

**BEFORE INDEPENDENT COMMISSIONERS APPOINTED
BY THE CHRISTCHURCH CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application by Kāinga Ora on behalf of the Department of Corrections for a resource consent to use an existing property at 14 Bristol Street, St Albans, Christchurch to provide residential accommodation for men as part of a rehabilitative and reintegrative programme

(RMA/2020/173)

**MEMORANDUM OF COUNSEL FOR BRISTOL STREET COMMUNITY NETWORK
INCORPORATED REGARDING OFFICIAL INFORMATION RESPONSE AND
APPLICANT'S REPLY**

Dated: 30 November 2021

MAY IT PLEASE THE COMMISSIONERS

1. This Memorandum is filed on behalf of the Bristol Street Community Network Inc (**Network**).

New information

2. Through a request for Official Information, the material **attached** to this memorandum was received and passed on to Mr Baden Ewart. The date of receipt was Thursday (25 November) afternoon. Counsel received the email and information the next day.
3. The email released with the response noted:

You have asked for:

How many times in the past 5 years have police been involved in attending to incidents involving the Tai Aroha facility in Hamilton.

What were the reasons for the attendances etc.

I have considered your request under the OIA 1982, and can advise you of the following;

- *I have attached a dossier view of the address where the Tai Aroha facility works from.*
- *The dossier view has been redacted to show the last 5 years of occurrences at the facility, the redaction's made pursuant to S.9(2)(a) of the OIA 1982 - To protect the privacy of the natural person.*

4. The *dossier view* provided shows 141 “incidents” at Tai Aroha in the last five years.
5. The *dossier view* is highly redacted (seemingly well beyond what is needed to protect the privacy of natural persons) and, therefore, difficult to understand or compare with the information provided by the Applicant at the hearing. However, from the few items of un-redacted information it is clear there were repeated police interactions and attendances at and with Tai Aroha. Some of those included offences occurred at the address and some mention breach of bail, which is surprising to the Network as there has been no mention of offenders attending the address whilst on bail.
6. The Network appreciates the hearing is in its last throes with the Applicant’s Reply having been circulated yesterday morning. However, the hearing is not yet closed and the Network is concerned this information – which was not available to the Network at the time of the hearing – not be overlooked if it is pertinent (as it seems) to the matters under consideration.

New evidence in Reply

Home detainees co-habiting

7. The Network refers to paragraph 5.24 of the Applicant's Reply. This information was not part of the Applicant's evidence or rebuttal evidence – but it was put directly in issue by submitters at the hearing and it could have been adduced then. Consequently, the Network did not have opportunity to comment on it.
8. With respect, it is submitted as inappropriate to:
 - (a) Produce this evidence now;
 - (b) Produce this evidence through legal submissions;
 - (c) Not reference "the data" referred to at paragraphs 5.23 and 5.24;
 - (d) Produce this as evidence without any context such as what offences the particular offenders have been convicted of, the length of their sentences, their RoC*RoI scores, whether there is a familial connection between the cohabitants, the number of offenders in each instance (the words *two or more* are vague) and where the offenders are situated (geographically).
9. The Network submits this evidence must be considered inadmissible or, at the least, so wanting in detail it is irrelevant.

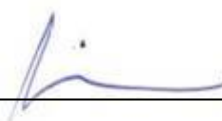
Permitted Baseline

10. On the second day of hearing the Applicant (through Mr Gimblett) signalled an intention to provide more details regarding a Permitted Baseline activity. Specifically mentioned were details on staff numbers, size of activity, type of activity. The Chair confirmed this information should be provided before the Network's case, so the Network had reasonable opportunity to respond. The Applicant agreed to do so. The foreshadowed additional information did not materialise – but now the Applicant has provided Appendix B to its Reply.
11. Respectfully, the Network submits Attachment B is also new evidence and the production of it via legal submissions is inappropriate and unfair. In any event the Network submits Attachment B does not provide sufficient context or detail to make it relevant or assist the Commissioners – such as who would attend, in what numbers, for what duration of time, on what sentences, with what history of offending, with what risk

of reoffending, from what geographic area and what the various “activities” listed comprise, in practice.

12. Similar to the submissions made above, this evidence could have been given earlier and, at least, during the hearing to afford the Network time to take advice and respond. Also similar to the above submissions, it is submitted Attachment B is so devoid of context and detail it does not advance the Baseline any further and is, if not inadmissible, unhelpful and irrelevant.

DATED this 30th day of November 2021



A C Limmer
Counsel for Bristol Street Community Network Inc



Location [Dossier View] [4491231937] - 32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204

Occurrences

Occurrences (141)

Com bine d	Start Date	Start Time	Repor ted Date	Repor ted Time	F V	V	C P P	Inc/Off Links	Location	Scene Station	Incident/Offence details
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
N	25/05/ 2021	10:00	26/05/ 2021	09:45	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	21 - Information
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
N	03/11/ 2020	17:47	03/11/ 2020	17:47	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	7945 - Breach Court Release Condition Prison
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
N	02/08/ 2020	23:00	02/08/ 2020	23:00	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	6D - Bail Breach

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Occurrences (141)

Com bine d	Start Date	Start Time	Repor ted Date	Repor ted Time	F V	V C	C P P	Inc/Off Links	Location	Scene Station	Incident/Offence details
N	27/06/ 2020	18:02	27/06/ 2020	21:39	Y	Cc m			32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	3872 - Contravenes Protection Order - Unauthorised Contact
N	14/06/ 2020	02:00	14/06/ 2020	02:00					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	7131 - Escape Lawful Custody/Break Penal Institution
N	12/05/ 2020	00:33	12/05/ 2020	04:33					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	6E - EM Bail Breach
N	01/01/ 2020	09:00	07/02/ 2020	09:00		Cc m			32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	4556 - Cause Loss By Deception (Over \$1,000)
N	06/08/ 2019	09:00	09/08/ 2019	12:31					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	2K - Found Property

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N	02/03/ 2019	22:00	02/03/ 2019	22:09					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	7139 - Other Offences After Sentence Passed
N	13/07/ 2018	19:00	13/07/ 2018	19:50					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	7131 - Escape Lawful Custody/Break Penal Institution
N	20/11/ 2017	13:30	20/11/ 2017	13:30					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	7131 - Escape Lawful Custody/Break Penal Institution
N	27/10/ 2017	20:00	28/10/ 2017	00:02					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	2W - Warrant to Arrest

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N	18/05/ 2017	20:24	18/05/ 2017	20:24					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	7134 - Escape/abscond Inst (A + D Act)
N	02/01/ 2017	12:00	20/01/ 2017	10:44			Cc m		32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	6E - EM Bail Breach 4584 - Take/Obtain/Use Cred/Bank Crd To Pecuniary Advantage
N	04/09/ 2016	22:14	04/09/ 2016	22:14					32 ANGLESEA STREET, HAMILTON CENTRAL, HAMILTON CITY 3204	Hamilton Central	6E - EM Bail Breach

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Official Information
Disclosure
chris.rennie@xtra.co.nz under

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 Selected pages report

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Disclosed to chris.rennie@xtra.co.nz
 Official Information Act 2009