BEFORE CHRISTCHURCH CITY COUNCIL

Independent Hearings Commissioners

UNDER THE	the Resource Management Act 1991 (the **Act**)
IN THE MATTER OF	A request by Ara Poutama Aotearoa/Department of Corrections for resource consent to establish a rehabilitative and reintegrative residential accommodation programme with an existing property at 14 Bristol Street, Christchurch (RMA/2020/173)

CLOSING LEGAL SUBMISSIONS

Dated: 26 November 2021

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MAY IT PLEASE THE COMMISSIONERS

1 INTRODUCTION

1.1 These closing submissions are filed on behalf of the Applicant, Ara Poutama Aotearoa/the Department of Corrections in respect of its application to establish a residential rehabilitation and reintegration programme within an existing house (comprising two buildings) at 14 Bristol Street, St Albans (the **Proposal**).

1.2 The submissions provide information requested by the Commissioners during the course of the hearing and address the following matters:

(a) A response to various misconceptions of the Proposal (which have informed an inaccurate assessment of effects on the part of some lay submitters and expert witnesses).

(b) The proper categorisation of the Proposal as a *residential activity, community corrections facility,* and *community welfare facility.*

(c) The implications of that categorisation for the application of the Christchurch District Plan (**CDP** or **Plan**).

(d) Confirmation of a credible, non-fanciful permitted baseline.

(e) The correct application of the built form site coverage standard.

1.3 In addition to responding to the above matters, the Applicant and Ms Chapman from Christchurch City Council have worked together to agree an updated set of proposed conditions, which are included as **Attachment A.** There are no outstanding matters or matters of contention between the Council and the Applicant in relation to these proposed conditions.

1.4 **Attachment B** provides a schedule of community corrections facilities run by Ara Poutama both in Christchurch and in other urban centres throughout New Zealand. The schedule includes site size, floor area and the kinds of services provided at these facilities together with the relevant planning maps for the Christchurch

locations. As can be seen from the information provided, the scale and nature of the facilities is variable across the city and across the country.

1.5 **Attachment C** provides the requested comparative description of the residential zone which applies to the Tai Aroha Anglesea Street site in Hamilton, as against the Residential Suburban Transition Zone which applies to 14 Bristol Street, Christchurch. As those descriptions illustrate, the two zones are remarkably similar in nature and anticipated outcomes.

1.6 Having considered the matters raised during the hearing by lay submitters, expert witnesses, Counsel and the Commissioners, it remains the Applicant's firm position, grounded on the expert evidence before you, that the Proposal satisfies all matters of relevance to your decision-making and that approval is, in no way, precluded by the operation of the District Plan. Moreover, in my submission, the evidence before you clearly establishes that the Proposal can be operated safely and effectively within this community, without compromising the residential amenity and coherence which the community clearly values.

1.7 It is accepted that proposals of this nature bring with them a degree of uncertainty and concern. Ara Poutama is understanding of those concerns and has responded to those matters by volunteering extensive conditions designed to provide confidence to the community that the programme will be operated safely and with care and consideration to its neighbours.

1.8 However, as outlined in opening legal submissions, what Ara Poutama cannot do is to simply choose not to operate in the community at all.[1] Ms Price urged you to decline consent on the basis that "*it* [the Proposal] *doesn't belong in any neighbourhood*".[2] That is of course quite simply incorrect in both a legislative and a planning sense. Sentences that are to be served in the community are imposed by sentencing judges every day and it is the Department's obligation and responsibility to safely and thoughtfully administer those sentences. This Proposal contributes to meeting

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1 Outline of Opening Legal Submissions on behalf of Ara Poutama, [1.15].
2 Refer written statement of Felicity Price, page 3.

that obligation and, in my submission, the District Plan is enabling of it.

1.9 Critically, you have heard the evidence of experts in criminal justice as to the importance of such sentences, and more particularly, the benefits that accrue to our society from the operation of rehabilitation and reintegration programmes such as that proposed here.[3] Provided the programme can operate safely in this community, and you have heard clear and uncontroverted expert evidence that it can, there is no reason to decline consent and every reason to grant it. In my submission, the evidence before you, requires you to exercise your discretion to do so.

2 MISCONCEPTIONS OF THE PROPOSAL

2.1 In her remarks to you at the conclusion of the hearing, Dr Cording outlined the challenges of measuring the risk to community safety in respect to criminal justice proposals such as that before you. In her expert opinion, there is an understandable tendency, driven at least in part by misleading media reporting, for members of the community to over-estimate the risk of harm to them and others in these situations.[4] That view is shared by Professor Polaschek and Dr Gilbert as set out in their respective evidence to you.[5]

2.2 To use Dr Cording's words, "*the fear of these things happening is not the same as those things happening*." For that reason, Dr Cording was clear that any assessment of the risk to community safety from the Proposal "*must be grounded in research and evidence*". In that regard, it was her expert evidence, consistent with the evidence of Professor Polaschek, that the risk of harm as a result of this Proposal is not "*any higher than elsewhere"*.[6] In my submission, that is a critical finding in relation to this Proposal and one that you must place considerable weight on when evaluating the evidence before you.

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3 See for example, Statement of Evidence of Devon Polaschek, [5.9] – [5.15]; Statement of Evidence of Jarrod Gilbert, [3.23] – [3.25], [5.15] – [5.17].
4 Devon at 10.15; 10.26. Cite Jarrod.
5 Gilbert, [5.1] – [5.14]; Polaschek, [10.15].
6 Quote from Dr Cording in her presentation at the hearing. Refer Polaschek, [10.1].

2.3 Moreover, having listened carefully to the evidence provided by a large number of submitters during the course of the hearing, it is clear that the fears of the community have been significantly amplified by speculation about the Proposal which is simply not accurate.

2.4 While it is not suggested nor expected that submitters will be across every detail of the Proposal, it was clear from the evidence presented that many submitters had, as Ms Linzey noted, received their information about the Proposal from sources other than the application or consultation documentation. As such, the fears and concerns of a number of submitters, while genuinely held, were expressed in respect of a proposal which, quite simply, is not before you.

2.5 As Dr Cording succinctly put it, there would be an "*understandable fear of living next to 12 angry men*" who did not want to be there and who had not been appropriately screened for eligibility and appropriate motivation by a sentencing judge and a trained psychologist. That is not, however, what is proposed here and given the frequency with which some of these matters were raised, it is prudent to carefully dispel the most prevalent of these misconceptions.

Nature and Behaviour of the Residents

2.6 Early on in the hearing, we heard references from a submitter[7] to 14 Bristol Street being proposed to house "*12 angry, violent men*" "*with "drug addictions*", "*fuelled by meth*" and "*impaired by mental illness*" who would be "*marauding the streets*" "*targeting the vulnerable*" , "*coveting what they see*" and "*bullying people" including those with "disabilities or those from "ethnic minorities*". Parts of this depiction were repeated by a number of the submitters, with a further emphasis on the men being "*irretrievably damaged*"[8] together with concerns about the safety of young women and children such that it appeared some misapprehension was present that the facility would house sex offenders.

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7 The submitter's identity is to remain confidential pursuant to a direction of the Commissioners.

8 Statement made by Mr Rennie during his presentation at the hearing.

2.7 While these kinds of men undoubtedly exist within the criminal justice system (and indeed in our wider society) they will not be eligible to reside at 14 Bristol Street should the Proposal proceed, nor would they be able to act in the way feared.

2.8 As described in the evidence of Mr Clark and Mr Kilgour, unlike a more typical residential situation, the residents of 14 Bristol Street will have gone through three layers of screening and assessment before they are approved to reside there.[9] The first is from the sentencing judge; the second is the eligibility assessment undertaken by the Residence Review Panel; and the third is a full psychological assessment undertaken by trained psychologists to determine the suitability of the candidate for the programme.

2.9 Contrary to the understanding of many submitters, successful candidates for the programme will not have any convictions for sexual offences (or any known sexual offending that has not resulted in conviction). They will not have any untreated psychological or mental illnesses. Trained psychologists will have determined that they are sufficiently motivated and committed to be part of the intensive programme and that they are willing and able to adhere to house rules/kawa and to comply with directions of staff. It will have been determined that they have sufficient emotional and mental stability, control of their behaviour and the cognitive capacity, skills and willingness to participate in group-based therapy and that they will be able to comply with the requirements of the programme to remain drug and alcohol free during their stay. Critically, a considered assessment will have been made that they will not compromise the safety of the community or the stability of the household.

2.10 This assessment will draw on interviews with the candidate as well as reviews of recent misconduct or incident reports, probation file notes, any existing protection orders or non-association orders with other residents, and engagement history with probation and/or prison staff.[10]

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9 Statement of Evidence of Ben Clark, at [5.11] – [5.16]; Statement of Evidence of Glen Kilgour, [4.1] – 4.10].

10 Clark, at [5.14].

2.11 In addition, specific consideration will have been given to any gang associations (whether disclosed, on record, or revealed through wider investigations), and the potential implications of those associations for the safe functioning and management of the programme.[11] Careful consideration will also have been given to the age of the candidate as compared with the range of ages of those already within the programme.

2.12 As set out in Mr Kilgour's evidence, a significant number of prospective residents have been declined for participation in the Tai Aroha Hamilton programme as a result of this screening process (320 out of 400 applicants since mid 2018).[12] For this reason, the Tai Aroha programme does not always run at full capacity. That is because, as a matter of priority, "[e]*nsuring the smooth running of the residence and ensuring the safety of residents, staff and the wider community are critical matters for* [the] *staff*".[13]

2.13 Given the low acceptance rate it is difficult to see how the programme can be considered as a way to "*reduce the prison muster*" or "*solve a housing problem*" as Mr Ewart would have you believe. If that were the case one might expect the acceptance rate to be much higher.

2.14 This same robust approach to screening which prioritises the safety of the household and the wider community at Tai Aroha, will be adopted at 14 Bristol Street and secured by the proposed conditions of consent.[14]

2.15 The residents will not be the "*12 angry men*" so graphically described by submitters but a small, carefully screened and selected group of men who want to change their behaviours. Men who, as Professor Polaschek reminded us during her response to questions, are "*husband and fathers and in many ways much like the rest of us*" in wanting to do better by family and friends.

2.16 It is also pertinent to note at this juncture that despite 16 and 18 men being variously referenced by submitters throughout the

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11 Clark, at [5.14].
12 Kilgour, at [4.11].
13 Kilgour, at [5.1].
14 Refer proposed conditions 1 and 5 at Attachment A.

hearing as the maximum number who would be able to reside at 14 Bristol Street,[15] the correct number is 12 (as set out clearly in the Applicant's evidence) and that maximum is secured via a proposed condition on the consent.[16]

2.17 Moreover, and contrary to Mr Ewart's assertions, even if these men were minded to "prey" on the local community (of which there is no evidence) the programme provides extremely limited opportunities to do so and arguably much less opportunity than many other more common residential arrangements.

2.18 As the Applicant has consistently highlighted (and as illustrated in Appendix A of Mr Kilgour's evidence), this programme is intense. With around 18 hours of therapy per week alongside normal household chores and activities, there is little time for residents to be idly observing neighbours "*getting up in the morning and pottering upstairs*"[17] or monitoring "*their daily movements*".[18]

2.19 In addition, as Dr Cording noted during her comments at the hearing, there is no evidence before you which suggests that the submitters' fears of verbal or physical harassment, or surveillance of neighbours by residents have been realised at Tai Aroha Hamilton during the past ten years. That finding is consistent with the expert assessment undertaken by Ms Linzey.[19]

2.20 Finally in this regard, and in part to quell the concerns of submitters more than as a necessary precaution, a number of "safety and supervision" focussed protocols (for example, regular drug testing, site perimeter checks, CCTV, resident checks every 20 minutes) are proposed and secured by conditions[20], alongside what Dr Cording and Professor Polaschek refer to as the inherent "dynamic security" of the programme.[21]

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15 For example, refer the statement of Ms Rowena Hart, at [6]; and comments made by Mr Ward during his presentation.
16 Refer proposed condition 2 at Attachment A.
17 Citing the statement of Ms Drummond, at [26].
18 Citing the statements of Mr Ewart , at [48] and Ms Taylor, at [35].
19 Refer Social Impact Assessment, Appendix A – *Baseline Research – Tai Aroha Case Study,* section 5; Statement of Evidence of Amelia Linzey, at [7.34].
20 Refer proposed condition 7 at Attachment A.
21 Dr Cording's presentation at the hearing; Summary Statement of Evidence of Devon Polaschek, at [11].

2.21 The therapeutic and household supervisory staff who work alongside the residents every day, build relationships with them and model and encourage them towards pro-social behaviour. They are also trained to identify and respond to any signs of anti-social or atypical behaviour, thus further minimising concerns expressed by submitters as to the volatility and unpredictably of the residents.[22]

2.22 Further, as both Dr Cording and Professor Polaschek note, contrary to the concerns of submitters that the grouping of the men at the residence increases risk, there is clear evidence that the group dynamic between residents themselves will have a regulating effect within the household, with "experienced" residents of the programme providing a positive, moderating influence on those who are newer to the residence.[23]

Nature and Behaviour of Visitors

2.23 A number of submitters also expressed concern about friends and/or whānau who, under the proposed conditions of consent, would be authorised to visit on a Saturday between 1pm and 5pm.[24] Various references were made to "*gang members congregating outside waiting to visit*",[25] visitors "*manifest[ing] the same anti-social behaviours*",[26] "*car loads of people from outside our community loitering outside our homes*"[27], "*40 or more people coming and going*" and "*those buggers congregating at the end of my driveway*".[28]

2.24 Again, the gap here between perception and reality is stark. As set out in the Applicant's evidence, persons with active gang associations or affiliations will not be authorised to visit residents at 14 Bristol Street, nor will those with current or recent drug or violence convictions.[29] Rather, the only persons authorised to visit the residents will be those who have been screened and assessed by the

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22 Clark, at [5.29], Polaschek, [5.6] – [5.7], [5.15].

23 Dr Cording's presentation at the hearing; Polaschek Summary, at [11]; Dr Grace's presentation at the hearing also addressed this matter.

24 Refer proposed condition 7 at Attachment A.

25 Price, at page 2.

26 Ewart, at [71].

27 Statement of Ms Cross, at [37].

28 Comment made by Mr Ewart in his presentation at the hearing.

29 This is not simply a matter of whether these matters are disclosed by the individuals in question; the Department undertakes its own investigations/screening of them before they are approved.

Department as being "pro-social" supports for the residents.[30] This means that the visitors themselves are living stable, positive lives with healthy relationships, and are committed to supporting the residents in their therapeutic journey towards those same outcomes. They are friends and/or whānau of the residents who care about them, who want to see them succeed, and who are in a place in their lives where they can offer that encouragement and stability.[31]

2.25 In addition to the pre-screening of visitors, there are also strict protocols, secured via the proposed conditions of consent,[32] which set out how Saturday visits are managed. These protocols are carefully outlined in the evidence of Mr Kilgour and provide clear requirements as to the way visitors are to conduct themselves prior to, during and after visiting the residence.[33] Visitors will not be allowed to linger in the vicinity of the residence and if there are any concerns about their conduct the visit will be ended by staff with approval for that visitor then being reviewed and possibly withdrawn.[34] When residents agree to participate in the programme, they agree to these conditions. As such, Ara Poutama retains significantly more control over this visitor process than submitters anticipate, and what could otherwise result from other *residential activity* on the site.

Threat of Future Offending

2.26 Another area in which there appeared to be a degree of misunderstanding among submitters (which can be expected to have led to a perception of heightened risk) was in relation to future offending by residents. Specifically this issue relates to the difference between offences committed by residents once they had *graduated* from the programme at Tai Aroha Hamilton (i.e. post programme or post sentence "recidivism rates"), and offences/incidents involving members of the public which occurred when residents <u>were still part of the programme</u>. A number of times in the course of the hearing, these two numbers appeared to be conflated and/or confused.

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30 Kilgour, at [9.11]; Clark, at [5.34] – [5.40].
31 Clark, at [5.38].
32 Refer proposed condition 7 at Attachment A.
33 Kilgour, at [9.9] – [9.15]; Clark, at [5.34] – [5.40].
34 Clark, at [5.40]; Kilgour, at[9.12].

2.27 In terms of recidivism offending, harm to the local community would only occur if the resident returned to the local area to commit an offence once they had completed the programme. There is no evidence of this being the case in relation to the Tai Aroha programme in Hamilton and no reason to expect this to be any different in relation to the programme at Bristol Street.

2.28 With respect to incidents or offending that occurs while residents are in the programme (and as such *may* be a risk to local community safety), as Dr Cording and others have noted, only two incidents in a ten year period have resulted in <u>any</u> adverse interaction with a member of the public at Tai Aroha.[35] The most serious of these, where a resident entered the home of a neighbour (the 2012 incident) was alarming but not violent, and was committed by a man with untreated serious mental health issues, a matter which would now see him excluded from being eligible to participate in the programme at 14 Bristol Street.[36]

2.29 The only other recorded event occurred on a supervised reintegration outing in 2017, and involved an agitated resident and a shopkeeper.[37] The supervising staff member was present and, as can be expected, was able to de-escalate the situation without further incident.

2.30 Other than these two occasions, there are no recorded incidents of participants in the Tai Aroha Hamilton programme engaging in an anti-social or harmful way with any member of the community.

2.31 In my submission, while the concerns of submitters are understandable and clearly genuinely held, they do not provide a basis on which to decline consent. At the risk of repetition, as Dr Cording stated the <u>actual</u> risk of harm must be grounded in research and evidence. In my submission, that research and evidence is clear that the risks to community safety as a result of this Proposal are not "*any higher than elsewhere".*

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35 This matter was also addressed by Ms Linzey at the hearing.

36 Refer letter from the Department of Corrections to Emma Chapman, Christchurch City Council, *Updated Information Regarding Tai Aroha Incidents,* dated 21 May 2021.

37 Ibid.

3 CATEGORISATION OF THE PROPOSAL

More than one activity

3.1 Both Mr Giddens and Counsel for the Network challenged the approach of applying three activity definitions to the components of the Proposal, primarily because of the interdependence between the activities.

3.2 In my submission, the fact there is interdependence between the components does not *prima facie* mean they cannot also separately meet the definitions of *residential activity, community corrections facility* and *community welfare facility.* A *home occupation* is entirely interdependent with *residential activity,* but that does not prevent those activities from being separately captured by both definitions. The same is true here.

3.3 In support of her submissions in this regard, Counsel for the Network referenced an excerpt from the decision in *Rogers,* where the Court criticised the approach taken to "*essentially carve up Omega's business into constituent parts in order to support the proposition that one part is not 'commercial activity'*."[38]

3.4 With respect, what is proposed here is the exact opposite of the approach criticised in Rogers. Contrary to Ms Limmer's suggestion, the use of each of the applicable activity definitions has not been taken to circumvent or "conveniently avoid" the application of the Plan, but to apply the Plan definitions to the clearly identifiable components of the Proposal.[39]

3.5 As described in my opening legal submissions, that position is entirely in line with the approach generally taken by the courts in relation to such matters,[40] and as Ms Chapman described in her comments to you, entirely consistent with "*standard Council practice*".

3.6 Moreover, as Ms Chapman usefully clarified, despite Mr Giddens' liberal use of the term, such an approach does not constitute

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38 Synopsis of Legal Submissions for Bristol Street Community Network Incorporated, Parts 1 and 3, at [14].
39 Network Submissions, at [17].
40 Opening submissions, at [2.13].

"*unbundling*" in the way that term is used within an RMA context. In fact, both Mr Gimblett and Ms Chapman (as she confirmed) have "*bundled*" the three activities, with the effect that the most restrictive activity status applies overall, as is appropriate.

3.7 Further, the application of more than one activity definition is not predicated on whether it can be demonstrated that the component activities will take place in defined areas of the house or the site, as suggested by Mr Giddens.[41] While it is noted that <u>if</u> such a test were required, it would be satisfied in this case,[42] no such requirement exists as a matter of law.

3.8 Finally in relation to this matter, my opening legal submissions referred you to the Youth Hub decision which has some parallels to the present scenario, including the existence of multiple components within an overall proposal. Mr Giddens sought to distinguish that case on a number of grounds in response to questions from you and as set out at paragraph 5.9 of his evidence. I have addressed the identification of defined areas within the site for activities – that is not a pre-requisite for applying multiple activity definitions, although it is nevertheless met in this instance. In addition, neither the opposition of submitters nor the existence or otherwise of "*more tangible benefits*" are relevant to the question of whether more than one activity definition should apply.[43]

3.9 Mr Giddens' final point of alleged distinction is "*that the Youth Hub "activities" met a number of district plan definitions.*"[44] That is, of course, precisely the finding of Mr Gimblett and Ms Chapman with respect to this Proposal. For his part, Mr Giddens reaches a different conclusion, however for the reasons set out below, it is considered that Mr Gidden's approach is flawed.

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41 Summary of Statement of Evidence by Brett Giddens, at [5.9].
42 See Operations Plan referenced in proposed condition 9 which shows the areas within the property where the components of the Proposal will occur
43 Giddens Summary, at [5.9].
44 Giddens Summary, at [5.9].

Residential Activity and Community Welfare Facility

3.10 It is the Applicant's position that the buildings at 14 Bristol Street will be used:

(a) by residents for sleeping, eating, and carrying out the usual domestic activities associated with a residential household (cleaning, cooking, shopping and the like); in other words, "for the purpose of living accommodation" (i.e. *residential activity*).[45] On the Applicant's assessment such residents will not be "detained on site" such that the activity is excluded from the residential activity definition; and

(b) for the provision of information, counselling and material welfare of a personal nature (i.e. a *community welfare facility*).[46]

3.11 I addressed you at some length on those aspects of the Proposal in opening and do not intend to repeat those matters here. I do, however, wish to explore further the question of whether the Proposal constitutes a *community corrections facility* in response to matters raised during the hearing.

Community corrections facility

3.12 In considering this definition – and in particular, to clarify in his mind what constitutes "community corrections purposes",[47] Mr Giddens referred to other corrections facilities in Christchurch as well as to evidence presented as part of the District Plan Review. From that information, he concluded that what is sought here is "*fundamentally different*" from those existing facilities and is also different from that which was described in evidence to the Independent Hearings Pane. Consequently, he determines the activity definition cannot apply.[48]

3.13 The information on existing corrections facilities in Christchurch and nationwide as compiled in **Attachment B,** illustrates a range of

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45 For example, see Clark, at [5.8].

46 For example, see Kilgour, at Appendix A; Clark, at [5.1].

47 The definition of *community corrections facility* is *the use buildings 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.*

48 Giddens, at [4.8(b)]; [7.14], [7.18] – [7.19].

community corrections facilities of differing scales and with a variety of functions, none of which is, in my submission, distinct from the *community corrections* services that will be provided here. Moreover, to the extent that it is relevant, I submit that the *community corrections* activity proposed cannot be said to be "*fundamentally different*" from the evidence provided to the Independent Hearings Panel by the Crown some six years ago, given that evidence specifically stated that "*Community Corrections must be flexible enough to suit complex and differing needs of offenders*…".[49]

3.14 In considering this evidence, the decision of the Independent Hearings Panel found that "*[t]he greater community purposes served by these facilities overwhelming favours making positive provision for them*".[50] The result was the inclusion of an activity definition which encompasses a wide range of activities (no doubt to provide the flexibility sought), a provision in the plan prohibiting notification of applications for those activities in residential zones, and limited activity standards.[51]

3.15 In my submission, had the definition of *community corrections facility* referred only to "*the use of buildings for non-custodial community corrections purposes*", reference to extraneous material including the Crown evidence or information on existing sites *might* have been justified to provide some insight into what kind of activities such "*community corrections purposes*" contemplated. That is not the case here however because the activity definition in the Plan goes on to provide a list of activities which illustrate precisely what is anticipated by such purposes.[52]

3.16 It is not, in my submission, within Mr Gidden's power to "read down" a clear and unambiguous definition or engage in some other form of mental gymnastics to constrain the definition simply because he considers it to be too broad. Nor can there be any merit in Ms Limmer's argument that such a definition is void for uncertainty. The

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49 Christchurch Replacement District Plan Reviewing, Proposal 14 – Residential Chapter, Statement of Evidence of Lisa Taitua on behalf of the Canterbury Earthquake Recovery Authority (Department of Corrections), dated 20 March 2015, at [5.3].

50 Decision on the Replacement Christchurch District Plan, Chapter 14, paragraph 373.

51 Refer Christchurch District Plan, rule 14.4.1.3 (RD 17).

52 Refer fn 47.

plain and ordinary meaning of the definition is clear and certain. While it may be expansive, it is neither "obscure" nor "ambiguous".[53]

3.17 Your role as decision-makers therefore is to consider the words within the definition of *community corrections facility,* and, affording them their plain ordinary meaning[54] determine whether they capture the "non-residential" component of the Proposal.

3.18 In my submission, the answer to that question is clear. As set out in the evidence of Mr Clark and Mr Kilgour, the Proposal involves precisely the kinds of activities that are explicitly included within the definition; namely, rehabilitation services[55], assessments[56], reporting[57], workshops[58] and programmes.[59] Plainly, the activity constitutes a *community corrections facility.*

4 OBJECTIVES AND POLICIES

4.1 As Mr Giddens acknowledged at the hearing, if the components of the Proposal fit within the three activity definitions (as the Applicant argues they do), then the position of the Plan towards the Proposal becomes one of overall support.[60]

4.2 However, it is important to be clear that should you find that the *residential activity* definition does not apply to the accommodation component of the Proposal but the *community* definitions do (Ms Chapman's position), then the Proposal continues to find overall support within the Plan.[61]

4.3 Moreover, even if you were to find that none of the definitions apply and the Proposal is a non-specified "other" activity (Mr Giddens position), even this would not, in my submission, "*spell the end of the Proposal*" under the provisions of the Plan.

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53 Refer *Powell v Dunedin City Council* [2005] NZRMA 174 (CA) at [12], referencing the High Court approach in *Powell & Others v Dunedin City Council* [2004] 3 NZLR 721 at [48]; *Nanden v Wellington City Council* [2000] NZRMA 562 (HC) at [48].
54 Ibid.
55 For example, see Clark, at [3.20] – [3.31], [5.6] – [5.7]; Kilgour, at [3.7].
56 For example, see Kilgour, at [6.2].
57 For example, see Clark, at [5.10], [5.29(a) – (c)].
58 For example, see Kilgour, at [3.6(a) – (b)], [3.8]; Clark at [5.29(c)].
59 For example, see Clark, at [5.6] – [5.8].
60 Gimblett Summary, at [6.1].
61 Gimblett Summary, at [6.1]; Section 42A Report, at [211].

4.4 As demonstrated by Mr Gimblett with his "line diagram" (reproduced here as **Attachment D**) this is something of an instance where all roads lead to Rome, with no particular route encountering a road block insofar as the Plan provisions are concerned.

4.5 As carefully traversed by Mr Gimblett in his evidence, it is his position that the relevant Plan provisions include both the residential and non-residential objectives and policies in Chapter 14. Of "particular relevance"[62], in his opinion, is objective 14.2.6 and policy 14.2.6.2, which seeks to enable community activities and community facilities within residential areas to meet community needs and encourage co-location and shared use of community facilities where practicable.

4.6 Depending on the "road" taken, Policy 14.2.6.4 is also of relevance and provides the following direction:

> *Restrict the establishment of other non-residential activities, especially those of a commercial or industrial nature, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of the residential zones are insignificant.* (referred to hereafter as the **Restrict Policy**)

4.7 As Mr Gimblett illustrated through his diagram:

(a) On his interpretation, the Restrict Policy is not directly applicable to the *community* components of the Proposal because those components are the subject of policy 14.2.6.2 (as set out above) and are enabled. In accordance with the direction of the Environment Court, the Restrict Policy therefore only applies to "other non-residential activities" which are not captured by the "community activities and community facilities" policy.[63]

(b) On Ms Chapman's interpretation, the Restrict Policy is also not directly applicable to the community components and therefore only has relevance for the accommodation component because

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62 Statement of Evidence of Ken Gimblett, at [4.78].
63 Refer *Fright v Christchurch City Council* ENV-2017-CHC-76, at [70] – [72].

policy 14.2.6.2 applies to, and enables, the *community corrections* and *community welfare* components.

(c) On Mr Giddens' interpretation, the Restrict Policy has relevance to the Proposal as a single "other" activity, which does not meet the definitions of *residential activity, community corrections facility,* and/or *community welfare facility* or any other activity definition.

Restrict Policy applicability: "non-residential activities"

4.8 To apply the Restrict Policy, you must find that either the accommodation component (under Ms Chapman's interpretation), or the Proposal as a whole (under Mr Giddens' interpretation) constitutes a "non-residential activity". As I noted in my opening legal submissions, the reference to "non-residential activities" in that policy is not a reference to the Plan definition of *residential activity*.[64] In such cases, the Environment Court has directed decision-makers to apply the plain ordinary meaning of those words ("non-residential activities"), not the Plan definition.[65]

4.9 As Ms Chapman identified in her comments at the hearing, there are "*strong similarities*" between the accommodation component and the ordinary understanding of a "residential activity". The men will sleep at 14 Bristol Street in an established residence, they will eat there, clean there, and carry out other normal domestic activities that are associated with a residential household. On that basis, although Ms Chapman considers the policy applies, she expressed doubt as to whether the Proposal was the <u>type</u> of activity that the policy sought to restrict.

4.10 Mr Gimblett also agrees that **if** the policy applies, it must be carefully considered in light of the residential nature of the activity and its establishment within an existing residential dwelling.[66]

4.11 For his part, Mr Giddens also finds that the Proposal constitutes "*at least, supervised living accommodation where the residents are*

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64 Opening submissions, at [3.18] – [3.21].
65 *Rogers v Christchurch City Council* [2019] NZEnvC 119, at [24] and [25].
66 Summary of Statement of Evidence by Ken Gimblett, at [6.1(e)].

detained on site".[67] Again, while that would prevent the Proposal from meeting the Plan definition of *residential activity,* applying the Environment Court's direction, it does not follow that the Proposal constitutes a "non-residential" activity for the purposes of the Restrict Policy. In fact, confirmation that the Proposal constitutes "at least, supervised living accommodation…" suggests quite the opposite (emphasis added).

4.12 In my submission, there therefore continues to be a fundamental legal issue as to whether the Restrict Policy applies to the Proposal at all, given it is difficult to contemplate that the Proposal before you is not "residential" within any ordinarily understood meaning of that term. Moreover, as Ms Chapman and Mr Gimblett find, if the Policy does apply, the inherently residential nature of the Proposal, makes it hard to fall foul of the policy's intent.

Restrict, not avoid

4.13 To the extent you find that the Restrict Policy does apply (either to the accommodation component or to the Proposal as a whole), that is not a fatal finding for the Proposal for the following reasons. First, your assessment of the Proposal under section 104(1)(b) requires "*a fair appraisal of objectives and policies read as a whole*".[68] As set out above, both Mr Gimblett and Ms Chapman (on the assumption that policy 14.2.6.4 has some relevance) find there to be an overall consistency between the Proposal and the objectives and policies of the Plan.

4.14 Secondly, the Restrict Policy is not an 'avoid' policy – it does not preclude you from granting consent to the establishment of "other non-residential activities" if you find the Proposal to meet that definition. Rather, it directs only that you consider whether the stated criteria are met and if they are not, restrict or limit their establishment, especially with respect to commercial or industrial activities (of which this Proposal is not).[69]

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67 Giddens, at [4.8(a)].

68 *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 at [73], citing *Dye v Auckland Regional Council* [2002] 1 NZLR 337 at [25].

69 *Archibald v Christchurch City Council* [2019] NZEnvC 207, at [36].

4.15 In this instance, the uncontroverted expert evidence before you is that the first of those criteria is met, namely, that the Proposal does have a strategic and operational need to locate in residential zones.[70] It is however accepted that the expert evidence is also clear that the adverse social impacts affecting character and amenity values will, initially, as a result of anticipatory effects be at least minor (which is more than "insignificant").

4.16 As a result, **if** the Policy applies to this Proposal, you would be required to consider restricting or limiting its establishment. Herein lies the 'tension' as Mr Gimblett describes it as between the Proposal and this policy.

4.17 As Mr Gimblett made clear to you in answer to questions, he does not consider that 'tension' to equate to the Proposal being "contrary" to the policy as Mr Giddens finds. Nor did Mr Gimblett agree that it was even particularly "problematic" for the Proposal

4.18 Rather, Mr Gimblett was clear that it remained his view that there is considerable consistency with the policy because:

(a) The other impacts of the Proposal which typically affect residential character and amenity values (traffic, noise, built form, hours of operation, privacy) are already at the level of insignificance; [71] and

(b) On the evidence of Ms Linzey (which draws on her extensive experience and monitoring of similar "undesired" activities across the country), the relevant adverse social effects can be expected to reduce from "low" (worst-case) to a level of "insignificance" in time. For her part Ms Strogen also considers the effects will reduce over time, in her view from "moderate" to "low". While there is some difference as to the extent and time frame within which that reduction will occur, it is clear that both experts agree that the effect is "temporary"[72] and even at its most acute, is moderate at worst.

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70 Polaschek, at [6.8], [6.15]; Polaschek Summary, at [12]; Kilgour Summary, at [14] – [16].

71 Gimblett Summary, at [6.1(d)], citing Gimblett, at [4.130] – [4.160].

72 Resource Management Act 1991, section 3. "Effect" includes any temporary or permanent effect. Refer, for example, *Trilane Industries Limited v Queenstown Lakes District Council* [2020] NZHC 1647 at [59].

4.19 Moreover and importantly, as set out above the policy direction only requires you to restrict or limit such activities, not avoid them altogether. In this instance, the Proposal is an inherently residential activity, occurring in an existing residential house which as a result of the limits imposed by the proposed conditions will operate to all intents and purposes as a residential home.

4.20 Given that context and evidence, it is clear that the Plan does not require you to decline consent on this basis. It is open to you to grant consent on the conditions proposed, and in my submission you should do so, particularly when the effects of the proposal are considered in light of the permitted baseline as set out below.

5 CREDIBLE, NON-FANCIFUL PERMITTED BASELINE

5.1 Ms Chapman and Mr Gimblett have concluded that a *community corrections facility* and persons residing on home detention form part of a credible "permitted baseline" scenario. If you agree, you are entitled to disregard any adverse effects of the Proposal which would also arise from those permitted activities.[73]

Community corrections facility

5.2 In her submissions, Counsel for the Network opposed the inclusion of this activity as part of a permitted baseline on the basis that:

(a) Neither the Applicant nor the Council have been able to articulate "what is allowed under the relevant plan".[74]

(b) There is no evidence to show that a community corrections facility "as properly understood" could be credibly established on this site.[75]

5.3 With respect to the first matter, "what is allowed under the relevant plan" is a *community corrections facility,* which is defined in the Plan as *the use of buildings for non-custodial community corrections purposes. This includes probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes.* [They] *may be used for the administration of, and meeting point for,*

73 Resource Management Act 1991, section 104(2).
74 Network Submissions, at [36].
75 Network Submissions, at [46].

community work groups. As Ms Limmer identifies, that definition is broad, and it does cover a range of different activities. However it does not follow that the definition is so inappropriate or uncertain that it cannot be a permitted activity.

5.4 Ms Limmer has referred you to evidence presented on behalf of the Crown to the Independent Hearings Panel, seemingly to illustrate how *community corrections facilities* are to be "properly understood". To the extent that that evidence reveals something different or more limited from what is contemplated in the Plan's definition of *community corrections facility* (which I do not consider it does), I would simply reiterate that if the Panel wanted to be more restrictive in its approach, it could have been. Instead, on the evidence before it, it determined to include a fulsome definition of *community corrections facility* in the Plan; to permit that activity in the Residential Suburban Density Transition zone (subject to compliance with applicable standards); and to make that activity subject to a prohibition on notification. Put simply, the Plan seeks to positively enable this activity in this zone without further public input. Such activities are clearly "allowed under the Plan" and as such the first limb of Ms Limmer's argument is not made out.

5.5 On this matter, the words of the Court in *Woosh Wireless* come to mind:

> *…the rational and accepted meaning of the words should be master, not a strained and artificial interpretation which may happen to suit the needs of the moment. The Council's real solution, if the Plan does not say what it thinks it should, is to change the Plan.*[76]

5.6 While submitters may be surprised, and perhaps dismayed, at the enabling provisions of the Plan in relation to *community corrections facilities*, the answer does not lie in attempting to constrain or read down the plain and ordinary meaning of the provisions or otherwise attempt to dismiss their application.

5.7 Turning now to the second matter, Ms Limmer asserts that the Applicant has not provided sufficient evidence or "painted a picture" of "what it says can happen as of right"; nor has it provided evidence

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[76] *Woosh Wireless v Wellington City Council,* ENV-2006-WLG-000507, at [22].

supporting the proposition that use of the site for a *community corrections facility* is not "fanciful".

5.8 I agree with Ms Limmer that the onus for doing so lies with the Applicant, as instructed by the Court in *Te Whakaruru.*[77] I am not, however, aware of any legal basis for the assertion that such proof must reach a level of particularity similar to a Certificate of Compliance (although I note that if such authority does exist, Ms Chapman considers that such level of particularity was met by the information provided by the Applicant, described below).

5.9 As I set out in my opening legal submissions, the issue of whether a permitted activity is "non-fanciful" in terms of section 104(2) is not about the "likelihood" of that activity occurring, "*nor does it require evidence as to what will occur or be likely to occur in the absence of the development under consideration*".[78] Rather. the question, as helpfully set out in *Lyttleton,* is whether there is "*evidence available concerning the permitted form of development which could hypothetically occur on a non-fanciful footing and create an adverse effect of such a nature as to warrant comparative consideration*".[79]

5.10 Ms Limmer submitted that no such evidence is available. What she appears to have overlooked is the information provided by the Applicant to the Council in April 2020 and the updated car parking plan provided in June 2021 which, together, precisely illustrate that a *community corrections facility* could be established at 14 Bristol Street "as of right" (i.e. in compliance with the relevant permitted standards).[80] That information also provides examples of the onsite services that the Department could operate at that facility "*including but not limited to: probation services; rehabilitation and reintegration services; counselling services; workshops and programmes (such as violence programmes) and participant assessments*."[81]

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77 *Te Whakaruru Limited v Wellington City Council,* ENV-2007-000088, at [64].

78 *Keystone Ridge Limited v Auckland City Council,* AP24/01, Auckland, 3 April 2001, at [53].

79 *Lyttleton Harbour Landscape Protection Association Inc v Christchurch City Council,* ENV C0242/05, Christchurch, at [19].

80 Letter from The Property Group to Emma Chapman, Christchurch City Council, *RE: PERMITTED BASELINE ASSESSMENT FOR A COMMUNITY CORRECTIONS FACILITY,* dated 3 April 2020, 716113; Updated CCS permitted baseline car parking plan, provided to Christchurch City on 30 June 2021; Refer also Attachment 1 to the Statement of Evidence of Rhys Chesterman.

81 Ibid, at page 2.

5.11 That information has satisfied both Ms Chapman and Mr Gimblett that a *community corrections facility* at 14 Bristol Street "*could hypothetically occur on a non-fanciful footing*".[82] Drawing on the analysis of Ms Strogen, Ms Linzey, Dr Cording and Professor Polaschek, potential adverse effects that are comparable to the Proposal have then been identified and considered as part of their respective assessments. On the strength of that information and analysis, there is, in my submission, no reason for you to exclude a *community corrections facility* from the permitted baseline in this case.

5.12 Finally, to the extent that further information regarding community corrections facilities would assist with your assessment, Mr Gimblett was asked at the hearing about the size and type of services provided at other community corrections sites. He advised that he had been informed by the Department that they come "in all shapes and sizes". This was confirmed by Mr Clark in answer to questions from the Commissioners, providing examples of a variety of differently sized facilities with different focus areas located within the Southern region. In response to a request from the Commissioners for further information to that effect, the Department has provided further information about such facilities as **Attachment B**.

Residential activity

5.13 The baseline for your assessment of the Proposal also, of course, includes *residential activity,* which is permitted in the Residential Suburban Density Transition zone[83] (subject to compliance with the applicable standards). The definition of *residential activity* means *the use of land and/or buildings for the purpose of living accommodation* and explicitly includes activities in which residents may be transient (for example, sheltered housing, or emergency and refuge accommodation).

5.14 Taking into account the permitted density, site coverage, maximum building site, and compliance with relevant setbacks and recession

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82 Refer, for example, Section 42A Report, at [67]; Gimblett, at [4.31].

83 Excluding residential units with more than six bedrooms and boarding houses – refer Christchurch District Plan, rule 14.4.1.1 (P1).

planes,[84] up to five standalone dwellings could be developed on the site as a permitted activity, each with up to six bedrooms.[85] If all bedrooms in each unit were occupied by two people, the permitted development could accommodate up to 60 people on the site.

5.15 Further, with no redevelopment of the property, six bedrooms could be utilised now as of right. With two persons per bedroom, 12 residents could be accommodated with little or no constraint on how they used the property or interacted with their neighbours.

5.16 Against that background, many submitters who appeared at the hearing identified that their opposition to the Proposal related to the anticipated effects of poor behaviour from the prospective residents, citing, among other matters, the potential for loud noise, bad language, lack of consideration,[86] surveillance[87], unsavoury visitors[88], and the relative transience of the residents.[89] Putting to one side whether these impacts would ensue from the Proposal (which the Applicant disputes and which I will address shortly) these effects are, of course, all matters that can and do arise as a result of permitted residential activities in neighbourhoods across the country.

5.17 There are many people who do not interact within their communities – who do not wave or smile, or bring their neighbour's bins in. Many people use "bad language", play loud music and argue in their homes and gardens. Some people have unsavoury visitors, park their vehicles without consideration for others, leave their rubbish in the street and show little respect for their neighbours' privacy. These effects are all recognised consequences of urban living or as Mr Ewart noted, constitute the "vicissitudes of life" in our urban communities. Importantly, none of these behaviours are the sole domain of those who have committed criminal offences.

5.18 Put in RMA terms, they are adverse effects which, despite what we might otherwise wish, have the potential to arise from residential

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84 Refer Christchurch District Plan, 14.4.2 *built form standards.*
85 Refer Section 42A Report, at [54]; Christchurch District Plan, rule 14.4.1.1 (P1).
86 See for example, Statement of Mr Drummond, at [13], [14]; Statement of Ms Gretchen Hart, at [9]; Statement of Ms Drummond, at [25].
87 See for example, Statement of Ms Drummond, at [25]; Statement of Ms Rowena Hart.
88 See for example, Statement of Ms Taylor, at [35]; Statement of Mr Ewart, at [71].
89 See for example, Statement of Mr Drummond, at [18b]; Statement of Ms Cross, at [19].

activity, being an activity which is permitted by the Plan. As such, to the extent that you find they may also arise from the Proposal before you, section 104(2) authorises you to disregard those effects as part of your assessment. Again, I see no reason for you not to exercise that discretion in this instance.

5.19 Moreover, when considering this matter, it is important to note that there are key features of this Proposal which, in my submission, make it less likely that these negative effects will arise as compared to that which could occur with a permitted *residential activity* at 14 Bristol Street. These features include more stringent noise standards[90], the existence of house rules/kawa regarding the behaviour of residents (with potentially significant consequences for breaching those rules), extensive supervision by staff, areas within the site which cannot be accessed by residents unless they are authorised to do so by a staff member, and the intensity of the programme itself which, as described above, will absorb the time and attention of residents for the majority of the day.

5.20 As Ms Strogen put it during her comments to you at the hearing, the residents of Bristol Street and the surrounding area "*could have bad neighbours really easily whereas these guys are signing up to a set of rules"*.

Home detention

5.21 It is understood to be common ground between the planning experts that the Plan and the definition of *residential activity* in particular, does not discriminate between those living in a home on a sentence of home detention and those who are not. As the Plan permits residential activity (subject to compliance with relevant standards), it follows that the use of 14 Bristol Street for living accommodation by a person or persons on home detention could also form part of the "permitted baseline", provided that use is "non-fanciful" or "credible".

5.22 Mr Gimblett's evidence confirmed that, based on his discussions with Corrections staff, multiple individuals under a sentence of home detention residing at one property is not precluded (for example, by the Sentencing Act), nor is it unprecedented. The veracity of that

[90] Refer Gimblett, at [4.141] – [4.142].

proposition was challenged by Ms Hart and Mr Cook, who suggested to you that that such a scenario would be "very rare".[91]

5.23 As Commissioner Lawn identified, Tai Aroha Hamilton directly contradicts Mr Cook's assertion (which did not appear to be founded on any independent expert evidence, but rather was a matter of his own opinion). However, in light of those assertions and the questions Mr Gimblett received on this matter from the Commissioners, the Department undertook a further review of its current data to confirm (or otherwise) what it had previous conveyed to Mr Gimblett (as described in his evidence).

5.24 That data shows that, of the 1512 persons currently on home detention in New Zealand, there are 21 separate instances across the country where two or more of those persons are living at the same residence. There are an additional 56 instances where a person on home detention is residing at the same address as someone serving a different sentence (such as community detention) or is on electronically-monitored bail. Such a scenario, cannot therefore be categorised as "very rare" or fanciful.

5.25 For his part, Mr Giddens has rejected home detention as forming part of the permitted baseline because, in his opinion, there is no comparability between "the "normal" situation [of home detention]" and the Proposal. As set out in my opening legal submissions, there is no requirement for you to find comparability between the permitted activity in question and the Proposal. The focus of section 104(2) RMA is on any comparable adverse effects between the two activities.

5.26 To the extent that the effects of this Proposal therefore relate to the nature of the residents and their sentence, that effect could occur as a permitted activity, certainly with respect to two or three residents. The question therefore becomes whether the use of the property for 12 men on home detention creates an elevated risk above that baseline.

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91 Synopsis of Legal Submissions for Bristol Street Community Network Inc, Part 2, at [16].

5.27 Dr Cording carefully addressed that matter in her comments at the hearing and I commend that evaluation to you. It was her expert assessment that the level of risk posed to the safety of the surrounding community is the same as, if not lower, than what might otherwise arise if the site was used to accommodate persons on home detention in the "normal sense".

5.28 As part of that presentation, she also confirmed her opinion that the concentration of persons on home detention as part of the Proposal does not increase that risk (which she described as being "low"), and in fact, the "dynamic security" which is evidenced to arise in similarly staggered group settings (together with the level of supervision, security measures, and support provided as part of the Proposal) may well further reduce that risk to below that which would otherwise occur as a result of a permitted home detention arrangement. For her part, Professor Polaschek reaches similar conclusions, as set out in her evidence.[92]

5.29 In short, there is no expert evidence before you which controverts the conclusions reached by Dr Cording and Professor Polaschek. To the extent that Mr Cook sought to address some of these matters, I would invite you to consider the extent to which he lost sight of the distinction between his role as an advocate and that of an expert witness, an unfounded assertion he levelled against Professor Polaschek,[93] but failed to see in his own conduct. In my submission, Professor Polaschek did not lose sight of her obligations under the Code of Conduct, nor does she stand as the lone expert in her conclusions on this matter.

5.30 In my submission you are lawfully entitled to exercise your discretion under section 104(2) to disregard any adverse effect which might arise out of one or more persons on home detention residing collectively or individually at 14 Bristol Street. I further submit that there is no reason why you should not choose to do so in this instance.

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92 Polaschek, at [10.1] – [10.6]. Polaschek Summary, at [11].
93 See for example, Network Submissions (Part 2), at [49].

Conclusion on the permitted baseline

5.31 If you accept that *residential activity* (including person(s) on home detention) and a *community corrections facility* form part of the permitted baseline for this Proposal, you are entitled to disregard:

(a) Adverse social effects including the perceived and/or actual risk of annoyance, disruption or harm to the community arising from persons serving sentences in the community who are participating in programmes or receiving services at a *community corrections facility* established at 14 Bristol Street (between the hours of 7am – 7pm, seven days per week).

(b) Adverse social effects including the perceived and/or actual risk of annoyance, disruption or harm to the community arising from perceived "negative" behaviour conducted as part of *residential activity* at 14 Bristol Street (for example, bad language, noise).

(c) Adverse social effects including the perceived and/or actual risk of annoyance, disruption or harm to the community arising from the accommodation of one or more person(s) serving sentences of home detention.

6 SITE COVERAGE

6.1 My opening submissions address Mr Giddens' approach to this matter in some depth, and there is nothing in the submissions of Ms Limmer or the presentation of evidence verbally by Mr Giddens which causes me to reassess that analysis.

6.2 With respect to Ms Limmer, the issue at hand is not about whether this rule only applies to situations with or without existing buildings. The issue is whether there is any part of the Proposal that affects the percentage of the net site area at 14 Bristol Street <u>covered by buildings</u>. That is because the application of the Site Coverage Rule is premised on a failure to meet the site coverage built form standard, which explicitly establishes "[*t]he maximum percentage of the net site area <u>covered by buildings</u>"* (<u>emphasis added</u>).[94]

[94] Christchurch District Plan, 14.4.2 *Built form standards,* 14.4.2.4(a) *Site coverage.*

6.3 In the case of 14 Bristol Street, the land use which affects the net site area covered by buildings has already been authorised by resource consents. No part of the Proposal, whether building or activity, will result in any change to that. A land use which affects the net site area covered by buildings is, therefore, not part of the Proposal for which consent is sought, and on that basis, the Site Coverage Rule has no application.

6.4 For his part, Mr Giddens indicated in his summary that neither I nor Mr Gimblett had in fact identified any examples of absurd outcomes associated with his interpretation, despite asserting that they would arise. Mr Giddens appears to have overlooked paragraph 2.59 of my opening submissions, which describes two such outcomes. For convenience, I have replicated them below:

(a) Property owners would be unable to rely on a consent authorising an exceedance in net site area covered by buildings because a simple change in activity within those buildings even where it did not affect site coverage would, for all intents and purposes, render that consent useless. That outcome would undermine confidence in the Plan and any consents granted in relation to it as a lawful and sufficiently certain basis for progressing development.[95] It clearly would not minimise transaction costs and reliance on resource consent processes, nor would it result in better utilisation of existing housing stock.[96]

(b) To avoid falling foul of the Site Coverage Rule (and the requirement to obtain consent), buildings which are consented for exceeding the site coverage standard would need to be reduced in size when the activity within that building changes. This is neither a sustainable nor efficient use or management of physical (or economic) resources. There is also no identifiable effects basis for doing so.

6.5 In response to further questioning by the Commissioners at the hearing, Mr Giddens expressed the view that his position received some justification from the objectives and policies of the Residential

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95 Refer, for example, Christchurch District Plan, objective 3.3.1.
96 Refer, for example, Christchurch District Plan, objective 3.3.2.

chapter which, as Mr Gimblett pointed out at the hearing, "*is quite activity orientated*".[97]

6.6 In my submission, there is little cogence to Mr Giddens' argument on this point. The "activity-orientation" of the objectives and policies quite clearly seeks to deal with the nuanced differences in effects between a broad range of activities, some of which are to be enabled in residential zones (*residential activity, community facilities* and *community activities*), and some of which are to be restricted ("other non-residential activities", especially those of a commercial or industrial nature, *retailing*). That "orientation" does not provide support for the proposition that a built form standard should apply to any such activities, irrespective of whether or not those activities actually have any impact on the built form in question (in this case, "[*t*]*he maximum percentage of the net site area <u>covered by buildings</u>*).

6.7 For these reasons, it remains the Applicant's firm position that the Site Coverage Rule does not apply to the Proposal, and as such there is no credible argument the Proposal is a non-complying activity.

7 CONDITIONS

7.1 Included as **Attachment A** is a revised set of proposed conditions. These have been discussed and agreed with Ms Chapman.

7.2 With Ms Chapman's agreement the opportunity has also been taken to consolidate the various site plans into a single Operations Plan referenced at condition 9 showing landscaping, restricted areas, site layout and activity use.

8 CONCLUSION

8.1 It is clear that for many submitters, the idea that a proposal such as this can be safely located within a residential neighbourhood is met with a high degree of scepticism. That is understandable given a proposal of this nature constitutes a significant unknown for most people, misinformation is rife and fear makes risk hard to objectively assess.

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[97] Gimblett Summary, at [2.4].

8.2 As Mr Gimblett himself acknowledged in his evidence "*[o]n my introduction to this proposal I had a very similar reaction or perception as expressed by the majority of the submitters in opposition*".[98] Importantly, however, "*[a]s my involvement has advanced and my understanding has grown, my perception has changed*".

8.3 Matters relating to criminal justice are understandably emotive and many submitters expressed genuine, significant fears about how the housing of "serious violent criminal men"[99] might impact their safety and the things they value about their current residential environment. Real harm is committed by people within our communities every day and we desire to protect and separate ourselves, our friends and our whānau from that harm, as far as possible. However, no matter how tight-knit our neighbourhoods may be, we do not live in a "zero harm" society and that cannot be the standard against which this Proposal is assessed.

8.4 A key question before you, then, is to determine whether this Proposal elevates the risk of harm to this community above that which might otherwise occur from permitted activities. Drawing on their considerable, independent expertise, Dr Cording, Professor Polaschek. and Ms Linzey have assessed all facets of this particular programme, and determined that any associated risk of harm to the community is low, and moreover is no greater than what might otherwise occur as a result of permitted activities.

8.5 I again draw your attention to the entreaty of Dr Cording – while the fears of various submitters may be considered in your overall decision, your assessment of risk must be grounded in research and evidence. The research and evidence before you is that this programme, with all its various layers of supervision and management procedures, can operate safely in this neighbourhood and its establishment will not elevate risk above that which we all live with each day.

8.6 The Proposal offers clear and significant benefits to our society. It forms a small but meaningful contribution to better futures for the

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98 Gimblett, at [8.1].
99 Statement of Ms Taylor, at [13].

men who are privileged enough to attend, and takes a step towards safer communities for all of us. In my submission, consent can and should be granted for its establishment.

DATED this 26th day of November 2021

L J Semple
Counsel for Ara Poutama Aotearoa/Department of Corrections

Attachment A – Proposed Conditions of Consent

General

1 Except as required by subsequent conditions, the development shall proceed in accordance with the information submitted with the application and with 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;
- Proposed Landscape Plan (Revision G, dated 16 August 2021) prepared by Boffa Miskell; and
- Operations Plan submitted on 26 November 2021 (Revision D, dated 26 November 2021) prepared by Boffa Miskell.

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 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 that meet the following eligibility criteria shall be accepted to reside at the programme. Individuals must:

- Be male, aged 18 years old or over;
- Not have committed any known 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:

- 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 between the hours of 8:00am to 5:00pm and at least 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 leaving the programme without permission;

- A set of house rules / kawa 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 ensure noise on the site 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);

- Prior to the accommodation of any residents at the site, a copy of the kawa / house rules shall be provided to the Council (via email to rcmon@ccc.govt.nz). Thereafter a copy shall be provided to the Council on request;

- 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 as far as practicable to only areas within the boundaries of the site;

- No alcohol or illicit drugs shall be permitted on the site and regular random drug testing shall be carried out for all residents of the site;

- 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 and all visitors shall be directed to enter straight into the building. An area inside the building shall be provided as a visitor waiting area.
  - 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 residents shall only occur on a Saturday between the hours of 1:00pm and 5:00pm.
- The number of visitors to the property during this period on any Saturday shall not exceed a maximum of 15.

Privacy, landscaping & fencing

8 Residents' access to the areas adjacent to the southern, eastern and north-western site boundaries (as shown in blue on the Operations Plan below) shall be prohibited unless authorised by a staff member.

9 Prior to the exercise of this consent, the windows of the programme room and dining room windows on the southern façade of the main building (highlighted yellow on the Operations Plan (Revision D) below) 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 (Revision G, dated 16 August 2021) and the Planting Schedule prepared by Boffa Miskell (pages 160 & 161 of the Approved Consent Document).

11 All new planting on the site shall be locally sourced 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.

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 G) prepared by Boffa Miskell, submitted on 16 August 2021). The decorative steel boundary fencing along the Bristol Street property frontage shall have a minimum of 50% transparency.

Parking

18 Prior to the exercise of this consent, the existing garage door shall be replaced with a minimum 4.8m wide garage door to enable two vehicles to park in the garage.

Communication / information sharing with local community

19 Not less than 6 months prior to occupation of the site by the first residents, and in any event ahead of the consent holder starting work on the development of the draft House Rules/Kawa and site policies and procedures (referenced in condition 26), the consent holder shall undertake a mail drop to:

a. All submitters;

b. Rehua Marae;

c. Te Ngāi Tūāhuriri Rūnanga;

d. St Albans Residents Association;

e. The following local schools: Elmwood Normal School, Ferndale School, Rangi 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 the Mail Drop Properties plan attached as **Appendix A** to this decision.

advising them of the facility, including a provisional opening date, a contact number for the programme, and giving an outline/description of the intended operation of the community liaison group (CLG). 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.

20 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 conditions. Any persons included in the list contained in condition 19 and any other persons residing in St Albans shall be able to join the mailing list at any time. At least once every two years, a further mail drop shall be undertaken to the properties/persons identified in condition 19 to inform any new

neighbours of the facility and invite them to join the mailing list.

21 Prior to the establishment meeting of the CLG required under condition 23, 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 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, including circulating these details to parties who have joined the mailing list, publishing them on the consent holder's 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 which connects directly with staff at the residence shall also be provided.

Community Liaison Group

22 Not more than 60 working days after the date of the mail drop provided for by Condition 19, the consent holder shall invite all those persons who have joined the mailing list to attend an establishment meeting of the CLG. The consent holder shall be responsible for providing the facilities and administration for this establishment meeting.

23 At the establishment meeting of the CLG, those persons in attendance shall nominate up to four (4) persons to attend future meetings, as representatives of the wider resident group. Future meetings of the CLG shall be held in accordance with conditions 26 -32 below.

24 In addition to the four resident group members, invitations to participate in the CLG meetings shall also be extended to the following key community stakeholders:

- Rehua Marae;
- Te Ngāi Tūāhuriri Rūnanga;
- St Albans Residents Association;
- The following local schools: 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).

25 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.

26 The objectives of the CLG are to:

- Facilitate the engagement with and input from the community and stakeholders in the pre-operation phase (including discussion on matters which the consent holder could address in any site procedures and policies), and to allow those parties opportunity to comment on the draft House Rules/Kawa;

- 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 considering the implementation of any response to those issues or concerns.

27 The CLG must comprise four representatives of the consent holder, at least two of whom must be staff members associated with the Bristol Street facility.

28 The consent holder must ensure that members of the CLG are provided with the opportunity and facilities to meet:

i. Not more than 30 days following the establishment meeting held in accordance with condition 22; and

ii. Thereafter at two monthly intervals for the period ending six months after the first residents have occupied the site; and

iii. Thereafter at four monthly intervals for the following four year period unless all members of the CLG agree that there is no need for a meeting.

29 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.

30 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.

31 The consent holder must:

i. Keep minutes of the CLG meetings and make these publicly available, including circulating these to all members of the mailing list required under conditions 19 and 20.

iv. Engage an independent chairperson to facilitate CLG meetings unless the CLG agrees otherwise.

v. 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.

vi. 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.

vii. 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.

32 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.

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

Complaints

34 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.

35 Where practicable, all complaints received by the consent holder must be acknowledged to the complainant within 24 hours. 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

36 An Operations Manual for the 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 prior to the programme commencing on the site.

37 The Operations Manual shall be made available for physical inspection at the site upon the request of any council officer.

38 The Operations Manual shall include direction regarding:

- The use of the property so as to minimise any disruption or negative impacts on neighbours, including by specifying areas available or excluded from use for activities such as smoking, vaping, outdoor exercise, playing music, congregating, undertaking group activities and areas off limits to residents unless authorised by a staff member;
- Property maintenance and upkeep;
- Staff and residence shift management;

- Residence drug 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

39 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 65LAmax

Lighting

40 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.

41 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

42 The consent holder shall undertake on-going monitoring to document any risks caused by the operation of the programme to the surrounding community. This monitoring shall include:

- Recording all incidents of residents leaving the programme without permission and any inappropriate or unwelcome interactions with members of the surrounding community;
- Recording any incidences of contraband being introduced to the site;
- Documenting responses to any incidents involving contraband, unwelcome interactions with members of the community, 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 recorded incidents or breaches.

43 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.

Review of consent conditions

44 Pursuant to Section 128 of the Resource Management Act 1991, once the 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

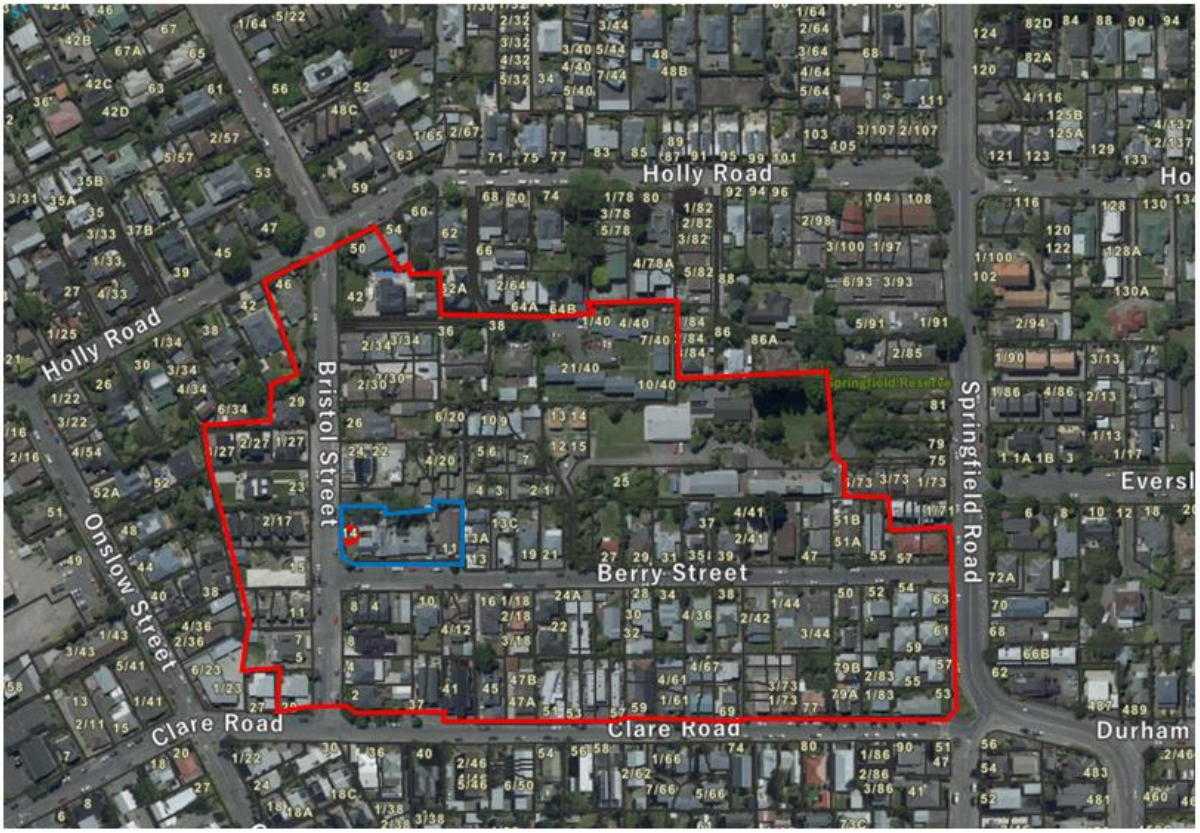
(b) A monitoring fee of $175.50 for the first monitoring inspection to ensure compliance with the conditions of this consent; and

(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.

Appendix A – Mail Drop Properties (*refer condition 19(h)*)



DEPARTMENT OF CORRECTIONS
ARA POUTAMA AOTEAROA

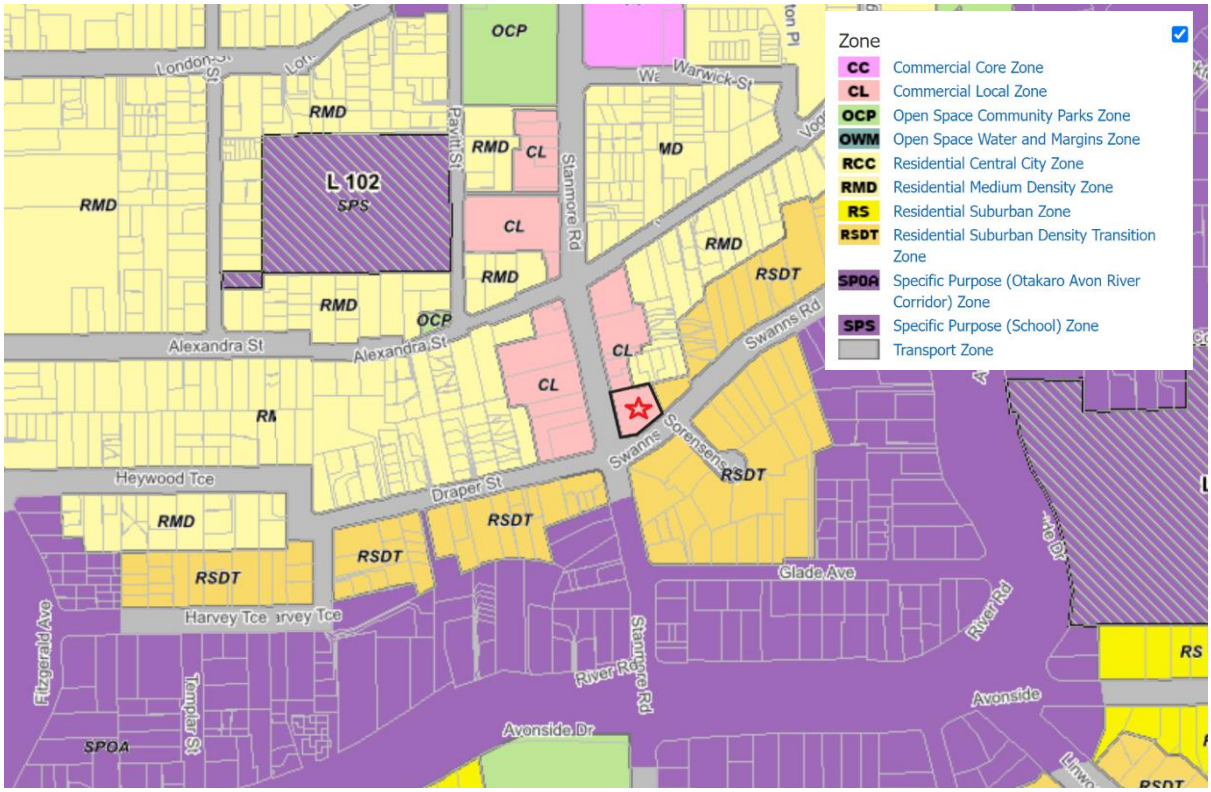
Attachment B - Schedule of Community Corrections Sites

Site Address	Activity Breakdown	Property Size (m^2)	Building Footprint (m^2)	No # Car Parks	Leased or Owned?	No # Staff
Christchurch						
16 Winston Avenue, Papanui	Probation, Psyc Services, Training Programmes	832	295	9	Leased	16
232 Stanmore Road, Richmond	Probation, Psyc Services, Training Programmes	1158	479	12	Leased	24
35 Kingsley Street, Sydenham	Probation, Psyc Services, Training Programmes	1189	460	13	Leased	22
111 Ensors Road, Waltham	Probation, Community Corrections Services, Psyc Services, Training Programmes	2982	1095	37	Leased	50
209 Annex Road, Middleton	Probation, Community Corrections Services, Psyc Services, Training Programmes	3000	1105	39	Owned	70
296 Breezes Road, Aranui	Probation, Psyc Services, Training Programmes	3900 approx	1370	39	Leased	38 approx
Wellington						
42 Adelaide Road, Mt Cook	Probation, Community Corrections Services, Psyc Services, Training Programmes	1326	630 approx	13	Leased	42

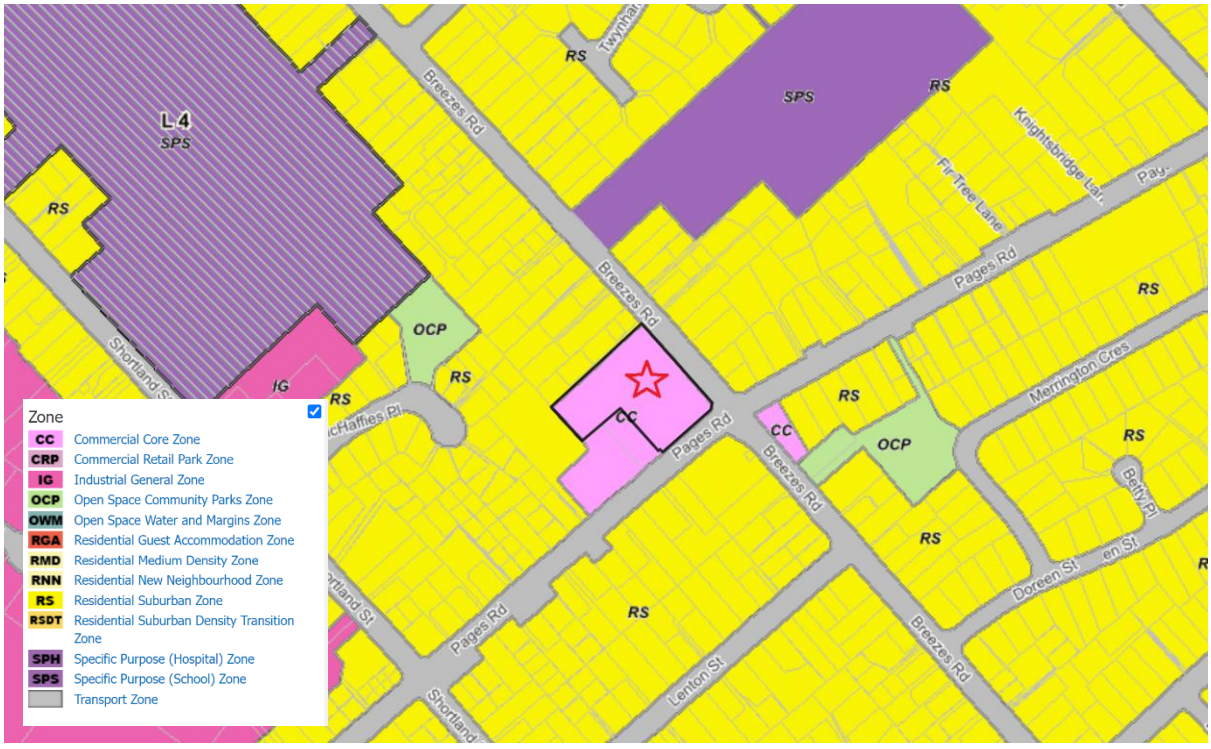
8 Railway Avenue, Upper Hutt	Probation, Community Service, Psyc Services, Training, Programmes Lower North Regional Office	3877	488	22	Owned	43
Hamilton						
150 London Street, Hamilton Central	Probation, Community Corrections Services, Psyc Services, Training Programmes	3474	2467 office, 714 garage/parking, 293 canopy space	61	Leased	215
2 Glasgow Street, Huntly	Probation, Community Corrections Services, Psyc Services, Training Programmes	1648	404	5 (none specified in lease)	Leased	17
193 Shakespeare Street, Cambridge	Probation	876	115 approx	0 (none specified in lease)	Leased	2
Auckland						
39a Barrowcliffe Place, Manukau	Probation, Psyc Services, Training Programmes	1739	1197	72	Owned	59
17 Ratanui St. Waitakere	Probation, Psyc Services. Training Programmes	2454	476	10	Owned	59
24 Canning Crescent, Mangere	Probation, Community Corrections. Psyc Services, Training Programmes	2509	1163	32	Owned	38
20 Beatty Avenue, Manurewa	Probation, Community Corrections Services, Psyc Services, Training Programmes	1830	918	13	Owned	54
3-5 Newsome Street, Onehunga	Probation, Psyc Services. Training Programmes	660	250	17	Leased	16

17-25 Boston Road, Mt Eden	District Office, Probation, Psyc Services, Training Programmes	2283	910	38 approx	Owned	38
18-20 Portage Road, New Lynn	Probation, Community Corrections Services, Psyc Services, Training Programmes	4097 approx	760	13	Owned	38
71-73 Wairau Road, Wairau Valley	District Office, Probation, Community Corrections Services, Psyc Services, Training Programmes	1493	782	27	Leased	56

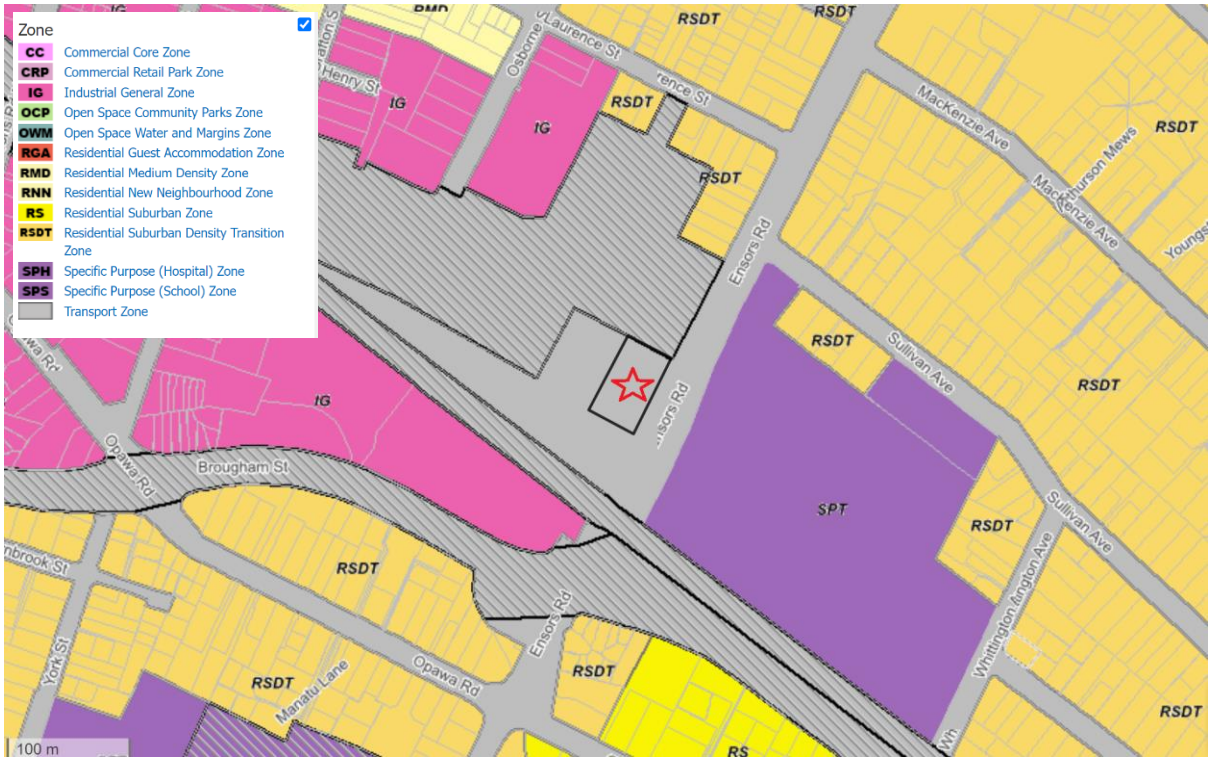
232 Stanmore Road, Richmond



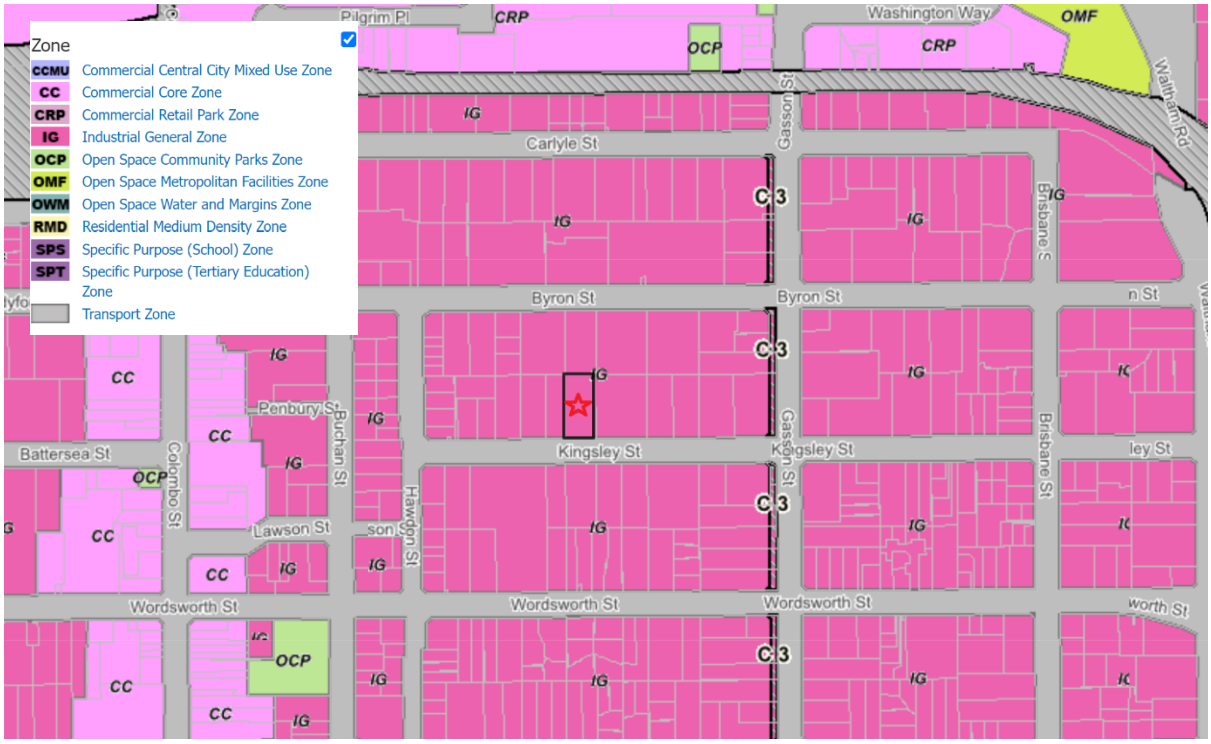
296 Breezes Road, Aranui



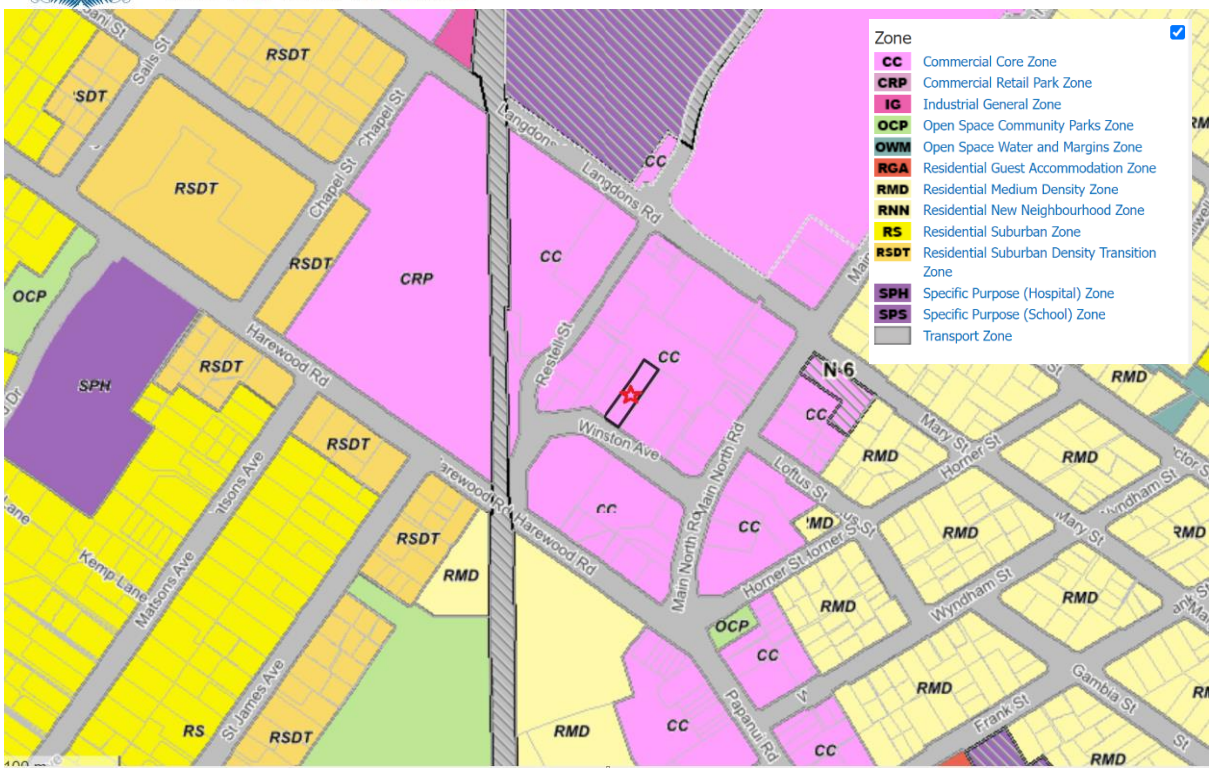
111 Ensors Road, Waltham



35 Kingsley Street, Sydenham



16 Winston Avenue, Papanui

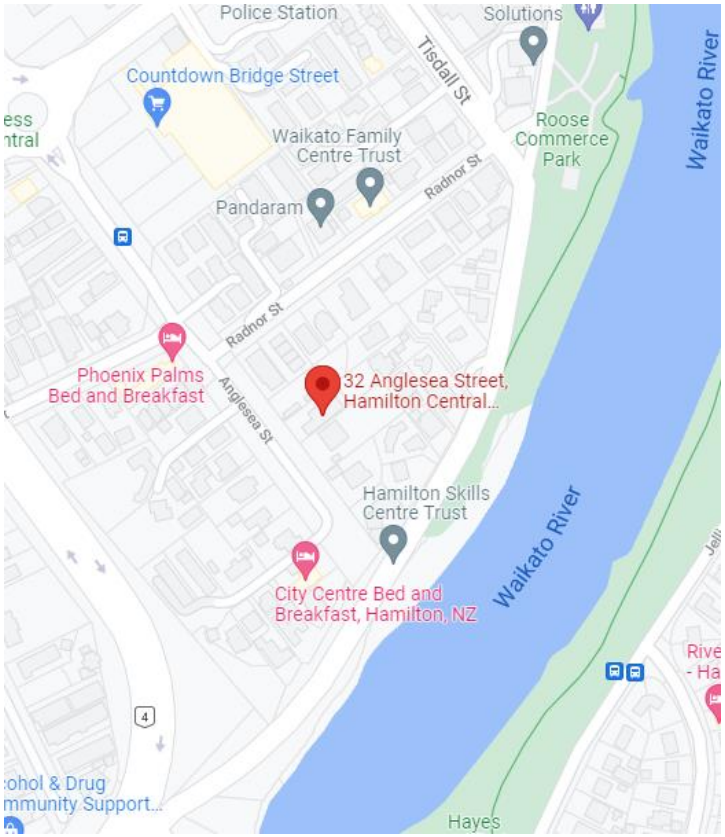


209 Annex Road, Middleton

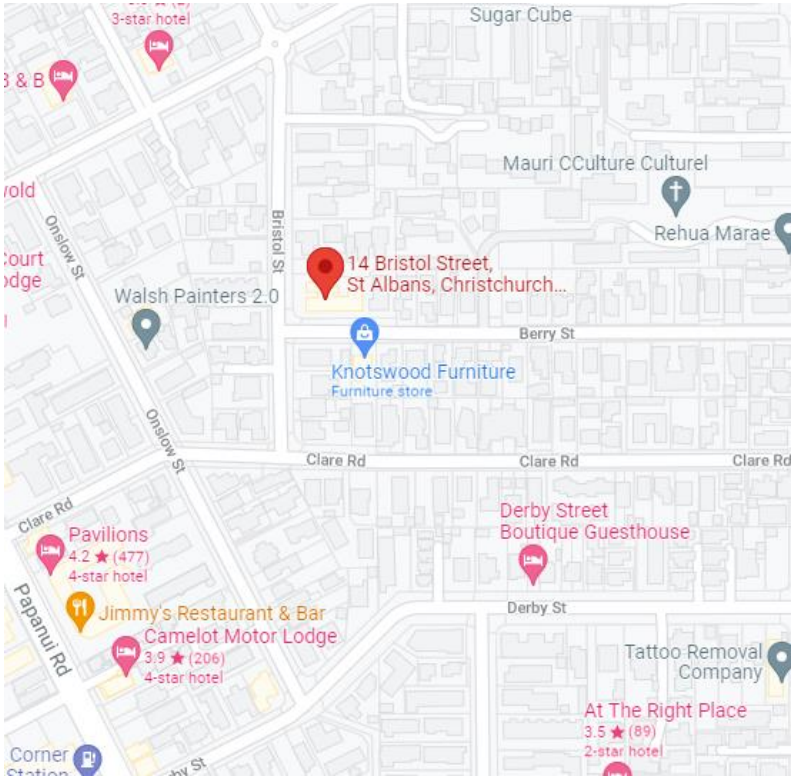
Attachment C - Residential Zone Comparison

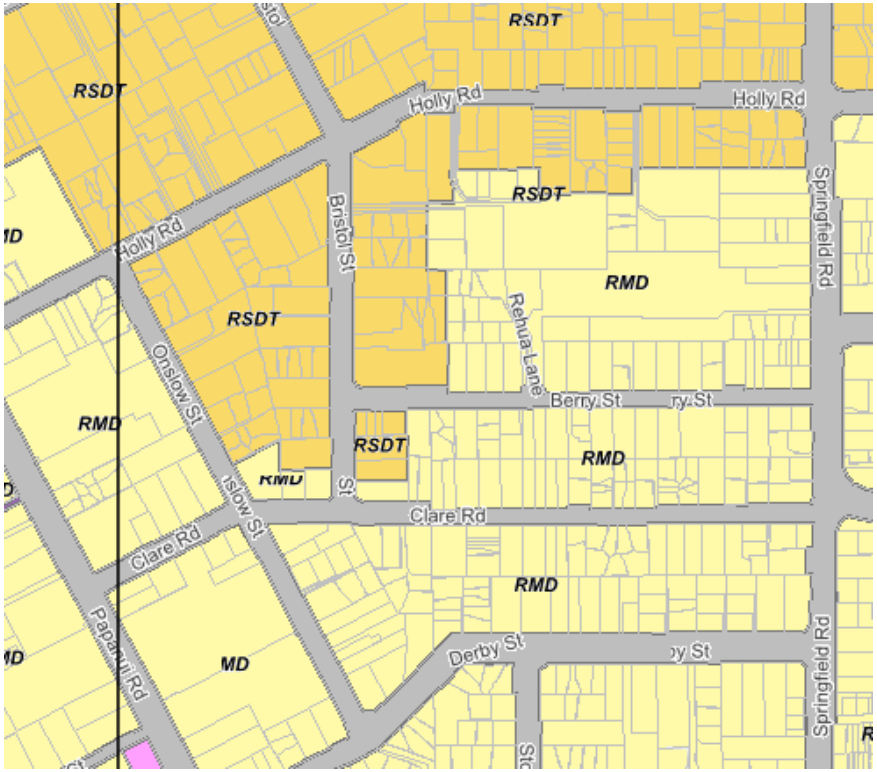
Attribute	32 Anglesea Street, Hamilton	14 Bristol Street, Christchurch
Zoning	Residential Intensification Zone	Residential Suburban Density Transition Zone
Zone Description	The Residential Intensification Zone is applied to existing residential areas that have been identified as suitable to accommodate higher density development. The intent is to encourage site redevelopment, primarily for multi-level and attached housing. These are expected to deliver good urban design outcomes. The form of housing is likely to be apartments and town houses.	Covers some inner suburban residential areas between the Residential Suburban Zone and the Residential Medium Density Zone, and areas adjoining some commercial centres. The zone provides principally for low to medium density residential development. In most areas there is potential for infill and redevelopment at higher densities than for the Residential Suburban Zone.
Activity Status (residential buildings)	Apartment buildings and duplexes are a restricted discretionary activity Single dwellings, either as a first dwelling or a subsequent dwelling on a site, are a discretionary activity	Residential units (<6 bedrooms) are a permitted activity (>6 bedrooms = controlled activity) Multi-unit residential complexes of up to 4 units are a permitted activity (>4 units = restricted discretionary activity)
Key Standards		
Maximum site coverage	50%	35% (40% for units)
Maximum building height	12.5m	8m
Minimum boundary setbacks	1.5m internal boundary 3m road boundary	1m internal boundary 4.5m road boundary

32 Angelsea Street

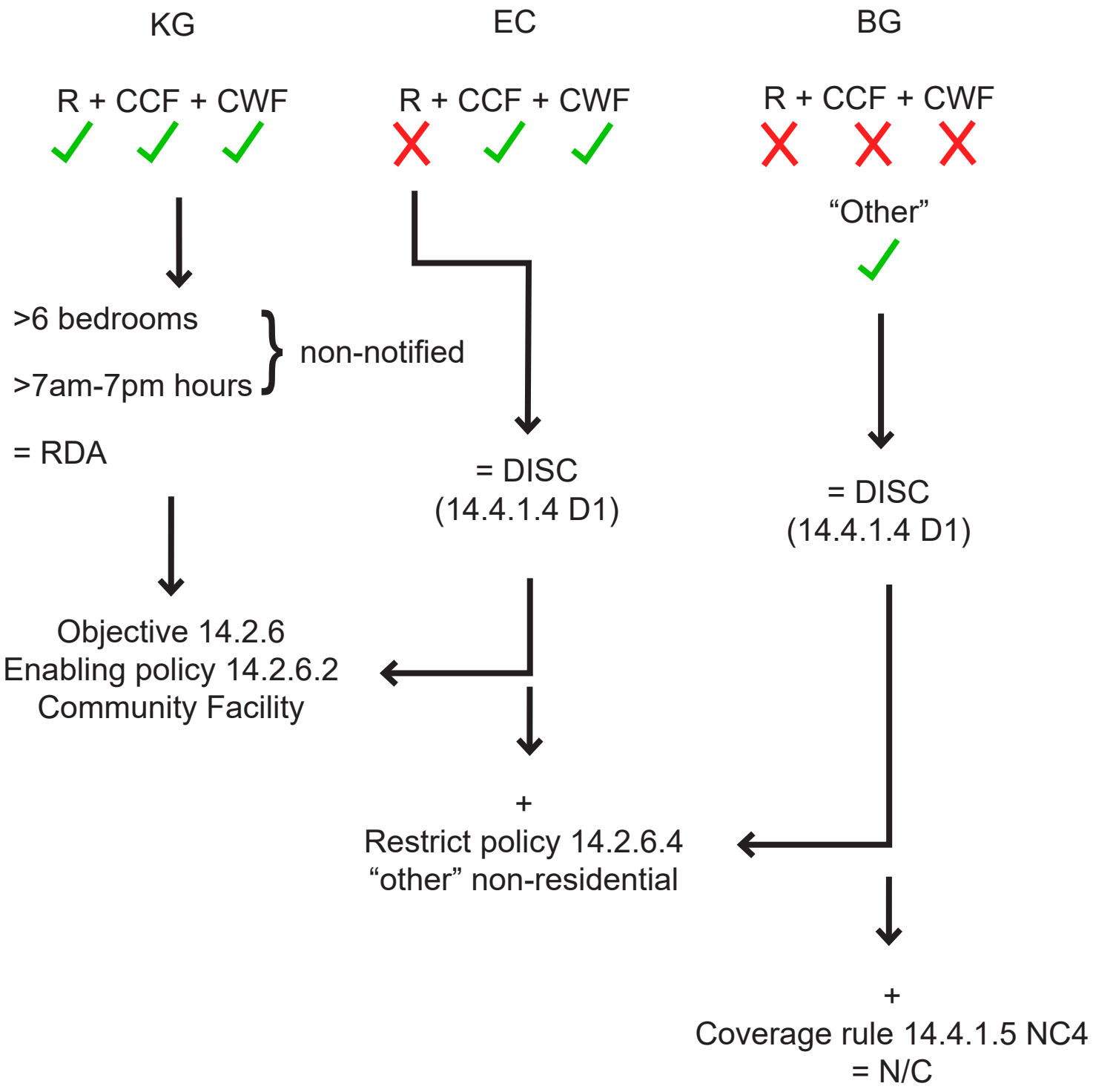


14 Bristol Street





Attachment D - Line Diagram



Key

R	=	Residential Activity
CCF	=	Community Corrections Facility
CWF	=	Community Welfare Facility
CA	=	Controlled Activity
RDA	=	Restricted Discretionary Activity
DISC	=	Discretionary Activity
N/C	=	Non-Complying