they choose to, and programme and support staff have neither the lawful authority nor mandate to

prevent them doing so. Consequently, Ara Poutama asserts the programme participants are not *detained*.

- 4.36 The Commissioner in determining the matter of notification, and Ms Chapman concluded differently. Their determination was informed by a legal opinion obtained from Council's in-house counsel⁵, which noted the sentence of home detention involves a prohibition on leaving the home detention site except in limited circumstances, it requires an offender to remain at an approved residence and the offender understands that requirement, and there will be consequences for leaving the site without permission. In essence, the Commissioner found being "*detained on site*" is not limited to only situations involving physical detention, and in the case of Bristol Street, residents would be detained in the context of the custodial sentences in question where they have a "*reasonably held belief*" they are not free to leave.
- 4.37 In her more recent report Ms Chapman maintains the view the residents engaged in the programme would be detained, and the Proposal does not therefore include a residential activity component.
- 4.38 I have given this matter some considerable thought, and I can appreciate both perspectives. Those living on the site while active in the programme are clearly accommodated under supervision. They are not in custody (imprisoned) and would be otherwise eligible for home detention.
- 4.39 The definition exception references the living accommodation being *supervised*, which is not defined by the District Plan. However, for this Proposal that is clearly the case and not in question. The fundamental question is simply whether they are being detained?
- 4.40 As I understand it, somebody on "normal" home detention is subject to the same restraint on their liberty as those that would be enrolled in the Bristol Street programme, yet that

⁵ Memo to Emma Chapman from Cedric Carranceja (on secondment), 26 February 2020.

circumstance does not cause what would otherwise be a residential activity (i.e. the approved residence), for the purposes of the District Plan, to suddenly become something else. In both situations, an individual's level of physical restraint and reasonably held belief regarding their freedom to leave, and there being known consequences if they do, is no different. In short, those residing within the Bristol Street programme would be no more or less *detained* than if they were under the sentence of home detention and serving out that sentence in an approved residence.

- 4.41 Under the terms of the Plan's exclusion clause, I have also considered whether there is a material distinction in the nature and form of the supervision that occurs in each case, should that be relevant. Ms Chapman discusses this aspect and concludes there to be a clear distinction between the Proposal and the situation of a person serving a sentence of home detention in a private residence because in that circumstance there would be "*no staff supervising them on the site*".⁶
- 4.42 In the situation of home detention my understanding is that it is characterised by close supervision by and regular reporting to a community probation officer, verification of off-site appointments, and may extend to other special monitoring or restriction around an individual's associations, living or working arrangements. For the Bristol Street programme that supervision is to be provided by programme staff or support agents mostly when they are present on the site, with similar monitoring and oversight of associations and excursions, some of which may be unaccompanied. Both involve mandatory electronic monitoring of individuals.
- 4.43 With that understanding, I question Ms Chapman's interpretation that distinguishes these different forms of supervision based solely on the physical presence or otherwise of a "supervisor(s)". Even if there was an intended differentiation by the Plan drafters, and I am not aware of any evidence there was, it is notable that the presence of supervising staff on-site at Bristol Street is

⁶ Paragraph 26.

entirely consistent with that anticipated by other residentially-based permitted activities in this zone, for example, a *retirement village* which may include a care home for residents, or on-site professional care offered as part of *sheltered housing*, or that which may necessarily form part of *emergency and refuge accommodation*. In any event, legal advice to the Council is that a proposal involving supervised living accommodation will not be excluded from being a *residential activity* unless residents are “detained” on the site.⁷

- 4.44 I do not consider this to be a quirk of the Plan’s architecture, and in my assessment it seems inconsistent to artificially distinguish these two scenarios for the purposes of administering the District Plan. Both involve where people will reside, managed supervision features in each situation, and the degree to which an individual’s freedoms are restricted (physically or otherwise) is apparently the same.
- 4.45 There is a comparatively greater participant number (i.e. a concentration of residents) proposed at the Bristol Street property relative to a singular person on home detention, but the definition exception and whether or not an individual(s) is in *supervised living accommodation* and/or *detained* is not predicated on any quantum. Instead the scale of any permitted residential activity is limited by standards in the Plan, such as that limiting bedroom numbers.⁸ Similarly, there is the limitation on non-residential activity hours of operation,⁹ along with car/cycle parking and other applicable built form standards. Any adverse effects that might arise as a consequence of supervisors being present in person are therefore already able to be addressed, and it is not reliant on an interpretation of the definition to do so.
- 4.46 In my opinion, recognising both the relevant standards and what the Plan contemplates by way of permitted activities, there is no

⁷ CCC in-house counsel memo, paragraph 18.

⁸ Rule 14.4.1.1 P1.

⁹ Rule 14.4.1.1 P22 and P23.

apparent effects basis under the activity definition provisions of the District Plan to interpret these two situations differently.

- 4.47 As to the activity status overall, as I note above, I am comfortable the existing buildings and former care facility use can be taken as lawfully established and to be a part of the existing environment. Consistent with the position reached by Ms Chapman, utilising the current buildings (even as upgraded) for the Proposal does not introduce the need for further planning approvals against the applicable built form standards.
- 4.48 Ms Chapman has advanced her analysis on the basis of the activity status being fully discretionary. Unchanged from the position she reached at the time of reporting on notification, she reaffirms that view in her subsequent report.
- 4.49 Essentially, Ms Chapman maintains that by virtue of Rule 14.4.1.4 D1, the activity becomes discretionary. Other elements are restricted discretionary by virtue of Rules 14.4.1.3 RD17 (operating hours) and 7.4.2.3 RD1 (car parking – covered cycle parking).
- 4.50 As per my discussion above, I am not convinced this is a consistent and therefore correct interpretation in relation to the programme's residential component. Because the proposal would accommodate up to 12 residents, exceeding the permitted bedroom maximum of 6, Rule 14.4.1.2 C2 means this component would be a controlled activity with control reserved to the scale of the activity (14.15.5) and traffic generation and access (14.15.6). The activity status overall would be **restricted discretionary**, with the associated restriction relating to operating hours of the non-residential community welfare and corrections components, residential scale, traffic generation, car parking and access safety.
- 4.51 Although I have reached that view, I accept that the different view taken previously by Commissioner Hughes-Johnson might prevail, and in the interests of assisting decision making, my further analysis is also advanced on the basis of a full (unrestricted) assessment of the Proposal. This is reflective of

the approach adopted in preparing for this hearing by Ara Poutama.

- 4.52 Accordingly, all effects of the proposal on the environment have been taken into consideration, as has a full evaluation of the planning framework. As will become evident later in my evidence, I would however note that the focus and scope of the restricted discretion means there is little practical difference in terms of the necessary effects assessment in the circumstances of this application.
- 4.53 Before moving on in my planning analysis, and relevant to the matter of activity status, it is appropriate to comment on claims made on behalf of some submitters that the activity cannot be considered a "community activity/facility"; that it may be non-complying as an activity because the site coverage standard should apply; and the proposal should be assessed to include "commercial offices". I will comment on each claim separately.
- 4.54 **Appendix C** contains the "community activity" and "community facility" definitions from the District Plan. Notably, a *Community Facility* includes land and/or buildings used for community activities, including amongst others, *Community Corrections Facilities* and *Community Welfare Facilities*.
- 4.55 It is asserted that because the proposed users would not be principally (or at all) members of the "Bristol Street community" it does not meet the definition of a "community activity" which references "community activities". My response is twofold.
- 4.56 Firstly, the *Community Activity* definition is not relied upon by the Applicant and does not need to be. *Community Corrections Facilities* and *Community Welfare Facilities* are more specifically defined and identified to be permitted activities in this RSDT zone, subject to meeting relevant standards. As acknowledged by the Commissioner at the time of determining notification:

"[t]he applicant has assessed the non-residential aspect of the proposal to fall within the definition of "Community Corrections Facilities" and "Community Welfare Facilities".

It is clear that the staff working on the site will use the buildings for corrections purposes such as rehabilitation and reintegration services, workshops and programmes and that they will provide "information, counselling and material welfare of a personal nature" to residents on the site. I agree with Ms Chapman when she concurs that the non-residential aspects of the proposal fall within these definitions".¹⁰

- 4.57 I also agree with that interpretation. The term "community" is not defined by the Plan. In the context of a *Community Facility* (which is defined) and when considered in light of the various other activities also identified to be community facilities under the definition, including the likes of libraries, health care facilities, reserves, and spiritual activities, I do not consider it correct to interpret who might be legitimate users of these facilities in such a narrow fashion.
- 4.58 My second response is that, in reality, while residing at the Bristol Street site, participants in the programme are a part of that local community. Quite simply, that is where they will live.
- 4.59 Regarding the suggestion the proposal might need to be considered as a non-complying activity, this arises because the current buildings are thought by the submitter(s) not to meet the applicable site coverage standard, and because Rule 14.4.1.5 NC4 applies to both activities and buildings. I can confirm, as set out earlier in my evidence, that the existing buildings on the site do exceed the maximum permitted site coverage. However, having sought legal advice on this interpretive matter, I do not consider the correct application of the rules to result in the activity becoming non-complying. That is because when read in context and in the light of the environmental effects sought to be managed, it is clearly apparent the rule is concerned with building coverage, not activities. Activities are only relevant in determining what particular site coverage limitation applies to buildings on a given site. I recognise this issue has also been

¹⁰ Notification Decision, paragraph 2.19.

considered and addressed by Ms Chapman¹¹ informed by the Council's own legal advice.

- 4.60 Next is the issue of whether part of the proposal constitutes a "commercial office". In my opinion that is not the case. The proposal does include space within the buildings devoted to staff administering the programme on the site, i.e. providing the supervision of on-site residents, and implementing the community correction and welfare activities. That does not extend to any administrative function beyond the Bristol Street based activity.
- 4.61 In that sense it is no different from the inherent administrative components of many other permitted uses, such as a rest home, health or veterinary care facility, or church. It would be difficult to conceive of these sorts of activities ever being permitted, as the Plan contemplates, if the inclusion of integral administrative aspects for the activity meant they must be considered to become fully discretionary activities. That is certainly the situation for any form of permitted community correction or welfare activity delivering the likes of rehabilitation and reintegration services, personal or family counselling, citizens advice or legal aid.
- 4.62 Lastly, I note Ms Chapman observes that while the Proposal meets the required number of cycle parks, it does not indicate they would be covered. Mr Chesterman has addressed this in his evidence, and although there may be some difference of view as to calculating the requirement for cycle parking, he has explained how 3 of the 7 cycle parks to be provided could be readily accommodated within the garage/building, if necessary, and thus comply with the requirement they be under cover. On that basis I have not assessed that particular aspect further as a non-compliance.

¹¹ Paragraph 33.

Plan Analysis

- 4.63 I agree, the relevant planning instruments are as Ms Chapman identifies.

National Policy Statement on Urban Development 2020 (NPS-UD)

- 4.64 The NPS-UD was gazetted on 23 July 2020. I have placed relatively little weight on this NPS in undertaking my assessment. As a hearing commissioner and planner practicing in the Canterbury region, I am aware the specific directions of the NPS-UD, such as that to remove minimum car parking rate provisions, are yet to translate into any settled change to the District Plan¹² or Regional Policy Statement. The parking and transport network related effects of the Proposal have nevertheless been fully assessed. Similarly, any strategic level responses to the requirements of the NPS-UD concerning allowable building density intensification, land supply and demand are presently also only in their formative stages.

- 4.65 While the District Plan is yet to give full effect to these directions, I have nevertheless given some consideration to the objectives and policies of the NPS-UD. Although the primary emphasis of the NPS-UD is very much focused on urban development capacity, within that context, the proposal is considered to assist in achieving;

“well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.”¹³

- 4.66 The evidence presented by Ara Poutama confirms the important role facilities such as this have within the overall criminal justice system, and of the normalising influence of locating this facility

¹² Recognising that Plan Change 5G to the District Plan has been notified and seeks to make consequential amendments needed in order to ultimately remove parking requirements from the Plan.

¹³ NPS-UD Objective 1.

in an ordinary residential neighbourhood in achieving the graduated reintegration objectives of the programme.

4.67 NPS-UD also is supportive of achieving urban environments that;

*"... develop and change over time in response to the diverse and changing needs of people, communities and future generations."*¹⁴

4.68 It is further noted that the desirable aim of the NPS-UD of achieving "well-functioning urban environments" includes having or enabling:

*"a variety of homes that meet the needs ... of different households ... and have good accessibility for all people between housing, ... community services ..., including by way of public or active transport..."*¹⁵

4.69 A gain, the evidence presented by Ara Poutama explains the significance of a residential location and related accessibility for the Proposal's success around effective rehabilitation and reintegration.

4.70 Lastly, the NPS-UD is very directive at a policy level that, relevant to Christchurch:

*"... territorial authorities do not set minimum car park rate requirements, other than for accessible car parks", as well as strongly encouraging managing the "effects associated with the supply and demand of car parking through comprehensive parking management plans."*¹⁶

4.71 The future direction around there being no mandated car park provision through the district plan is very clear.

Canterbury Regional Policy Statement 2016 (CRPS)

4.72 In my assessment the Proposal is consistent with the CRPS. As Ms Chapman identifies, the District Plan has undergone

¹⁴ Objective 4.

¹⁵ Policy 1.

¹⁶ Policy 11.

reasonably recent comprehensive review and through that process been found to give effect to the CRPS, which itself has not since materially changed in terms of matters relevant to this Proposal.

- 4.73 For completeness however, I note the proposal is to be located, designed and managed so that the development functions in a way that,

“enables people and communities, including future generations, to provide for their economic, social and cultural well-being and health and safety, and which ... provides sufficient housing choice to meet the region’s housing needs ... and, avoids conflicts between incompatible uses.”¹⁷

- 4.74 It does not compromise achieving the broad objectives of the CRPS around the protection of significant and other natural resources, or in relation to sustainably managing land use development and the essential infrastructural services that support and enable that development. Equally, it is supportive of the aims of the CRPS towards the recovery and rebuilding of Christchurch following the 2010/11 earthquake sequence that impacted the city and wider region.

- 4.75 The proposal does not raise issues of identified regional significance, nor are there any consent requirements under the applicable regional plans.

*Christchurch District Plan (**District Plan**)*

- 4.76 Ms Chapman identifies the relevant objective and policy provisions in her report.¹⁸ I agree they are the relevant provisions and accordingly I have not repeated them in my evidence.
- 4.77 Ms Chapman provided a useful summary of what the District Plan generally seeks for residential areas in her earlier report on

¹⁷ Objective 5.2.1.

¹⁸ Appendix 4.

notification. Ms Chapman and I substantially agree as to her assessment of the proposal against these provisions. I have therefore limited my discussion to where I wish to add further comment or where we may differ.

4.78 As Ms Chapman identifies, objectives and policies from Chapter 14 Residential as they relate to both residential and non-residential activities have relevance. Objective 14.2.6 and policy 14.2.6.2 have particular relevance.

4.79 In respect of those provisions, I note the reference in Ara Poutama's June RFI response to observations of the Environment Court regarding the interpretation of objective 14.2.6 and related policies. I have not repeated that response in full, but I have relied on the following summary statement from the response in undertaking my assessment:

"In determining the application of the objective and policy, the Court identified that:

[70]: In policy 14.2.6.4 "unless" means "except if". The policy creates an exception for those activities which have an operational or strategic need to locate within a residential zone. These activities may develop if their effects are "insignificant".

[71]: The "other non-residential activities" in the objective and policy 14.2.6.4 have the same meaning. Subject to what we say next, unless the non-residential activity in question comes within one of the seven groups of activities that are the subject matter of the policy (including ones with a strategic/operational need), there is no support in the objectives and policies for their development. Indeed, policy 14.2.6.4 is clear: their development is restricted.

Importantly, the Court goes on to say:

[72] *That said, policy 14.2.6.4 does not apply to those activities that are the subject matter of policies 14.2.6.2,*

Policy 14.2.6.2 is specifically enabling of "community facilities".

- 4.80 On that basis I do not consider the policy matters of there being a strategic or operational need, or insignificant effects on residential character and amenity, to be directly applicable to the community facilities component of the Proposal. Guided by the observations of the Environment Court, it is apparent the intent of sub-clause (ii) is to restrict non-residential activities unless otherwise provided for in the policies identified by the Court that follow it. On that interpretative matter, I take from her report that Ms Chapman and I agree.
- 4.81 Policy 14.2.6.2 is enabling of these facilities and although extending beyond the permitted operating hours contemplated by the Plan, the evening activity is essentially limited to the normal household activity of the residents, and the supervisory and support provided by a minimum of 2 staff through the overnight shift (10.45pm – 6.30am). Staff generated demand for car parking and other traffic demand related effects have been fully assessed, and I am satisfied the community correction / welfare facility aspects of the proposed use are consistent with this policy.
- 4.82 If the Proposal is taken to not include a residential activity, for the men residing on the site, there is no specifically related policy under the objective in the way there is for community facilities, and policy 14.2.6.4 applies. Objective 14.2.6(a)(ii) does then direct consideration to whether that activity has a strategic or operational need to locate within a residential zone. Policy 14.2.6.4 additionally directs their establishment be restricted unless the effects of such activities on the *"character and amenity of residential zones are insignificant."*
- 4.83 I agree with Ms Chapman that there is a demonstrated operational need for a residential location if the rehabilitative and

reintegration programme is to be fully effective. Ara Poutama's RFI response and the evidence in particular of Mr Ben Clark¹⁹ and Dr Devon Polaschek²⁰ describe why that is the case. Furthermore, residential activity will continue to be the dominant activity in the zone as contemplated by the objective.

- 4.84 As to the significance of effects, Ms Chapman takes "insignificant" effects to be those that are less than minor, and observes the conclusions of both the social impact experts that some social effects will be at least minor at the outset of establishment and operation, and thereafter over time reducing to less than minor (BECA) and minor (Ms Louise Strogon).
- 4.85 While I am cautious to focus my consideration of these social effects to the men residing on the property, I understand it is their presence that substantially underlies the conclusions of the social impact experts, rather than the rehabilitative support and supervisory aspects of the use. For that reason I am in substantial agreement with Ms Chapman that the significance of social effects will be more than insignificant based on these expert assessments. I would however note the policy direction being to *restrict* in those circumstances, not to avoid or otherwise preclude the activity, and many of the mitigation measures embedded within the Proposal and offered conditions are directed to restricting the activity so as to minimise or avoid effects that can negatively impact the character or amenity of the RSDT zone. I have also assessed that there would not be substantial risk of cumulative adverse effects on community welfare and wellbeing, or other social values, as they may affect amenity values.
- 4.86 Policy 14.2.6.1 more generally requires non-residential activities to not have "*significant adverse effects*" on residential character, coherence and amenity. My assessment of the effects of the Proposal, described later in my evidence, indicates this threshold for effects will be met.

¹⁹ Paragraphs 4.6 - 4.8.

²⁰ Paragraphs 6.11 - 6.15.

- 4.87 Moving then to other relevant provisions of the Residential chapter, the objectives and policies concern ensuring a high quality residential environment, the relevance of design elements in achieving that outcome, and of also ensuring consistency with density expectations in low and medium density areas. The Proposal means the external appearance of the existing single storey buildings will be largely unchanged, landscaping will enhance the visual appearance of the site while maintaining on-site amenity and residential character, and other amenity related aspects such as safe site access and noise mitigation will be provided.
- 4.88 Located within the low-medium density RSDT zone, and adjacent the medium density RMD zone, I agree with Ms Chapman the intentions of objective 14.2.4 and policies 14.2.4.1 and 14.4.2 will be met, as will all other policies of the Chapter insofar as they may have relevance.
- 4.89 For completeness I also record that I agree with Ms Chapman's assessment of the Proposal against the relevant transport objectives and policies under Chapter 7 Transport. There is common agreement between the experts, Mr Chesterman and Mr Andrew Milne, on any adverse traffic related effects being no more than minor, which is consistent with the anticipated outcomes of these provisions.
- 4.90 My overall conclusion is the Proposal is substantially consistent with the relevant objectives and policies of the District Plan.

Environmental Effects

- 4.91 Potential or actual adverse effects on the environment attributable to the activity can be considered in relation to:
- (a) Risk of crime or other harm to the community.
 - (b) The scale of the activity and the hours the activity would operate.
 - (c) Traffic generation, parking and site access.

4.92 The activity has the potential to impact community and individual safety and security; health and wellbeing; residential character, cultural and other amenity values; and the operation of the transport network.

Safety and Security

4.93 In my assessment this is the principal and most important issue in the analysis of effects. It is the central matter raised by almost all submitters whether they have voiced their opposition or support.

4.94 In making my assessment I have relied to a substantial degree on the expert evidence that has been prepared as it relates to this apparent risk. From that evidence I understand the inherent risk to community wellbeing and welfare that the activity might bring to the area is influenced by these two critical factors:

- (a) The **probability** that a participant in the programme might leave without permission and then commit crime locally (or elsewhere) or cause other harm to people or property in the community. It is also a concern of some submitters that the presence of the activity might result in people associated with programme participants (visitors or other associates) doing the same, and
- (b) The likely **consequence** if a person(s) in the programme was to exit without permission. Given the criminal background of those undertaking the programme, submitters are very concerned any participant who was to do so could be expected to commit further crime, particularly locally and opportunistically.

4.95 A further dimension to this potential, irrespective of whether the actual effect was to occur, is the genuine anxiety, fear and concern that comes with knowing that potential exists. That of itself can negatively impact individual welfare and wellbeing, and cause people to undertake things differently, or not at all, in their daily lives.

- 4.96 Various experts from different fields have addressed these matters either in their evidence or in contributing to the Council report.
- 4.97 Ms Chapman references the updated information Ara Poutama has provided regarding incidences where participants in the Tai Aroha Hamilton programme have exited without permission under the current (since January 2015) and former operating models. Similarly, in their RFI response, the Applicant has provided information to the Council regarding such breaches by offenders with similar risk profiles on residential rehabilitation programmes.
- 4.98 Both Dr Cording and Dr Polaschek have reviewed this data. With regard to the likelihood of residents in the Bristol Street programme choosing to exit without authority, Dr Cording assesses this risk to be relatively low.²¹ Dr Cording acknowledges this risk is reduced by factors such as electronic monitoring and the detailed assessment ahead of approval of unaccompanied outings.²² She also concludes the programme to demonstrate best practice in reducing offender risk of reoffending, and the chances of treatment dropout.²³
- 4.99 Dr Polashek comes to a similar view as Dr Cording, stating:

"For the reasons set out in paragraph 73 of the s42A report, and paragraph 36 of Dr Cording's memo in Appendix 6 of that report and based on other design features of the proposal I also concur with Dr Cording's assessment that the proposed operating model adopts the best practice strategies, policies and practices available for mitigating programme non-completion, including those who leave without the permission or support of programme staff."²⁴

²¹ Paragraph 47.

²² Paragraphs 48 and 49.

²³ Paragraphs 35 and 36.

²⁴ Paragraph 10.4.

4.100 Dr Polaschek later in her evidence goes on to note:

"A significant minority of men who enter Tai Aroha leave the programme prematurely, either with or without permission. Although all programmes would like to have every attendee derive the full benefits of programme completion, a reasonable attrition rate is largely a good sign. Men in other programmes complete them because they can get away with remaining in the programme but not really engaging with it at more than a superficial level. When men leave Tai Aroha voluntarily (rather than being removed for rule infringements), they are all too aware that the immediate choice they are making is to be returned to a custodial environment for resentencing. Even men who commit substantial rule violations are often indicating that they are not as ready as they thought for the challenges of the environment. That they make this choice over staying in the programme is further evidence of the rigorous operational and rehabilitative environment in which they find themselves at Tai Aroha."²⁵

4.101 Mr Glen Kilgour has in his evidence described the procedures that dictate how staff respond to these incidents, whether they were to occur from the facility or on accompanied/unaccompanied outings, and again these were set out in detail in the RFI response. Mr Kilgour also describes from his experience how residents who leave without permission typically do so in response to factors external to the programme that are stressful and distracting. He observes them returning home or to whanua without threatening or harming members of the public in doing so.²⁶ This is supported by the analysis of incidents of leaving Tai Aroha without permission, where Dr Polaschek found;

"... none physically harmed a member of the public before being sentenced for this breach and none committed a further offence in the process of leaving."²⁷

²⁵ Paragraph 11.6.

²⁶ Paragraph 6.3.

²⁷ Paragraph 10.20.

- 4.102 Related to this, submitters have raised concerns regarding the security of the site and levels of staff supervision. In response Ara Poutama has reduced resident numbers and increased staff numbers from the original proposal. Informed by his own experiences of the Tai Aroha facility and those of his professional colleagues, Mr Kilgour has responded to the recommendation made by Ms Chapman that there be a minimum of 3 staff members on the site between the hours of 8.00am – 5.00pm on week days.²⁸ In his view, a minimum of 2 is satisfactory, recognising that the shift management procedures are designed on that basis. He notes also the physical layout of the Bristol Street facility lends itself to good supervision and the fact that the resident men will be largely asleep after 10.00pm. I would also draw the Commissioners attention to the conditions proffered by Ara Poutama which now include a minimum staff number of 4 during the week day hours of 8.00am and 5.00pm, and a minimum of 3 either side of these times between 7.00am and 8.00am, and between 5.00pm and 10.00pm. The minimum of 3 staff would also apply on the weekends between 7.00am and 10.00pm. Accordingly, the minimum of 2 staff would only apply overnight (10.00pm – 7.00am) throughout the week.
- 4.103 Additionally, there are a range of other features of the programme and the facility that contribute to on-site security, including pre-assessment of eligibility and suitability; the “community of change” rehabilitation model and individualised rehabilitation and reintegration approach for residents; specialised staff training and operational procedures; house rules / kawa; electronic monitoring; site perimeter checks by staff; along with physical features of the property including fencing/gating and camera surveillance.
- 4.104 The programme has been described as an intensive one with weekdays characterised by group treatment and organised outdoor activities in the weekends. Residents fully participate in normal household chores and duties, and time for self-directed

²⁸ Paragraphs 8.16 and 8.17.

activity is limited.²⁹ The highly structured nature of the programme is evident in the “day in the life” overview provided in the evidence of Mr Kilgour.³⁰ While this enables close connection between staff and residents, a key feature of the supervisory regime is to monitor and observe residents on a regular (20 minute) basis. Location and status monitoring is to be even more frequent (5 minutes) where it is perceived there is a greater risk a resident may exit the facility without permission.

4.105 Informed by the experience of the Tai Aroha Hamilton programme and the evidence of the relevant experts, in my conclusion the probability of a resident leaving without permission is moderate to low, and there may be a lesser likelihood of that occurring than if the same resident participants were to otherwise be serving home detention in an approved residence (individually or collectively) without that same degree of observation and support.

4.106 Also related to this is the concern regarding the facility attracting visitors that might also pose a risk to the community. Mr Kilgour has described visitor screening and management at Tai Aroha Hamilton, and the same intentions for the Bristol Street programme, noting the regulated time for visits on a Saturday, the importance of visitor pre-approval and vetting (e.g. people with gang associations or affiliations are excluded), and established understanding of visitation conduct.³¹ Visits do not occur in the first phase of the programme and all visitors are prosocial supports that have discussed with the resident and reintegration coordinator the purpose and goals of the support relationship. Staff manage and monitor visitors and residents at a dedicated area for the duration of visits. I note Ms Linzey does not consider there to be any potential social impacts that would warrant a conditioned requirement for additional staffing numbers during visiting hours, based on her observations of Tai Aroha in Hamilton.³²

²⁹ Evidence of Mr Ben Clark, para 4.17.

³⁰ Appendix A to his statement of evidence.

³¹ Paragraphs. 8.9 – 8.14.

³² Paragraph 6.4(c).

- 4.107 In my opinion these factors significantly mitigate any risk to the community associated with visitors and their engagement with residents while on the programme.
- 4.108 Mr Kilgour has also commented on the recommendation by Ms Chapman that visits be “staggered” to help minimise disruption or disturbance in terms of arrival at the site.³³ Based on his own Tai Aroha experience, he does not consider this to be necessary, and it may serve to divert staff away from supporting and monitoring the time visitors are with residents.
- 4.109 Regarding the possible consequences of a resident leaving the facility without permission, I note Dr Cording’s conclusion that in such a situation the risk of them causing harm to the local community is also low.³⁴ Dr Polaschek’s analysis of pre-programme violent offending by participants in the Tai Aroha Hamilton programme identifies very little of that offending to be random or to give cause to consider there to be an undue risk to the neighbourhood bordering this type of residence.³⁵ She identifies that the evidence from Tai Aroha over the last decade suggests that there has been no actual increase in the risk to neighbours of that programme than if the facility were not present.³⁶
- 4.110 In this regard, I am mindful also of the risk that might be posed by the operations of a community corrections facility as permitted by the District Plan. Such a facility could operate throughout the day and might normally provide the likes of probation services, treatment, rehabilitation and other support to people with diverse offending backgrounds. Both Ms Chapman and Dr Cording have undertaken that comparative assessment, concluding that level of risk to be similar to, or potentially less than, a permitted corrections facility.³⁷ Given the eligibility and acceptance procedures, the programme operation and management protocols, and the level of staff presence proposed

³³ Paragraph 8.15.

³⁴ Paragraph 50.

³⁵ Paragraph 10.19.

³⁶ Paragraph 10.26.

³⁷ Paragraphs 97 and 98 (Council report).

for the Bristol Street programme, I agree with that comparative assessment.

- 4.111 I have also considered any risk associated consequence of the resident men being concentrated together while engaged in the programme. I note Dr Cording concludes that because of the concentrated nature of the programme, the level of risk posed to the residents in the vicinity is likely to be higher as a result of the introduction of the facility.³⁸ This is a matter several submitters have raised, and Ms Chapman discusses this in her report.³⁹
- 4.112 Dr Polaschek has also considered baseline risk in respect of the men being concentrated together.⁴⁰ She observes the risk to be elevated, conceptually at least, relative to people who have never had a criminal conviction. However, she also observes the rigorous selection criteria for the programme, and close supervision compared to home detention, coupled with supportive education about making better life choices, to be mitigating factors regarding this risk. Her follow-up interview evaluation in relation to Tai Aroha participants also shows some constraining influence by co-residents and the common commitment and motivation to bettering themselves through the programme. That there have been no documented incidents of crime or harm in the last decade in respect of Tai Aroha also, in her view, suggests the actual level of risk from the programme residents to be very small. She concludes in saying:

"Taken together, all these factors suggest that although concentration conceptually increases the level of risk around the facility, in practice the actual risk is likely to remain very small.

In addition to that baseline level of risk also being significantly less than the alternative of a community corrections facility, a number of other plausible alternative

³⁸ Paragraph 41.
³⁹ Paragraph 95.
⁴⁰ Paragraphs 10.2 – 10.6.

*uses of the premises at 14 Bristol St could also impose as yet unknown, but higher, risks to the neighbourhood than is likely from this proposal.*⁴¹

Health and Wellbeing

- 4.113 The Proposal is for a facility that many will not be familiar with. Ms Amelia Linzey and Dr Jarrod Gilbert both discuss this in their evidence. The real presence of anticipatory fear and anxiety of the possibility of harm caused by residents in the programme is very evident in the public submissions. This has particular relevance to community welfare, health and wellbeing, as well as the way people may go about daily life, and may also impact on their sense of community and community cohesion.
- 4.114 Both SIA's address these social effects in some detail. A key conclusion of those assessments is levels of concern for some in the community will reduce over time as the facility demonstrates the effectiveness of the programme's management, and trust and understanding with the community develops. I however accept for some, as long as any perception of risk exists, that will not be so.
- 4.115 Guided by Dr Cording, and through revised conditions, Ms Chapman has recommended greater engagement and sharing of information with the most affected community with a view to reducing these anticipatory fears.
- 4.116 Dr Gilbert has outlined in his evidence the heightened sense of risk around criminal offending that many communities experience but which is not borne out by the data. As Dr Gilbert explains, in part, research attributes this to the manner in which crime and criminal offending is portrayed in the media.⁴²
- 4.117 Ms Linzey similarly describes how, because of uncertainty, people's perceptions of risk associated with a new activity such as this can be elevated disproportionate to the actual change in risk being experienced. She also describes her experience of

⁴¹ Paragraphs 10.5 and 10.6.

⁴² Paragraph 6.3.

where people who have some familiarity of the activity have a greater appreciation of the risks and often comparatively less fear or concern of the potential impacts. In her opinion the appropriate response is therefore to manage awareness and understanding rather than necessarily further managing the activity itself.⁴³ Accordingly, Ms Linzey also places reliance on the proposed conditions, and in particular the CLG to assist the processes to enable improved information flow between the community and Ara Poutama's operation of the facility, and to improve development of trust in the operators over time.

- 4.118 I am also supportive of this approach, and of the commitment through the conditions now proffered to share updated information with the local community and key stakeholder organisations. This also includes giving the community the opportunity to inspect the facility and meet key staff, the appointment of a dedicated community liaison person, and the establishment of the CLG with specific objectives to facilitate regular engagement, share information and provide a forum for receiving and responding to issues or concerns. Additionally, Ara Poutama has committed to documenting risks to the surrounding community caused by the operation of the programme, and regularly reporting the results of this monitoring to the CLG, and to the Council annually or otherwise on request.
- 4.119 There is a potential cumulative dimension to these types of risk effects as well, and in that regard several submitters have noted the existence of the Salisbury Street Foundation facility located on St Albans Street which also accommodates men who have committed criminal offences. This matter was specifically addressed in June RFI response, including providing information about how the Salisbury Street Foundation operates. Ms Linzey also discusses this matter in respect of the SIA undertaken, and I agree with her conclusion regarding there being no necessity to seek to manage another facility (even if that were lawful), given the assessed level of effects of this Proposal.⁴⁴

⁴³ Paragraph 7.20.

⁴⁴ Paragraph 6.4(b).

- 4.120 In terms of any potential additive effects if both facilities were to exist and operate at the same time, I agree with the assessment provided by the Applicant in responding to the Council's request. Key to assessing what additive effect might arise is understanding what already exists in the environment and what the planning framework anticipates.
- 4.121 The District Plan does not preclude individuals on home detention from residing individually or collectively in residential areas, subject to meeting applicable standards such as those regarding residential scale, building bulk and location, and so forth. I have discussed earlier any possible consequences of the men being concentrated in one household, and I understand from my discussions with corrections staff, multiple individuals under a sentence of community based home detention residing at the one property is not precluded, nor is it unprecedented. Ara Poutama's proposed facility does not "add" an effect in that regard.
- 4.122 It does potentially add an effect as a consequence of the community corrections/welfare component operating outside of the limited permitted hours (i.e. past 7.00pm). In that regard, I note the core therapeutic programme is run during the day (8:00am to 5:00pm) with activities outside of these times typical of a "normal" household and therefore also comparable as they relate to possibly impacting community wellbeing. What is perhaps unlike many households is the degree of supervisory care provided 24/7 by staff on-site and other aspects of the programme that assist in behaviour regulation.
- 4.123 Accepting the conclusions reached by respective experts generally regarding risk of harm in the community and acknowledging what could be reasonably anticipated for this environment, I do not consider there to be a substantial risk of cumulative adverse effects on community welfare and wellbeing, or other social values.
- 4.124 In concluding on the social effects of the Proposal, Ms Chapman notes the close similarity as to the assessed significance of these

effects between the respective social impact experts. She also places some reliance on the permitted baseline that is enabling of a community corrections facility on the site. I agree with that approach, recognising also the data and informed understanding able to be gained from the similar operations of the Tai Aroha Hamilton facility and the reality of where these men might otherwise reside if not on this (or similar) rehabilitation and reintegration programme. Considering all of these factors, in my view, these effects overall would not be more than minor.

Cultural Values

- 4.125 Te Ngāi Tūāhuriri Rūnanga as mana whenua exercising rangatiratanga over the takiwā in which the site is located, have provided a Position Statement (March 2021) in lieu of a cultural impact assessment. Te Ngāi Tūāhuriri Rūnanga have not opposed the application, and note the relevance and importance of the integration of Māori values, concepts and customs as a critical component of the programme. It is also recognised that a collaborative relationship and partnership with mana whenua will assist in programme development and in achieving successful outcomes.
- 4.126 Subsequent to the assessment of rangatiratanga and Treaty Principles (March 2021) prepared by Mahaanui Kurataiao Limited on behalf of Te Ngāi Tūāhuriri Rūnanga, and of the Position Statement, Te Ngāi Tūāhuriri Rūnanga have committed to work with Ara Poutama with regard to tikanga and kawa, and to support and guide cultural context in the delivery of the Bristol Street programme in accordance with Ngāi Tūāhuriri tikanga. A letter to Ara Poutama setting out that commitment is attached as **Appendix D** to my evidence.
- 4.127 Te Ngāi Tūāhuriri Rūnanga have made several recommendations as summarised by Ms Chapman.⁴⁵ While some are relationship based, others relate to avoiding adverse impacts on ecological values, particularly waters, habitats or species. It is recommended that native and endemic plant species be used in

⁴⁵ Paragraph 127.

proposed landscaping, and opportunities to enhance and advocate for biodiversity and mahinga kai should be explored.

- 4.128 Acknowledging the limitations of the site, Ara Poutama has responded by proposing locally sourced native species, where possible, in implementing the landscaping. Little change is proposed to the physical facilities and buildings on the site, and the separation of structures from the Frees Creek waterway will be maintained.
- 4.129 I am also aware of discussions that are occurring between Ara Poutama and Rehua Marae in relation to the programme and building a positive working relationship. Dr Gilbert has identified how Māori are disproportionately represented in the Corrections prison population, and Mr Clark has described Ara Poutama's strategic response to its Treaty responsibilities and this disproportionality (Hōkai Rangi).⁴⁶

Character and Amenity

- 4.130 The Plan's restrictions on the operating hours of the non-residential components of the activity (i.e. the community corrections / welfare services) are not met. The related matters of (limited) discretion relate to scale (14.15.5), traffic generation and access safety (14.15.6), and non-residential hours of operation (14.15.21).
- 4.131 Under the interpretation the activity includes a residential activity component, that residential aspect still becomes a controlled activity because the maximum permitted bedroom number (6) is exceeded. Control is also reserved to scale (14.15.5), traffic generation and access safety (14.15.6).
- 4.132 Irrespective of whether the proposal is inclusive of a residential activity or not, rule 14.15.21 is applicable because the non-residential hours of operation restriction is triggered by the community corrections/welfare services to be provided.

⁴⁶ Paragraphs 3.6 – 3.9.

4.133 Relevant to this proposal, and regarding scale, are the following matters (14.15.5):

"a) *Whether the scale of activities and their impact on residential character and amenity are appropriate, taking into account:*

i. *the compatibility of the scale of the activity and the proposed use of the buildings with the scale of other buildings and activities in the surrounding area;*

ii.*the ability for the locality to remain a predominantly residential one; and*

iii.*the appropriateness of the use in meeting needs of residents principally within the surrounding living environment.*

b) *The adverse effects of additional staff, pedestrian and traffic movements during the intended hours of operation on:*

iv.*the character of the surrounding living environment; and*

v.*noise, disturbance and loss of privacy of nearby residents.*

...

d) *For residential units with more than six bedrooms, whether there should be a limit on the number of bedrooms over six bedrooms based on the impact on the surrounding neighbourhood and residential character.*

....

e) *The ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the*

effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation.

- f) The opportunity the activity provides to support an existing nearby commercial centre.*
- g) The opportunity the activity provides to support and complement any existing health-related activities and/or community activities in the surrounding area.*

..."

4.134 There is considerable similarity with the non-residential hours of operation assessment matters, which include:

- "a. Whether the hours of operation are appropriate in the context of the surrounding residential environment taking into account:*
 - i. traffic or pedestrian movements which are incompatible with the character of the surrounding residential area;*
 - ii. any adverse effects of pedestrian activity as a result of the extended hours of operation, in terms of noise, disturbance and loss of privacy, which is inconsistent with the respective living environments;*
 - iii. any adverse effects of the extended hours of operation on the surrounding residential area, in terms of loss of security as a result of people other than residents frequenting the area; and*
 - iv. the ability to avoid, remedy or appropriately mitigate any adverse effects of the extended hours of operation; and other factors which may reduce the effect of the extended hours of operation, such as infrequency of the activity or limited total hours of operation."*

- 4.135 Assessment of compatibility is directed to considering both the use of the buildings and scale of the activity. As identified, the buildings themselves have existed on the site for some years and will not be substantially altered. They are part of the existing environment. They are single level, wooden structures, and while sizable as a collection, they are not out of character with the wider low-medium residential built context, which includes multi-unit typologies. Proposed landscaping and fencing is also consistent with that context.
- 4.136 The proposal would allow for up to 12 resident participants and a maximum of 17 staff present on the site at any one time. Periodically visitors and others involved in delivering the programme will also be present. The previous use as a care facility forms a part of the existing environment, it was operated from substantially the same built facilities for several years, and I understand accommodated a higher number of residents on-site. Without dramatic alteration or substantial replacement, the buildings may not lend themselves easily to reuse by a singular or multiple households.
- 4.137 Use of the buildings does not remove any private residences from the area, and although they may not necessarily originate from the St Albans neighbourhood, the participants join the resident community for what could be several months while they are active in the programme. The facility is proposed in response to an identified need for a residential programme in the South Island, and as described by Mr Clark,⁴⁷ Christchurch has been identified as having a cohort of people who will benefit from a residential rehabilitation programme of this type to help improve overall safety in the city.
- 4.138 Whether considered to include a residential activity or not, I am satisfied the bedroom numbers above the permitted number do not need to be limited to something less than has been applied for because of an apparent adverse effect on the neighbourhood or residential character. The property and facilities will maintain a residential appearance, and the activity, in some respects, has

⁴⁷ Paragraph 4.1.

less potential to disrupt or contrast with what might be reasonably expected in this residential context. For example, residents themselves are not permitted to have vehicles, and activities that might be noisy or disruptive (both indoors and outdoors) are to be strictly managed. Similarly, residents making trips beyond the site, and also visitors coming to the property, could be fewer than for a multi-unit residential complex on the same site, and within which overall bedroom numbers could be comparable. I also recognise exceeding the maximum of 6 bedrooms as a residential activity is a controlled activity and cannot be declined.

- 4.139 In terms of the scale of the buildings and activity, and any adverse effects on residential character and amenity arising from that, I do not consider these potential effects to be significant. The positive effect of the facility being based within a residential neighbourhood context has been described in Ara Poutama's RFI response and in the evidence of Mr Clark,⁴⁸ Mr Kilgour⁴⁹ and Dr Polaschek.⁵⁰
- 4.140 In addition to the benefits of a realistic community setting to achieving successful rehabilitation and eventual reintegration into the community, accessible community resources (the likes of public transport, social service agencies, shopping and medical care, and recreation) will be a normal part of prosocial daily life for the residents once they have completed the programme. Such a setting is also consistent with them being given support to living in the community by the courts.
- 4.141 There will invariably be some noise arising from the proposed activity. Even a residential environment is not a silent one and while much of the time the programme is conducted indoors, participants will also spend time outside within the property. Staff will be on-site at all times in a supervisory role, with at least 3 present in the evenings, and 2 overnight. As well as that direct oversight, noise will be managed principally by restrictions over

⁴⁸ Paragraphs 4.6 – 4.8.

⁴⁹ Paragraph 5.6.

⁵⁰ Paragraphs 6.11 – 6.15.

access to parts of the property outdoors, playing of music, congregating or circulating in public areas adjacent the property, and how and where group activities are conducted.

- 4.142 Noise will comply with the applicable District Plan standards, and in fact will meet the lower night-time standard earlier from 8.00pm in the evenings rather than from 10.00pm. A condition to that effect is offered by Ara Poutama.
- 4.143 With the proposed site design and operating and management procedures, I consider any adverse noise effects to be adequately mitigated to a degree consistent with reasonable expectations for the living environment.
- 4.144 Ms Chapman has identified the potential for lighting to have an impact beyond the site. Any lighting will be to ensure safe visibility and internal security, and the Applicant proposes a condition to comply with the applicable District Plan standards regarding glare and light spill. I am therefore satisfied any associated effects would be consistent with amenity expectations for a residential context.
- 4.145 In respect of privacy, submitters have described concerns of being both overlooked and heard. The potential for loss of privacy is also identified in the Plan and to address this potential, particular care has been taken in the design of landscaping and fencing of the property to reduce or practically screen direct views into and out of the property, without the property losing its residential appearance and character.
- 4.146 The outdoor courtyard and social spaces are shielded from views from other than the north by the buildings, and the northern property boundary adjacent these spaces is to have a solid screen wall. Solid screening is also a feature along the southern boundary given the proximity to pedestrians using Berry Street, and the visual connection from internal spaces to neighbouring properties on the opposite side of Berry Street that are orientated to the north.

- 4.147 Deliberately though, this southern boundary will incorporate a range of fencing materials, "step-ins" and also planting to break up and soften its appearance. The appearance of the fence will remain of a residential character, visually softened by the combination of materials, planting and variation in alignment. The intention is to balance achieving privacy and outlook for neighbours while not creating an obvious appearance of stark enclosure which shows little regard for the sites residential surroundings. Additionally, windows facing Berry Street in the dedicated programme and dining rooms where men will congregate are to be permanently fitted with obscure glazing.
- 4.148 Ms Chapman has recommended conditioning any approval to ensure the vegetation along his southern frontage is enabled to grow to a minimum height of 2.5 metres, and the tree adjacent the laundry window be retained, or if replaced it be with something similar. I understand the intention being to screen views out of the site, while still allowing some outlook and daylight entry to the adjacent internal spaces. I agree that would help to further screen visibility into and out of the buildings, and although it will have some impact on natural light entering these spaces (which are orientated south), that would be mitigated to a degree by the separation of some of this planting from the windows themselves. Ms Linzey identifies in her evidence the importance of natural light and of maintaining the residential character of the site, and I agree those should remain important objectives.⁵¹ These internal spaces are largely for utility purposes (kitchen, laundry), but also include bedrooms.
- 4.149 Passive surveillance of the street from properties along the southern side of Berry Street is unaffected, and these properties themselves have a northerly aspect. While there will be some effect on the street scene amenity, the proposed fencing represents a practical attempt to meet submitter concerns without compromising the residential character and appearance of the property. In terms of amenity values, I do not consider that effect to be of any significance.

⁵¹ Paragraph 6.4(a).

- 4.150 The frontage design towards Bristol Street balances the need for accessibility and security (people, cycles and vehicles), providing a degree of screening and privacy, while also retaining some transparency into the site as is typical of a residential property frontage, and a feature of many others in this neighbourhood. Gating of this frontage also enables managing programme residents to assemble within the site before and after outings.
- 4.151 As well as the screening measures described, the RFI response amended the Proposal to identify areas of the site to the south and east to which there would be no unauthorised access by residents. Accordingly, I consider any adverse effects on privacy for properties to the south and east to be adequately mitigated.
- 4.152 Regarding the privacy of properties to the west and north, I reach the same conclusion. Those west across Bristol Street are separated by the road and while the main entry point to the facility is on this frontage, car parking (including garaging) and the screening described assist to reduce visibility of that entry. As Ms Chapman also observes, windows are relatively small and few on this façade, and I would add the internal spaces are to be dedicated to staff use and the programme room, not bedroom accommodation.
- 4.153 Very specific privacy concerns have been raised by submitters in respect of the unit properties at 1-5/20, and also 22 and 24 Bristol Street, all located directly north of the site. Key to mitigating possible privacy effects on these properties is the proposed 2 metre high wall extending along the northern boundary adjacent the proposed weights room and outdoor courtyard/social spaces. This will provide both noise and visual mitigation at that height. It is this area of the site that has the most direct exposure to the units across the adjoining driveway. Because of the nature of the activity, Ms Chapman has recommended higher screen planting (hedge) be added along this boundary to a height of 3 metres affording some further visual screening for the upper levels of the adjacent units.

- 4.154 I have discussed this with my landscape architecture colleagues who prepared the landscape plan for the Applicant. They have confirmed this planting could be installed as described by Ms Chapman, of the type of species described (or very similar) and at the prescribed heights. While there may be supply shortage of hedging plants at 2 metres from time to time in the market for locally sourced specimens, with the proposed 9-12 month build up phase, it is anticipated this planting could still be secured and installed before men engaged in the programme take residence. Installing this planting will have some implications for the ability to use the wall itself for artwork, and the amount of area and shading of the outdoor space and other garden areas (e.g. vegetable garden) within this part of the site. However, I am advised that would not be to such a degree as to make this part of the site much less usable or notably less attractive.
- 4.155 I note the observation made by Ms Chapman, having received the submissions, regarding the offer made by Ara Poutama to neighbours to discuss potential opportunities to provide additional screening, including the possibility of planting vegetation or "etchlite" glazing of upper storey windows, installed at the Applicants cost. This possibility was raised in the BECA SIA. While appreciating the intentions of the Applicant, and accepting any such mitigation could only occur with landowner agreement, I note such measures are not relied upon by Ara Poutama in managing the effects of the Proposal.
- 4.156 An Operations Manual will be prepared and kept up to date by the Consent Holder providing direction on how the facility will operate, individual conduct and common expectations around behaviours. This will include specifying areas of the property available or excluded from use; shift and property management matters; drug testing and contraband procedures; outlining expected daily routines; describing staff supervisory requirements; and also procedures to address any performance or behaviour issues. The Manual, and more particularly the house rules / kawa, will be directed to living respectfully in the wider community and ensuring general staff, visitor and resident safety and wellbeing.

- 4.157 The June RFI response by Ara Poutama very deliberately identified the Manual to be initially in draft form. As Mr Clark describes in his evidence, it will necessarily evolve and be subject to changes over time to ensure it reflects the most up to date information and practice.⁵² Some of its content is also operationally sensitive, and accordingly revised conditions propose it, along with the house rules / kawa, be available for inspection on request by Council officers at the site, rather than distributed widely in the community.
- 4.158 Regarding possible disturbance or any other concern to neighbours, the liaison group to be set up will invite local resident, Bristol Street staff, Police, local school, City Council and Rūnanga representation. A condition setting out the purpose of that group and how it would operate and be administered is offered by the Applicant. A complaints log is to be maintained and the CLG is to have as one of its objectives developing, where possible, acceptable means of addressing community issues or concerns, and discussing/developing the implementation of any responses to those issues or concerns.
- 4.159 Conditions are also offered to ensure all CCTV devices that are to be installed, will be positioned and orientated so as to restrict visible coverage, as practicable, to only areas within the boundaries of the site.
- 4.160 Designed, operated and managed as described, I consider the proposed activity to be one that is not inconsistent with the character and amenity of the residential environment within which the site is located.

Traffic, Car Parking and Access

- 4.161 The effects of anticipated traffic generation and demand for car parking have been assessed by Mr Chesterman, and by Mr Milne in providing his expert input into the Council report. Mr Chesterman anticipates the activity generating up to 54 vehicle trips on weekdays and demand for 8 kerb-side parking spaces,

⁵² Paragraph 6.12.

noting 4 spaces (including parking for the facility van) would be available on site. During weekend visitor hours a further 8 visitor vehicles could add to demand, although staffing levels are reduced at this time. The least demand would be generated on Sundays.⁵³

- 4.162 Mr Chesterman confirms the activity does not result in any District Plan traffic related non-compliances⁵⁴, and concludes the level of parking demand and traffic generation can easily be accommodated without affecting the safety or efficiency of the frontage roads.⁵⁵ In making his assessment, Mr Chesterman has factored in the reduced resident numbers and increase in staffing levels made in response to submissions, and also the likely traffic and parking effects of activities contemplated by the District Plan. In his conclusion the Proposal would result in acceptable effects on the traffic environment. A similar conclusion is reached by Mr Milne. On this basis, I do not consider any adverse effects on the safe and efficient functioning of the road network to be any more than minor.
- 4.163 Traffic generation and parking has the potential to have implications for amenity values as well, and this is a matter of concern to a number of submitters. Issues of concern relate to traffic noise, congestion on narrow, local streets, and competition for limited available on-street parking.
- 4.164 I have described earlier in my analysis the activities that could be established as permitted under the District Plan, and the former consented care home activity, both of which form part of the existing environment. As described by Mr Chesterman, in a comparative sense, many of those activity scenarios could well generate more traffic and parking demand in using the same site. While it may not comfort residents and other users of the local streets, from an amenity perspective that is important, particularly in assessing whether the Proposal will have acceptable effects in that regard.

⁵³ Paragraph 8.2.

⁵⁴ Assuming any requirement for covered cycle parking is met.

⁵⁵ Paragraph 8.1.

4.165 Like Ms Chapman, factoring the actual traffic generation and parking effect, the ability of the environment to accommodate that effect, and the permitted baseline, my conclusion is any associated amenity related impacts will be consistent with the character and amenity anticipated for this local residential environment. Nor do I consider it necessary or appropriate to further restrict the activity in respect of these matters beyond what has been applied for.

Effects Conclusion

4.166 As I have stated, I have approached my assessment comprehensively, i.e. whether the activity is considered to include a residential activity component or not. I also have relied on the extensive expert and other assessments informing the Council report and as presented in the evidence put forward by the Applicant. At the time of preparing my assessment I have not had the advantage of considering any other evidence that may become available for the hearing.

4.167 While a range of possible environmental effects have relevance, those that concern risk to community safety and security, and people's health and wellbeing, in my view, are the most significant. The common conclusion of the experts is these effects have the potential to be more than minor initially, but can be expected to reduce, possibly to less than minor, in time. None of these expert assessments indicate the Proposal should not be permitted to proceed.

4.168 Other adverse effects in relation to residential character, cultural and amenity values, and the operation of the transport network are all assessed to be at most minor, and in many respects less than minor.

4.169 Positively, the Proposal is anticipated to provide a range of beneficial outcomes arising from the successful implementation of Ara Poutama's rehabilitative and reintegration programme. While those will largely accrue to those residents active in the programme, they will extend to whanau and the wider community, and to enhancing relationships with mana whenua

and local support agencies. In a resource sense, the utilisation of the vacated buildings and site facilities is an efficient use of the existing development.

- 4.170 In forming my conclusion overall, I have relied to a significant degree on the effects that could arise from activities within and anticipated for the existing environment. While the activity itself is perhaps unusual or unfamiliar, its components are in many respects consistent with uses of the site that the District Plan anticipates. That comparison is, in my opinion, very important. Another critical influence is the various mitigative measures proposed, inherent in how the programme would be conducted and managed, in the characteristics and context of the Bristol Street site, and in the proffered conditions.
- 4.171 Overall, I consider the effects of the Proposal to be no more than minor.

Relevant Other Matters

Recovery / Regeneration Plans

- 4.172 While Ms Chapman has not discussed recovery or regeneration plans as a relevant matter for consideration under section 104(1)(c), for completeness I have considered such plans as they exist and may apply to the Proposal. In doing so, I acknowledge the former statutory test of avoiding inconsistency with a recovery or regeneration plan no longer applies.
- 4.173 The Recovery Plan that is applicable to the application is the Land Use Recovery Plan 2013 – Te Mahere Whakahaumanu Tāone (**LURP**). This is a higher-level document providing direction on where development should occur and what form it should take to support earthquake recovery. It applies to the urban area of Christchurch except for the central city.
- 4.174 The LURP addresses a broad range of recovery objectives and provides necessary delivery mechanisms to achieve those outcomes. Many have these have found specific implementation

through amendment to the CRPS and the recent comprehensive review of the District Plan.

- 4.175 Most relevant to this application, those aims include providing housing choice that meets the community's diverse and changing housing needs, and allowing people to live close to existing communities and facilities. Strategically, the LURP also identifies the importance of:

*"having a range of ... housing options connected to community and strategic infrastructure that provides for residents' participation in social, cultural and economic activities."*⁵⁶

- 4.176 The District Plan identifies the application site to be within hazard management areas in relation to both potential flooding and liquefaction. This essentially relates to controlling development where it might have the effect of compounding the related hazard risk. The proposal does not alter the current buildings or their immediate surroundings in a manner that would increase flood risk or food water displacement, or exacerbate the risk of liquefaction in the event of an earthquake. Accordingly, there is consistency with the directions of the LURP to,

*"provide for the protection of people from the risks of natural hazards."*⁵⁷

- 4.177 In my conclusion, the individual activity applied for would support the directions described above, and insofar as that is the case, a decision to grant the application would not conflict with this strategic framework.

Precedent / Plan integrity

- 4.178 In my opinion there are no matters of precedent or plan integrity that would arise if consent were to be granted. The Proposal is not contrary to the applicable objectives and policy provisions and does not challenge its integrity or confident administration.

⁵⁶ Page 11.
⁵⁷ Action 42, page 37.

Part 2 RMA

- 4.179 Consistent with the explanation provided by Ms Chapman, and guided by the relevant caselaw, I also agree no further evaluation of the Proposal is required against Part 2 of the Act.

5 RESPONSE TO SECTION 42A REPORT

- 5.1 I have commented throughout my evidence, and in my planning analysis in particular, on the findings and opinions expressed by Ms Chapman in both of her reports on the application.
- 5.2 In summary, we are very closely aligned on many aspects, and come to essentially the same conclusions on relevant statutory matters – the permitted baseline and existing environment; the consistency of the Proposal with the intentions of the planning framework and relevant objective and policy provisions; the applicability of Part 2 of the Act in determining this application; and largely agree in respect of any other relevant matters under section 104.
- 5.3 Notably, that close alignment also extends to our assessment of the actual and potential effects of the Proposal on the environment. Accordingly, and rather than repeating matters, I have made consistent reference to her most recent report in particular, and in undertaking my own evaluation of the application found it substantially aligns with hers.
- 5.4 The only aspect where we seemingly hold differing views is in regard to activity status, and the interpretive matter of what defines a residential activity under the District Plan. My questioning of Ms Chapman’s interpretation essentially lies in maintaining consistency of approach relative to activities that are considered to be “residential”. While it does not change my view, in the circumstances of this Proposal that has relatively little implication for the scope of the planning assessment that is required and has been completed, and ultimately may not be determinative with respect to the outcome. However, I am conscious that may not always be the case.

6 RESPONSE TO SUBMISSIONS

- 6.1 Of the 203 submissions received, the majority are in opposition. Twenty are in support or neutral. From my perspective opposition is not unusual for applications of this nature which may be unfamiliar and relate to notable change in a community. There are common issues or themes evident in those submissions, and Ms Chapman has structured her consideration of the submissions and the relevant matters around those themes. There is close alignment between matters raised by submitters and the relevant effects the activity will or may have on the environment.
- 6.2 I have read and reviewed those submissions, and they provide valuable insight. Again, simply for ease, I have relied on Ms Chapman's comprehensive account of the issues raised by submitters, and sought to integrate into my own planning analysis, my consideration and response to those matters, as have other witnesses for the Applicant in bringing forward their statements of evidence.

7 PROPOSED CONDITIONS

- 7.1 As I have described, subsequent to the close of the submission period, and in responding to the Council's June request for information, the Applicant proposed a range of possible draft conditions. As often occurs as these processes advance, Ms Chapman in her report has also recommended a range of more developed conditions should the Commissioners be minded to grant consent.
- 7.2 In many respects there is close agreement between myself and Ms Chapman as to the necessity for and specific wording of those conditions. I discuss matters which are the subject of possible conditions throughout my planning analysis, but to assist the Commissioners I provide here a summary of my recommendations on those revisions of conditions put forward by Ms Chapman that I consider to be appropriate and necessary. **Appendix A** to my evidence sets out a more complete comparison with the recommended conditions within the Council report.

7.3 In that regard, I recommend:

- (a) Standard conditions regarding application document referencing be updated (including the revised landscape plan), and unnecessary duplication across conditions be removed.
- (b) Prescribing minimum staffing numbers between identified hours for the weekday and weekend periods, while maintaining a minimum of 2 staff at all times. While I think the apparent staffing ratio inconsistency between the earlier proposed conditions and the RFI response identified by Ms Chapman⁵⁸ may be attributable to therapeutic only vs. total staff, this revised condition now provides for a weekday, day-time minimum of 4 as she has recommended.
- (c) Confirming the eligibility age criteria to be men 18 years and over (without upper limit), and that individuals will not have been convicted of child or adult sex offences (consistent with the public notice).
- (d) Setting out what the house rules / kawa shall address and specifying that residents be advised of the expectation to adhere to these while participating in the programme. These should be available for Council officer inspection on request, but need not be publicly/electronically available.
- (e) Ensuring CCTV coverage is limited to within the site, to the extent it is practical to do so.
- (f) Referencing that illicit drugs (along with alcohol) shall not be permitted on site, and drug testing is to be random.
- (g) Not requiring the visitor screening processes to be a necessary condition of consent, and instead requiring the adoption of a protocol for weekend support visits, adherence to that protocol and for it to prescribe who would not be approved as support visitors for residents. Additionally, support visitors should be advised of the relevant requirements and limitations of any approved visitation.

⁵⁸ Paragraph 88.

- (h) Rather than requiring staggering of Saturday visitations, rely instead on the visiting hours and maximum visitor number limitations, and the requirement of all visitations that persons accompanying visitors shall not wait outside or near the site, and no visitor shall congregate on the footpath outside the site prior to entry.
- (i) Allowing for more practical daily conduct of activity within the site by avoiding access to parts of the site by residents unless they are authorised to do so, rather than having to be accompanied by a staff member in every situation.
- (j) Adopting and referencing the revised landscape plan (**Appendix B**) that has now been updated in accordance with the recommendations of Ms Chapman in respect of planting on the southern and northern parts of the site. The plan now also includes reference to the boundary fencing along the Bristol Street frontage having a minimum 50% transparency, and avoids the need for a specific condition to that effect. Recognising its primary screening purpose, the potential plant supply constraints for locally sourced native species, and the ideal planting season (April – September), conditions should allow for new planting to be installed in the build-up phase, but before men engaged in the programme take up residence.
- (k) Requiring communication and information sharing with the local community, including an invitation to join a mail group. This group could include submitters, but should include key community stakeholders and occupiers of properties shown on the Plan included in my **Appendix A**. The area shown is as per the recommendations of Ms Chapman, and is focused on the most immediate, locally resident community. I note it perhaps could rather than should include submitters (including owners of property in this area who are not resident occupiers, and those resident beyond this area) because it may be some people in making their submission did not anticipate their details would be used for this purpose, noting personal privacy was a matter of particular concern to several submitters. Equally, it could be that a letter drop to key stakeholders and the identified area is all

that is necessary, given that local “affected” community focus. To assist the Commissioners, this may be a matter submitters attending the hearing may wish to comment on. This invitation to join the mailing list should certainly occur well ahead of the occupation of the site by residents, but I do not consider it necessary to do so ahead of the build-up phase commencing, as this is the period when staff recruitment and other administrative processes and management systems for the Bristol Street programme are only just being established.

- (l) The appointment of a dedicated community liaison person, as has been proposed, who would be contactable during working hours throughout the entire week (accepting it may not be the same person through this 7-day period), and of the community being advised of that persons contact details. I also support there being an after-hours contact number for the facility, where people may leave a message for later response.

- (m) If the first meeting of the CLG nominates up to 4 representatives for future meetings (accepting this could subsequently change over time, as Ms Linzey had noted from her experience), then I suggest the CLG also include 4 representatives for the consent holder (rather than 3). I understand 4 may also better provide for the inclusion of relevant staff performing different roles in relation to the programme, further assisting direct information sharing and fostering understanding/knowledge of the operation. I agree at least 2 must be staff based at Bristol Street. Again, I recommend the requirement to initiate the CLG be sufficiently in advance of any resident occupation, rather than the build-up phase, for the same reasons I have described above in (k). I do not consider it necessary to specify in the conditions the CLG can extend its membership by agreement of the Group, if that was felt appropriate by them, as that possibility is not precluded by the conditions. I do however agree with the concerns expressed by Ms Linzey if there was to be a shift in membership/focus of the CLG to a “monitoring” role, for the reasons she describes.⁵⁹

⁵⁹ Paragraph 6.5(e)(iv).

- (n) A minor change such that the advice note recommended by Ms Chapman regarding the CLG actually be incorporated as a part of the conditions.
- (o) A requirement for a programme specific Operations Manual to be prepared, kept up to date and direction given through the consent conditions of what it should provide direction on. However, I consider the Operations Manual should be available for inspection by Council officers on request, rather than distributed widely in the community. This recognises it will necessarily evolve and be subject to changes over time to ensure it reflects the most up to date information and best practice. Some of its content is also operationally sensitive. In terms of the programme operating as expected and as has been assessed in terms of this consenting process, I am also mindful of the additional condition now proposed stipulating monitoring be undertaken in respect of risks to the local community because of the programme.
- (p) The proposed monitoring condition should be directed to documenting any risks to the community caused by the on-going operation of the programme. The condition should be definitive as to what the monitoring shall include, with the results reported to both the CLG and Council. This is consistent with the conclusions reached by Ms Linzey in respect of anticipated social impacts, particularly anticipatory impacts.⁶⁰

8 CONCLUSIONS

- 8.1 On my introduction to this proposal I had a very similar reaction or perception as expressed by the majority of the submitters in opposition. As my involvement has advanced and my understanding has grown, my perception has changed.
- 8.2 It is important to recognise these are men who could otherwise be at an approved residence serving home detention at locations throughout the wider residential community. The District Plan also now makes provision for community corrections facilities to locate throughout

⁶⁰ Paragraph 6.5(e)(viii).

residential areas of the city, and the RMA does not protect against any and all risks.

- 8.3 The expert evidence is the programme bringing participant residents together as a household in a way that provides wrap around rehabilitative support does not introduce unacceptable risk to the community. Instead the common conclusion of the experts is these effects have the potential to be, at most, more than minor initially, but can be expected to reduce, possibly to less than minor, in time. None of these expert assessments indicate the Proposal should not be permitted to proceed.
- 8.4 Accepting the conclusions reached by respective experts generally regarding risk of harm in the community, and acknowledging what could be reasonably anticipated for this environment, I do not consider there to be a substantial risk of cumulative adverse effects on community welfare and wellbeing, or other social values.
- 8.5 Other actual or potential adverse effects in relation to residential character, cultural and amenity values, and the operation of the transport network are all assessed to be at most minor, and in many respects less than minor. Again, I do not consider there to be any notable adverse cumulative effects in respect of these matters.
- 8.6 The activity is to a substantial degree consistent with the relevant objective and policy framework.
- 8.7 I consider the Proposal to be consistent with Part 2 of the Act, it will promote sustainable management of resources, and there are no other relevant matters that would preclude the Commissioners approving the application.
- 8.8 Taking all these matters into account, I am satisfied the application should be granted consent, subject to the revised conditions that have been described.

Ken Gimblett

16 August 2021

APPENDIX A – PROPOSED CONDITIONS (REVISED)

Appendix A – Proposed Conditions of Consent (With Applicant’s Changes)

KEY:

Council conditions (as recommended by Ms Chapman)

Council conditions relocated / ~~relocated~~

~~Applicant deletions~~

Applicant additions

For completion/further discussion

General

- 1 Except as required by subsequent conditions, the development shall proceed in accordance with the information submitted with the application, including the following further information and amended plans:
 - Supplementary information letter from Andrea Millar, Ara Poutama Department of Corrections, 17 November 2020;
 - Further information response submitted 3 June 2021, including the Operations Plan (Revision A, dated 2 June 2021) prepared by Boffa Miskell;
 - Proposed Landscape Plan (Revision D-~~XXX~~ dated ~~XXX~~) prepared by Boffa Miskell, submitted on 30 June 2021 and entered into Council records as ~~XXX~~.

The approved consent documentation has been entered into Council records as RMA/2020/173 Approved Consent Document (161 pages).

Residents & Staffing

- 2 Individuals residing on the site shall not exceed a maximum of 12 at any time. Only residents residing on the site shall take part in the programme.
- 3 The number of staff on the property at any one time shall not exceed a maximum of 17.
- 4 ~~During the period, 8:00am to 5:00pm, Monday to Friday, the minimum number of staff on the site shall be four. Outside of these hours the minimum number of staff on the site shall be three.~~

From the time at which residents begin residing on the site, the following minimum staffing levels shall apply:

During the period Monday to Friday, the minimum number of staff on site shall be:

- four between the hours of 8:00am to 5:00pm;
- three between the hours of 7:00am to 8:00am, and 5:00pm to 10:00pm;

- two between the hours of 10:00pm to 7:00am;

During the period Saturday to Sunday, the minimum number of staff on site shall be:

- three between the hours of 7:00am to 10:00pm
- two between the hours of 10:00pm to 7:00am;

Eligibility

- 5 Only residents who meet the following eligibility criteria ~~set out in the Application~~ shall be authorised to reside at the programme. Individuals must:
- Be male, aged ~~between 18 and 40~~ years old or over;
 - Not be convicted of ~~have committed~~ any ~~known~~ child or adult sexual offences;
 - Not have any significant untreated mental health issues; and
 - Be serving a sentence of home detention.
- 6 Individuals serving intensive supervision community-based sentences will not be eligible to reside at the site. Men with high treatment needs relating to alcohol and drug use must first be referred for treatment to Community Health Addiction Services or other addiction centres to address their addiction issues prior to being considered eligible for the programme.

Security measures

- 7 The following security measures and operational procedures shall be in place at all times on the site when residents are in attendance:
- ~~Minimum staffing numbers as detailed in condition 4 above;~~
 - Staff shall carry out checks on residents every 20 minutes or every five minutes if staff consider there is a risk of a resident leaving the programme;
 - Staff shall carry out perimeter checks of the site boundaries at regular intervals throughout the day and overnight with such checks to be undertaken at least four times within any twice daily (i.e. over a 24 hour period) between the hours of 8:00am to 5:00pm each day and once every hour outside these times;
 - All staff working on the site shall be trained to identify signs of atypical behaviour which may lead to a resident ~~absconding from~~ leaving the programme without permission;
 - A set of house rules / kawa ~~in accordance with condition 19 below~~ shall be in place at all times, and all residents shall be advised of an expectation to adhere to these rules/kawa while participating in the programme. The house rules/kawa shall address the following matters:
 - Personal presentation;
 - Expected standards of behavior within the residence (including

towards other residents and staff);

- Expected standards of behaviour in terms of interactions with members of the community, including but not limited to the requirement to ~~not make~~ ensure noise on the site which will not disturb neighbours and the requirement to act in a respectful manner towards members of the public both when on and off the site (including during excursions and/or outings from the site);
- ~~shall be required to adhere to these as a condition of taking part in the programme;~~
- The house rules / kawa shall be made available to the Council for physical inspection at the site following any request from a Council officer;
- ~~Site boundary fencing in accordance with condition 17 below;~~
- CCTV surveillance cameras shall be in operation on the site at all times and shall be actively monitored by staff. All CCTV devices shall be installed, positioned and orientated so as to restrict visible coverage ~~only~~ as far as practicable to only areas within the boundaries of the site; and
- No alcohol or illicit drugs shall be permitted on the site and regular random drug and alcohol testing shall be carried out for all residents of the site;
- ~~The visitor screening processes, to vet visitors before they are allowed to visit residents at the site, shall be carried out in accordance with points 19(a) to 19(d) of the further information response submitted 3 June 2021. Only persons who meet the stated criteria shall be allowed to visit the site.~~

(Comment for decision makers — it may be more useful for the applicant to provide a summary of visitor vetting procedures which could instead be referenced in this condition)

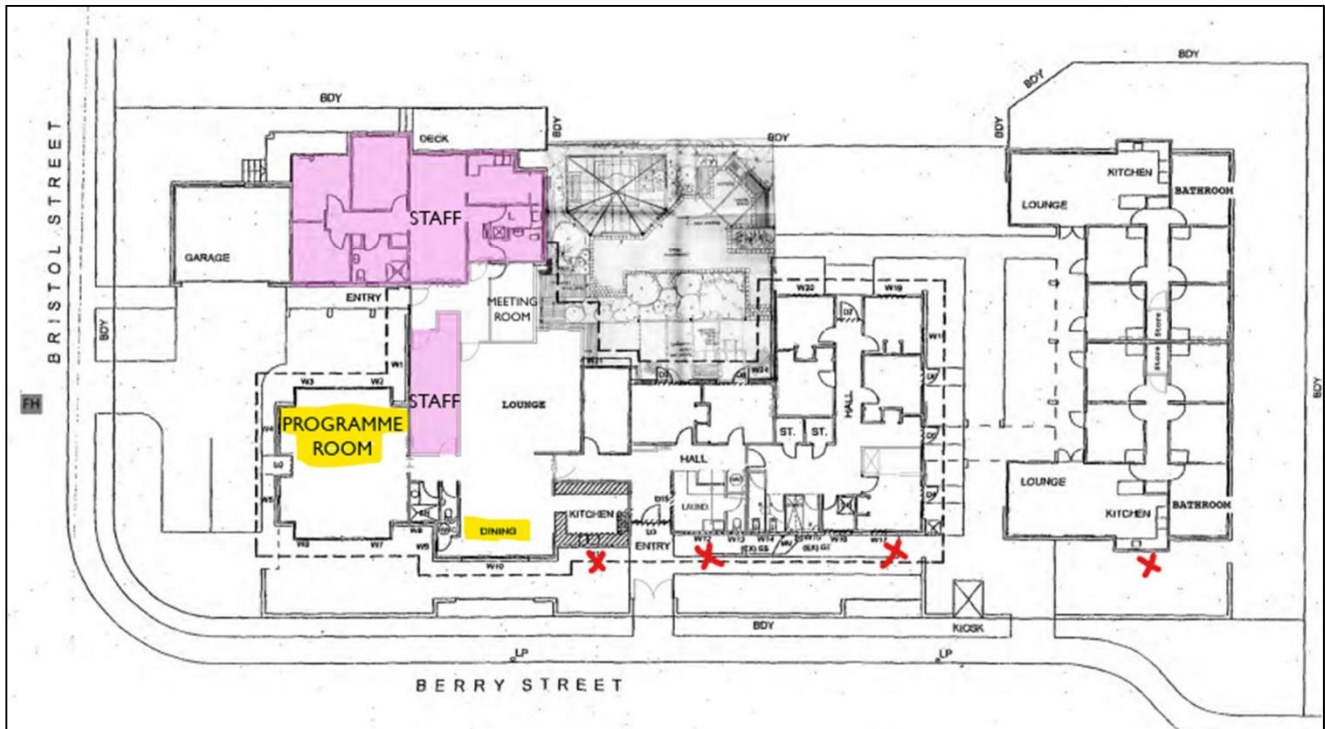
- A protocol for weekend support visits to residents shall be adopted and adhered to at all times. The protocol will include processes to ensure that:
 - The following people are not approved as support visitors for residents:
 - Any person currently serving a community sentence or in prison.
 - Any person with a known recent drug or violence offence.
 - Any person actively associated with a gang.
 - Any victim of the resident.
 - Prior to any approved visitation, support visitors shall be advised of the following requirements/limitations:
 - Only approved visitors shall be allowed to enter the site
 - Any person accompanying an approved visitor to the site shall not wait outside or near the site during the course of

the visit;

- No prohibited items shall be bought onto site. This will include bags and cellphones.
 - No visitor shall congregate on the footpath outside the site prior to entry.
 - All visitors shall be required to provide photographic identification at the time of the visit.
 - All visitors must receive a health and safety induction as they enter the site.
 - All visitors will be required to adhere to the advised standard of behaviour and expectations at all times during the visit.
- Visits to participants residents in the programme shall only occur on a Saturday between the hours of 1:00pm and 5:00pm.
 - and the number of visitors to the property during this period on any Saturday shall not exceed a maximum of 15.
- ~~Visitors to the site during the Saturday afternoon visiting period shall be staggered so as to avoid multiple groups of people arriving at the site simultaneously.~~
 - ~~Visitors shall be directed to enter straight into the building rather than congregating on the street or in the parking area at the front of the site. An area inside the building shall be provided for a visitor waiting area.~~

Privacy, landscaping & fencing

- 8 ~~There shall be no unauthorised access by residents~~ Residents' access to the areas adjacent to the southern, eastern and north-western site boundaries (as shown in blue on the Operations Plan prepared by Boffa Miskell, submitted 3 June 2021) shall be prohibited unless accompanied by a staff member.
- 9 Prior to the exercise of this consent, the windows of the programme room and dining room windows (as highlighted yellow on the floor plan below) on the southern façade of the main building shall be altered to have permanently obscured glazing.



- 10 Except as amended by the conditions of this consent, the proposed hard and soft landscaping shall be established in accordance with the amended landscape plan labelled Proposed Landscape Plan ([insert updated reference] Revision D) and the Planting Schedule prepared by Boffa Miskell, submitted on 30 June 2021 (pages 160 & 161 [insert updated reference] of the Approved Consent Document).
- 11 All new planting on the site shall be locally source native species.
- 12 Existing planting of shrubs and bushes adjacent to the unobscured kitchen, laundry and bedroom windows on the Berry Street frontage shall be allowed to grow to a height of at least 2.5m.
- 13 The existing small tree (*Prunus*) adjacent to the laundry window on the southern façade shall be retained or otherwise replaced with a similar small tree capable of reaching 3m in height.
- 14 Additional landscape screen planting shall be undertaken along the full length of the proposed concrete block wall on the northern boundary from the eastern wall of the weights room to the corner of the proposed hobbies room. This planting shall occur in a continuous planting strip with a minimum width of 1m and comprise species capable of forming a hedge such as *Griselinia littoralis* or similar. The plants shall be allowed to grow to form a hedge with a height of at least 3m, and shall be maintained at a height of at least 3m. Plants in this strip shall be a minimum height of 2m at the time of planting.
- 15 The proposed landscaping shall be established on site prior to the occupation of the site by any resident programme participants (~~residents~~).
- 16 All landscaping required for this consent shall be appropriately maintained. Any dead, diseased, or damaged landscaping shall be replaced by the consent holder within the following planting season (extending from 1 April to 30 September) with trees/shrubs of similar species to the existing landscaping.

- 17 ~~Boundary fencing shall be installed in accordance with the amended landscape plan (labelled Proposed Landscape Plan (Revision D) prepared by Boffa Miskell, submitted on 30 June 2021). The decorative steel boundary fencing along the Bristol Street property frontage shall have a minimum of 50% transparency.~~
- 18 ~~All CCTV devices shall be installed, positioned and orientated so as to restrict visible coverage only to areas within the boundaries of the site.~~

House Rules / Kawa

- 19 ~~The draft house rules / kawa submitted on 3 June 2021 shall be updated to include:~~
 - ~~Expected standards of behaviour in terms of interactions with members of the community, including but not limited to the requirement to not make noise on the site which will disturb neighbours and the requirement to act in a respectful manner to members of the public both when on and off the site; and~~
 - ~~Expected conduct / standards of behaviour on excursions / outings from the site.~~
- 20 ~~An updated set of house rules / kawa shall be provided to the Council (via email to rcmon@ccc.govt.nz) prior to the accommodation of any residents on the site.~~

Visitors

- 21 ~~The visitor screening processes, to vet visitors before they are allowed to visit residents at the site, shall be carried out in accordance with points 19(a) to 19(d) of the further information response submitted 3 June 2021. Only persons who meet the stated criteria shall be allowed to visit the site.~~

(Comment for decision makers – it may be more useful for the applicant to provide a summary of visitor vetting procedures which could instead be referenced in this condition)

- 22 ~~Visits to participants in the programme shall only occur on a Saturday between the hours of 1:00pm and 5:00pm, and the number of visitors to the property during this period on any Saturday shall not exceed a maximum of 15.~~
- 23 ~~Visitors to the site during the Saturday afternoon visiting period shall be staggered so as to avoid multiple groups of people arriving at the site simultaneously.~~
- 24 ~~Visitors shall be directed to enter straight into the building rather than congregating on the street or in the parking area at the front of the site. An area inside the building shall be provided for a visitor waiting area.~~

Communication / information sharing with local community

- 25 ~~Prior to this consent being exercised (prior to the commencement of the build-up phase of staff recruitment, training and development of site policies and procedures) At least 90 working days prior to occupation of the site by any resident, the consent holder shall undertake a mail drop to:~~
 - a. **[all submitters];** Note – see discussion in Gimblett evidence paragraph 7.3(k) regarding the appropriateness of this inclusion

- b. Rehua Marae;
- c. Te Ngāi Tūāhuriri Rūnanga;
- d. St Albans Residents Association;
- e. The following local schools: (including Elmwood Normal School, Ferndale School, Rangī Ruru Girls School, Selwyn House Pre School and School, St Albans School, St Margaret’s Preschool and College);
- f. New Zealand Police;
- g. Christchurch City Council (via email to rcmon@ccc.govt.nz); and
- h. The occupiers of all properties shown on attached plan XXX

~~all properties shown on xxxx plan in the surrounding area~~

advising them of the facility, including a provisional opening date, and giving an outline/description of the intended operation of the community liaison group. The mail drop shall invite all interested parties to join an email and/or postal mailing list (hereafter referred to as the mailing list) if they wish to be kept informed regarding the development and operation of the facility, including receiving minutes of the community liaison group meetings.

- 26 ~~The mail drop shall include at a minimum all submitters and all properties on Bristol Street, Berry Street, Springfield Road and Clare Road identified in red on Figure 2 of the Beca Social Impact Assessment report (dated 28 January 2021), but shall be extended to include all properties with frontage to Bristol Street as far as the corner with Holly Road and all properties with frontage to the northern side of Clare Road between Bristol Street and Springfield Road. The mail drop shall also include the key community stakeholders identified in condition 31 below.~~
- 27 ~~The mailing list shall be maintained at all times by the consent holder and used for the purposes of communicating information about the facility with local residents as necessary and as required by subsequent conditions. Any persons included in the list contained in condition 25 (including those residing outside the area defined in condition 26 above) shall be able to join the mailing list and new members shall be allowed to join the mailing list at any time. At least once every two years, a further mail drop shall be undertaken to the properties identified in condition 25 26 to inform any new neighbours of the facility and invite them to join the mailing list.~~
- 28 ~~Prior to the occupation of the site by any resident programme commencing on the site, the consent holder shall appoint a nominated community liaison person to be the main and readily accessible point of contact for the community. The community liaison person shall be available contactable by phone during working hours, seven days per week. Appropriate steps to advise the surrounding community of this person’s details (name, telephone number and email address) must be undertaken such that all members of the community can access these contact details, including circulating these details to parties who have joined the mailing list, publishing them on the consent holders website and providing them to the Council via email to rcmon@ccc.govt.nz. If the nominated community liaison person is not available for any reason, an alternative person must be put forward. An after-hours contact number for the residence shall also be provided.~~

Community Liaison Group

- 29 ~~At least 60 working days prior to the occupation of the site by any resident, Prior to this consent being exercised, (prior to the commencement of the build-up phase of staff recruitment, training and development of site policies and procedures)~~ the Consent Holder shall facilitate the establishment a Community Liaison Group (CLG) in accordance with the requirements of the following conditions.
- 30 ~~Prior to the commencement of the build-up phase of staff recruitment, training and development of site policies and procedures,~~ The consent holder shall invite those persons on the mailing list to attend the first meeting of the CLG.
- 31 In addition, invitations to participate in the CLG shall be extended to the following key community stakeholders:
- Rehua Marae;
 - Te Ngāi Tūāhuriri Rūnanga;
 - St Albans Residents Association;
 - The following local schools: ~~(including Elmwood Normal School, Ferndale School, Rangi Ruru Girls School, Selwyn House Pre School and School, St Albans School, St Margaret’s Preschool and College);~~
 - New Zealand Police; and
 - Christchurch City Council (via email to rcmon@ccc.govt.nz).
- 32 ~~At any time, membership of the CLG may be extended to include any other person(s) or representative(s) of any other organisation(s) the CLG considers necessary to assist the consent holder to review, monitor and respond to any effects on the community arising from the operation of the facility.~~
- 33 At the first meeting, those persons in attendance shall nominate up to four (4) persons to attend future meetings, as representatives of the wider group. Future meetings of the CLG shall be held in accordance with conditions 34-39 below.
- 34 The objectives of the CLG are to:
- ~~Facilitate the engagement with and input from the community and stakeholders in the pre-operation phase and to allow those parties opportunity to comment on the draft House Rules / Kawa and the draft Operations Manual;~~
 - Facilitate engagement with the community and stakeholders on an on-going and regular basis about matters associated with the operation of the programme;
 - Promote and facilitate the flow of information between the local community and the consent holder to, wherever possible, address any issues that may arise; and
 - Provide a forum for relaying to the consent holder community issues or concerns about the management of the programme, developing acceptable means of addressing those (where possible), and ~~reviewing~~ discussing/considering the implementation of any response to those issues or concerns.

- 35 The CLG must comprise ~~three~~ four representatives of the Consent Holder, at least two of whom must be a staff members based at Bristol Street.
- 36 The Consent Holder must ensure that members of the CLG are provided with the opportunity and facilities to meet:
- i. Prior to the occupation of the site by any resident ~~commencement of the build-up phase of staff recruitment, training and development of site policies and procedures~~; and
 - ii. Not less frequently than once every two months for ~~the build-up phase and the first six months after of the programme operating~~, first residents begin residing on the site and once every four months thereafter for the following four years of the programme operating, unless all members of the CLG agree there is no need for a meeting;
- 37 If the Consent Holder wishes to call a meeting of the CLG to obtain community input, the meeting regime may be shifted to accommodate such a request with agreement of the CLG, allowing for an additional meeting or for bringing the next meeting forward to an earlier date.
- 38 The time, date and venue of proposed meetings must be notified to members of the CLG at least 15 working days prior to the meeting date.
- 39 The Consent Holder must:
- i. Keep minutes of the CLG meeting and make these publicly available, including circulating these to all members of the mailing list required under conditions 25-27.
 - iii. Engage an independent chairperson to facilitate CLG meetings unless the CLG agrees otherwise;
 - iv. Meet the reasonable administrative costs of the CLG meetings (e.g. meeting invitations, meeting venue; preparation of meeting minutes) and, if one is engaged, facilitating of meetings by an independent chair;
 - v. Respond to and keep a record of issues raised by the CLG and the response to those issues, and in circumstances where no action is taken, the associated reasons for this;
 - vi. Ensure a log of all complaints made through the CLG is kept, along with resolutions that have been actioned. The log must be available to Council on request.
- 40 ~~Advice Note:~~ In the event that it is not possible to establish a CLG or convene meetings through lack of interest or participation from the invitees, then such failure to do so will not be deemed a breach of these conditions. Should the CLG wish to re-establish meetings after a period of inactivity then the conditions above shall continue to apply.

[Note change in numbering of conditions]

- 41 The consent holder shall hold an open day prior to occupation of the site by residents but after upgrade of the facility to allow the community an opportunity to

inspect the facility and meet all key staff who will be working at the site, the nominated community liaison person and the appointed members of the CLG. ~~Copies of the House Rules/Kawa and the Operations Manual should either be made available for inspection or means to view them electronically provided.~~

- 42 The consent holder must keep a permanent record of all complaints received regarding the exercise of this consent and any responses or investigative action taken as a result. This record shall be provided to the Christchurch City Council on request. The record must include:
- The name and contact details (if supplied) of the complainant;
 - The nature and details of the complaint;
 - Location, date and time of the complaint and the alleged event giving rise to the complaint;
 - The outcome of the investigation into the complaint; and
 - A description of any measures taken to respond to the complaint.
- 43 Where practicable, all complaints received by the consent holder must be acknowledged to the complainant within 24 hours. ~~This acknowledgement should advise the complainant how long it will take the consent holder to investigate the complaint and a date by which the complainant will receive a response.~~ The consent holder must investigate the complaint and respond to the complainant as soon as practicable, as appropriate to the urgency of the circumstances, and within 10 working days at the latest.

Operations Manual

- 44 An Operations Manual for the Bristol Street Tai Aroha programme shall be prepared and kept up to date by the consent holder in accordance with these consent conditions. The Operations Manual shall be provided to all staff working in the facility ~~and to the Council (via email to rcmon@ccc.govt.nz)~~ prior to the programme commencing on the site.
- 45 The Operations Manual shall be made available for physical inspection at the site upon the request of any council officer.
- 46 The Operations Manual shall include direction regarding:
- The use the property so as to minimise any disruption or ~~and requirements to avoid~~ negative impacts on neighbours, including by specifying areas available or excluded from use ~~(e.g. for activities such as smoking, vaping, outdoor exercise, playing music, congregating and/or or circulating in public areas adjacent the residence, undertaking group activities);~~
 - Property maintenance and upkeep;
 - Staff and residence shift management;
 - ~~Residence rules, including to ensure there is a safe and beneficial community of change in the residence and to reflect standards for living respectfully in the wider community;~~
 - ~~Residence house rules/Kawa relating to what is allowable and not allowable~~

~~regarding personal behaviour, conduct and common expectations;~~

- Residence drug and alcohol testing procedures;
- Procedures for ensuring contraband is not brought onto the site;
- Expected daily routines;
- Routine staff procedures for supervision and supervisory requirements for staff;
- Procedures for supervised and unsupervised excursions from the site;
- ~~Visitor management procedures;~~
- Addressing performance and behaviour issues, should they arise;
- The process for exiting a resident, or required response if a resident was to elect to leave without permission; and
- General staff, visitor and resident safety and wellbeing.

Noise

- 47 The facility shall be designed and operated to ensure that noise levels do not exceed the following levels (dB) when measured at any site receiving noise originating from the operation of that facility:
- Between 07.00-20.00: 50dB LAEq
 - Between 20.00-07.00: 40dB LAEq and 65LAm_{ax}

Lighting

- 48 All fixed exterior lighting shall be aimed, adjusted and/or screened to direct lighting away from the windows of habitable spaces of sensitive activities, so that the obtrusive effects of glare on occupants are minimised.
- 49 Any added horizontal or vertical illuminance from the use of any artificial outdoor lighting shall not exceed light spill of 4 lux, when measured or calculated 2m within the boundary of any adjacent site.

Monitoring

- 50 The consent holder shall undertake on-going monitoring to document any risks caused by the operation of the programme to the surrounding community of the programme and operation of the facility in order to determine whether the risk to the community is consistent with the document the actual effects of the proposal ~~on the environment~~. This monitoring shall include, ~~but is not limited to~~:
- ~~Key indicators including programme completion rates, absconding~~
Recording all incidents of residents leaving the programme without permission or and any on or off site incidents or unapproved inappropriate or unwelcome interactions involving with other members of the surrounding community;

- Recording Any incidences of contraband being introduced to the site;
 - Documenting responses to any incidents involving contraband or residents leaving the site without permission;
 - Documenting all incidents reported to the CLG and the response to and resolution of those incidents;
 - Recording Compliance with required perimeter checks and 20 minute or 5 minute resident surveillance checks;
 - Any changes to the programme or facility which have been made to address any of these matters any recorded incidents or breaches.
- 51 The results of this on-going monitoring shall be reported to the CLG at each meeting of the group. Results of the monitoring shall be provided to the Council on request and in any event no less than annually via email to rcmon@ccc.govt.nz.
- 52 ~~Copies of any reports on reviews of the facility or the Tai Aroha programme shall be provided to the CLG and to the Council within one month of the report being produced.~~

Review of consent conditions

- 53 Pursuant to Section 128 of the Resource Management Act 1991, once the Tai Aroha programme has commenced on site, the Council may review the conditions of this consent by serving notice on the consent holder on any day in the month of March or September of any year, in order to deal with any adverse effects on the environment which may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

Advice notes:

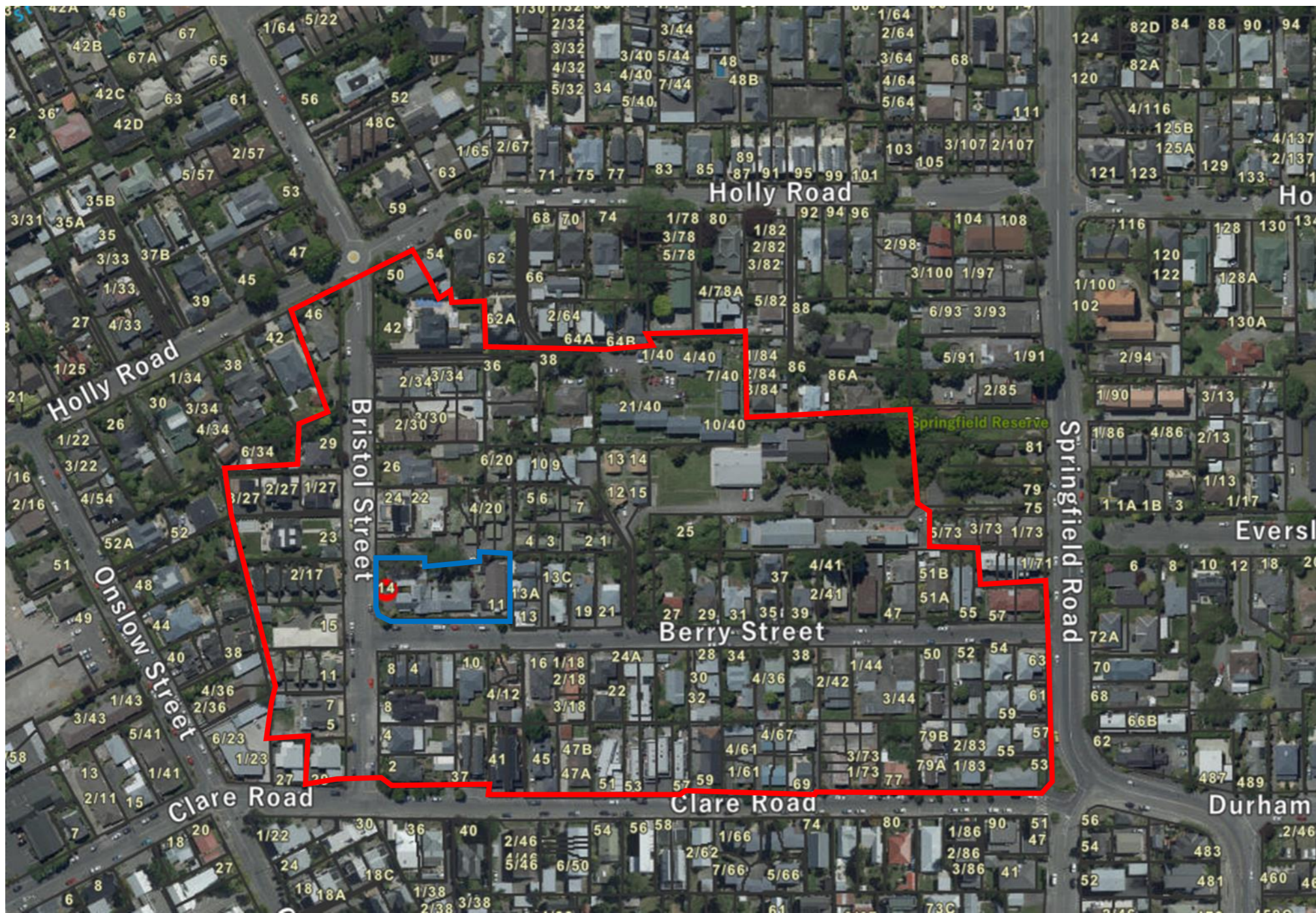
- i. **Monitoring.** The Council will require payment of its administrative charges in relation to monitoring of conditions, as authorised by the provisions of section 36 of the Resource Management Act 1991. The current monitoring charges are:
- (a) A monitoring programme administration fee of \$102.00 to cover the cost of setting up the monitoring programme; and
 - (b) A monitoring fee of \$175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and
 - (c) Time charged at an hourly rate if more than one inspection or additional monitoring activities (including those relating to non-compliance with conditions), are required.

The monitoring programme administration fee and initial inspection fee will be charged to the applicant with the consent processing costs. Any additional monitoring time will be invoiced to the consent holder when the monitoring is carried out, at the hourly rate specified in the applicable Annual Plan Schedule of Fees and Charges.

- ii. This resource consent has been processed under the Resource Management Act 1991 and relates to planning matters only. You will also need to comply with the

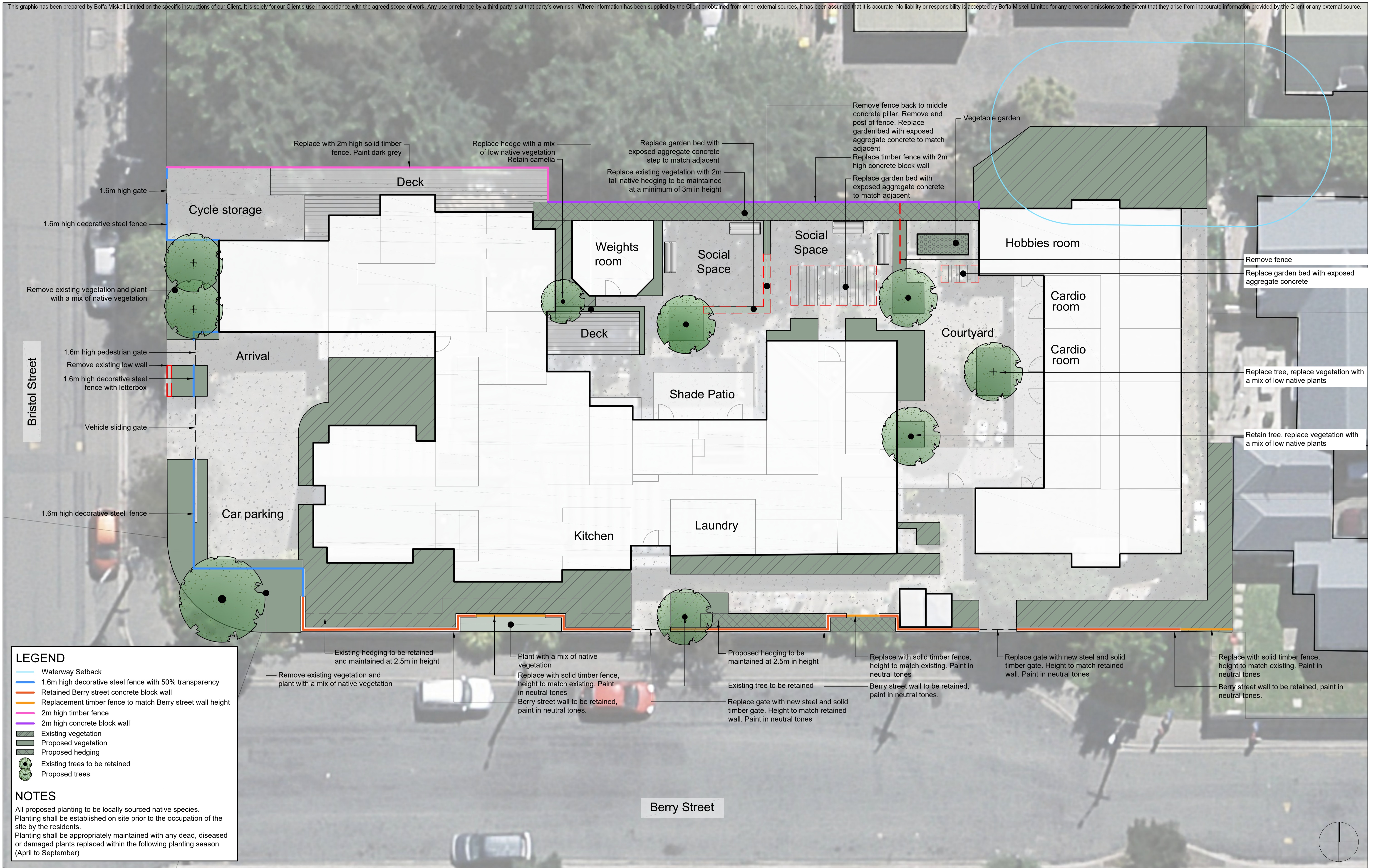
requirements of the Building Act 2004. Please contact a Building Consent Officer (ph: 941 8999) for advice on the building consent process.

Attachment – Mail Drop Properties (refer condition 25(h))



APPENDIX B – LANDSCAPE PLAN (REVISED)

This graphic has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



LEGEND

- Waterway Setback
- 1.6m high decorative steel fence with 50% transparency
- Retained Berry street concrete block wall
- Replacement timber fence to match Berry street wall height
- 2m high timber fence
- 2m high concrete block wall
- Existing vegetation
- Proposed vegetation
- Proposed hedging
- Existing trees to be retained
- Proposed trees

NOTES

All proposed planting to be locally sourced native species. Planting shall be established on site prior to the occupation of the site by the residents. Planting shall be appropriately maintained with any dead, diseased or damaged plants replaced within the following planting season (April to September)

Boffa Miskell

Boffa Miskell Limited
 Level 1, 141 Cambridge Terrace, Christchurch 8013
 PO Box 110, Christchurch 8140
 New Zealand
 Tel: +64 3 366 8891
 www.boffamiskell.co.nz

NOTES

CONTRACTORS TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK;

CONTRACTORS ARE RESPONSIBLE FOR CONFIRMING THE LOCATION OF ALL UNDERGROUND SERVICES ON SITE PRIOR TO COMMENCING WORK;

FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.

KEY

REV	DATE	DESCRIPTION
A	04.05.21	FOR COMMENT
B	07.05.21	FOR COMMENT
C	01.06.21	FOR COMMENT
D	23.06.21	FOR COMMENT
E	30.06.21	FOR RESOURCE CONSENT
F	13.08.21	REVISION FOR PRESENTATION TO THE HEARING
G	16.08.21	REVISION FOR PRESENTATION TO THE HEARING

APPRVD

CLIENT: Department Of Corrections

CONSULTANTS:

HEARING PRESENTATION

Bristol Street

PROPOSED LANDSCAPE PLAN

Design KCh | Scale 1:100 @ A1 | Date 04.11.20
 Drawn HCo | Scale 1:200 @ A3
 Check KCh

DRAWING NO. **01** | REVISION **G**

APPENDIX C – DISTRICT PLAN ACTIVITY DEFINITIONS

Appendix C – Christchurch District Plan Definitions

Residential activity

means the use of land and/or buildings for the purpose of living accommodation. It includes:

1. a residential unit, boarding house, student hostel or a family flat (including accessory buildings);
2. emergency and refuge accommodation; and
3. sheltered housing; but

excludes:

1. guest accommodation;
2. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
3. accommodation associated with a fire station.

Community corrections facility

means buildings used for non-custodial community corrections purposes. This includes probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes. Community corrections facilities may be used for the administration of, and a meeting point for, community work groups.

Community welfare facility

means the use of land and/or buildings for providing information, counselling and material welfare of a personal nature. This includes personal and family counselling, citizens advice bureaux, legal aid and the offices of charitable organisations where the facility is operated by a non-profit making organisation.

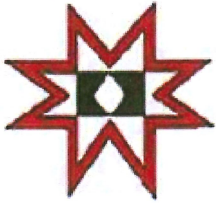
Community activity

means the use of any land and/or buildings principally by members of the community for recreation, entertainment, health care, safety and welfare, spiritual, cultural or deliberation purposes.

Community facility

means any land and/or buildings used for community activities or education activities. Community facilities include reserves, recreation facilities, libraries, community infrastructure such as community halls, health care facilities, care facilities, emergency service facilities, community corrections facilities, community welfare facilities and facilities used for entertainment activities or spiritual activities. Community facilities exclude privately (as opposed to publicly) owned recreation facilities, entertainment activities and restaurants.

**APPENDIX D – Te Ngāi Tūāhuriri Rūnanga Letter – Tikanga, Kawa
and Cultural Delivery**



Te Ngāi Tū Ahuriri Rūnanga Inc.

219 Tuahiwi Road RD1 Kaiapoi Phone 03 313 5543 Fax 03 313 5542

Email: tuahiwi.marae@ngaitahu.iwi.nz

13 July 2021

C/Andrea Miller

Emailed Andrea.Millar@corrections.govt.nz

Tēna koe,

RE: Tūāhuriri Tikanga, Kawa and Cultural Delivery for Bristol Street Program with Ara Poutama.

This letter to clarify that post the delivery of the Assessment of Rangatiratanga and Treaty Principals to Department of Corrections (Ara Poutama Aotearoa) for Bristol Street, from Mahaanui Kurataiao on behalf of Te Ngāi Tūāhuriri Rūnanga, that Ngāi Tūāhuriri Rūnanga will work with Ara Poutama around tikanga and kawa as well as support and guide cultural context for all program and delivery of the Bristol Street program in accordance with Tūāhuriri tikanga.

We are confident that our current relationship with Te Ara Poutama that if they are successful with their resource consent that we will work together to ensure that the program is culturally responsive according to Tuahuriri values.

Please advised if you would like any further clarification around this specific kaupapa.

Nga Mihi

Tania Wati

Chair of Te Ngāi Tūāhuriri Rūnanga Inc Soc

Cc

Jess Gubb Jesse.Gubb@corrections.govt.nz

Emma Chapman Emma.Chapman@ccc.govt.nz